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**PRE - APPLICATION REPORT REGARDING PROPOSED CHANGE OF USE OF LAND TO A RECYCLING FACILITY AND THE CONTINUATION OF LANDFILL OPERATIONS AT MIDDLETON LOWER QUARRY, GOREBRIDGE (22/00856/PAC)**

Report by Chief Officer Place

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**1 PURPOSE OF REPORT**

- 1.1 The purpose of this report is to advise the Committee of the submission of a Proposal of Application Notice (PAN) and corresponding pre application consultation for the proposed change of use of land to a recycling facility and the continuation of landfill operations at Middleton Lower Quarry (Middleton Limeworks), Gorebridge.
- 1.2 The pre-application consultation is reported to Committee to enable Councillors to express a provisional view on the proposed major development. The report outlines the proposal, identifies the key development plan policies and material considerations and states a provisional, without prejudice, planning view regarding the principle of development.

**2 BACKGROUND**

- 2.1 Guidance on the role of Councillors in the pre-application process, published by the Commissioner for Ethical Standards in Public Life in Scotland, was reported to the Committee at its meeting of 30 August 2022. The guidance clarifies the position with regard to Councillors stating a provisional view on proposals at pre-application stage.
- 2.2 A pre-application consultation for the proposed change of use of land to a recycling facility and the continuation of landfill operations at Middleton Lower Quarry (Middleton Limeworks), Gorebridge was submitted on 29 November 2022. The applicant is seeking to undertake recycling operations at the site whilst continuing to re-work, infill and restore the land over a 15 year period.
- 2.3 As part of the pre-application consultation, two public events are scheduled at North Middleton Village Hall, the first on Tuesday 24 January 2023 at 7pm and the second on Thursday 16 February 2023 at 7pm; these meetings will be advertised within the Midlothian Advertiser at least 7 days prior to each event. It is also noted that the

agent will carry out a letter drop to local residents within the immediate vicinity of the application site to inform them of the meetings. Upon the conclusion of the public events the applicant could submit a planning application for the proposal.

- 2.4 An applicant must wait 12 weeks from the date of submission of a PAN before submitting a planning application. The earliest date that the planning application for this proposal could be submitted is 22 February 2023. The subsequent planning application must be accompanied by a Pre Application Consultation Report detailing the consultation undertaken, a summary of written responses and views expressed at the public events, and explanation of how the applicant took account of the views expressed and an explanation of how members of the public were given feedback on the applicant's consideration of their views.
- 2.5 Copies of the pre application notice have been sent by the prospective applicant to the local elected members in ward 6 (Midlothian South) along with Moorfoot Community Council and Gorebridge Community Council.
- 2.6 It is reasonable for an Elected Member to attend such a public event without a Council Planning Officer present, but the Member should (in accordance with the Commissioner's guidance reported to the Committee at its meeting in August 2022) not offer views, as the forum for doing so will be at meetings of the Planning Committee.

### **3 PLANNING CONSIDERATIONS**

- 3.1 In assessing any subsequent planning application the main planning issue to be considered in determining the application is whether the currently proposed development complies with development plan policies unless material planning considerations indicate otherwise.
- 3.2 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan (June 2013) and the Midlothian Local Development Plan 2017 (at the time of drafting the report).
- 3.3 SESplan June 2013 is older than five years. A replacement SESplan was prepared but rejected by Scottish Ministers in May 2019. The Planning etc. (Scotland) Act 2019 removed the duty to prepare Strategic Development Plans, placing strategic planning matters within a National Planning Framework 4 (NPF4) to be prepared by Scottish Ministers. Once approved, NPF4 will form part of the development plan alongside local development plans. Until NPF4 is approved, SESplan remains part of the development plan albeit increasing out of date and of diminishing weight in the assessment of planning applications.
- 3.4 On 8 November 2022 a Revised Draft NPF4, along with an explanatory report that outlines the changes from the original draft NPF4, was laid before the Scottish Parliament for a six week period of final scrutiny with an expectation that it will be adopted in late 2022 or January 2023.

The Planning Act requires that NPF4 must be approved by the Scottish Parliament before it can be adopted by Scottish Ministers. On adoption the provisions in the Planning Act will make NPF4 part of the statutory development plan (SESplan will become superseded policy at this point). The existing National Planning Framework 3 and Scottish Planning Policy remain in place until NPF4 has been adopted by Scottish Ministers, but don't have the status of being part of the development plan which NPF4 will. As the Revised Draft NPF4 is at an advanced stage and represents the settled view of the Scottish Government in terms of its planning policy it is a material consideration of significant weight in the assessment of the application.

- 3.5 The application site relates to the lower quarry also known as Quarry 1; the quarry is a former limestone quarry, located in the countryside in close proximity to the south of North Middleton. The site measures approximately 10.8 hectares and comprises the quarry void with quarry faces, soil storage bunds on the periphery of the void and areas of quarry spoil within the void. The quarry has been partially filled. The quarry is accessed from a point off an unclassified road that runs in an east to west orientation and which bounds the site to the north. The unclassified road is accessed off Guildiehowes Road, which in turn is accessed off the A7 which is located nearby to the north of the site.
- 3.6 The relevant development plan policies are policy 14 (waste management and disposal) of the Edinburgh and South East Scotland Strategic Development Plan 2013 (SESplan) and policies RD1 (development in the countryside), ENV7 (landscape character), ENV15 (species and habitat protection and enhancement), ENV17 (air quality), ENV18 (noise), and WAST3 (landfill) of the Midlothian Local Development Plan 2017. Policy 12 (zero waste) of the draft National Planning Framework 4 (NPF4) is also a material consideration.
- 3.7 The views of consultees and representors will be material considerations in the assessment of an application for the proposed development.
- 3.8 If a planning application is submitted, there is a presumption against the change of use of land to a recycling facility and the continuation of landfill operations for another 15 years. Recycling facilities are best placed within established economic development sites/industrial estates that are allocated for business, general industrial, or for storage and distribution uses. The application site is located within the countryside where there is no policy support for this type of use. However, the historic use and current use of the application site is a material planning consideration that should be taken into consideration in the assessment of any proposals. Other considerations include the developments impact on the landscape, biodiversity, trees, noise, dust, residential amenity, ground contamination and road safety.

## **4 PROCEDURES**

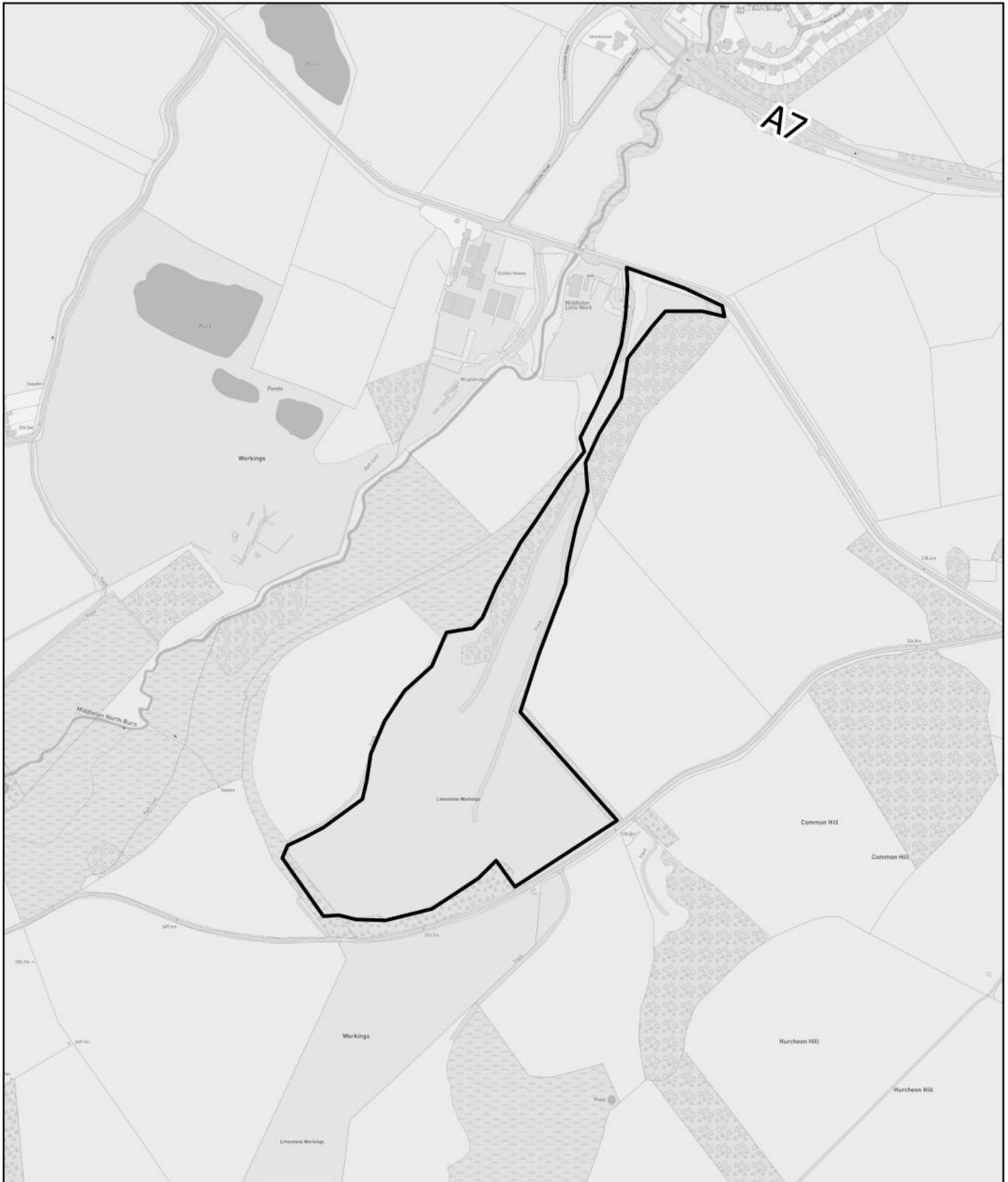
- 4.1 The Scottish Government's Guidance on the Role of Councillors in Pre-Application Procedures provides for Councillors to express a 'without prejudice' view and to identify material considerations with regard to a major application.
- 4.2 The Committee is invited to express a 'without prejudice' view and to raise any material considerations which they wish the applicant and/or officers to consider. Views and comments expressed by the Committee will be entered into the minutes of the meeting and relayed to the applicant for consideration.
- 4.3 The Scottish Government's Guidance on the Role of Councillors in Pre-Application Procedures advises that Councillors are expected to approach their decision-making with an open mind in that they must have regard to all material considerations and be prepared to change their views which they are minded towards if persuaded that they should.

## **5 RECOMMENDATION**

- 5.1 It is recommended that the Committee notes:
- a) the provisional planning position set out in this report;
  - b) that any comments made by Members will form part of the minute of the Committee meeting; and
  - c) that the expression of a provisional view does not fetter the Committee in its consideration of any subsequent formal planning application.

**Peter Arnsdorf**  
**Planning, Sustainable Growth and Investment Manager**

**Date:** 20 December 2022  
**Application No:** 22/00856/PAC  
**Applicant:** The NWH Group  
**Agent:** Willie Booth - Dalgleish Associates Limited  
**Validation Date:** 29 November 2022  
**Contact Person:** Whitney Lindsay  
**Email:** [Whitney.Lindsay@midlothian.gov.uk](mailto:Whitney.Lindsay@midlothian.gov.uk)



**Planning Service  
Place Directorate**  
Midlothian Council  
Fairfield House  
8 Lothian Road  
Dalkeith  
EH22 3AA

Proposal of application notice for recycling facility and landfill operations at Middleton Lower Quarry, Gorebridge,

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