



PRE - APPLICATION REPORT REGARDING THE STORAGE OF SOIL (TOP SOIL AND SUB SOIL) AT SHAWFAIR SITE F, MONKTONHALL COLLIERY ROAD, DALKEITH (17/00859/PAC)

Report by Head of Communities and Economy

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise the Committee of a pre-application consultation submitted on behalf of Shawfair LLP regarding storage of soil (top soil and sub soil) at Shawfair Site F, on the north side of Monktonhall Colliery Road, Dalkeith. The site comprises part of the main Shawfair housing site h43 in the Midlothian Local Development Plan 2017 (MLDP).
- 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 6 June 2017. 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 storage of soil (top soil and sub soil) at Shawfair Site F, Monktonhall Colliery Road, Dalkeith was submitted on 27 October 2017.
- 2.3 As part of the pre-application consultation, a public event took place at Danderhall Leisure Centre on 23 November 2017, from 4 – 7 pm. On the conclusion of the consultation the applicant could submit a planning application for the proposal. 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 June 2017) not offer views, as the forum for doing so will be at meetings of the Planning Committee.

- 2.4 Copies of the pre application notices have been sent by the prospective applicant to the local elected members and Danderhall and District Community Council.

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 (MLDP).
- 3.3 The 8.87ha site is currently in agricultural use.
- 3.4 The site comprises part of the main Shawfair housing site h43 in the MLDP and as such any subsequent application will be subject to assessment against MLDP policies STRAT1: Committed Development; DEV2: Protecting Amenity within the Built-Up Area; and ENV10: Water Environment.
- 3.5 It is anticipated that the storage of soil is temporary and in connection with the development of Shawfair, material considerations will include; the length of time the soil is to be stored, the nature and significance of any impacts on the amenity of the area, road safety and traffic flow, and the water environment.
- 3.6 If an application is submitted there will be a presumption in favour of the storage of soil on a temporary basis to facilitate the Shawfair development.

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.

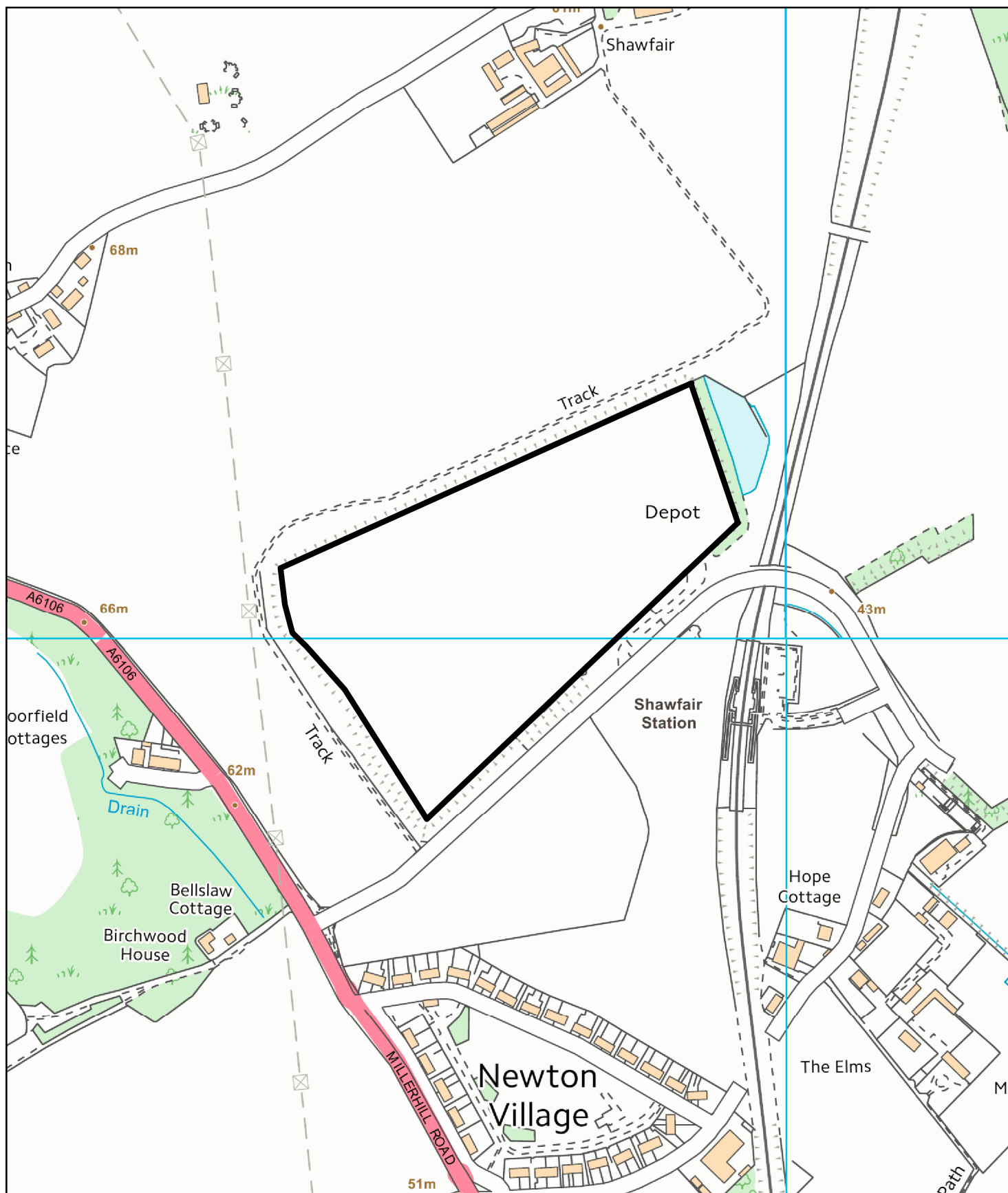
5 RECOMMENDATION

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.

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Proposal of application for storage of soil (top soil and sub soil)
at Shawfair Site F, Monktonhall Colliery Road, Dalkeith

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