

## Pentland 'film studio' planning application could lead to a large, polluting biomass power station

Why Scottish Ministers must reject "multi-purpose development" proposal by Pentland Studios Ltd

Biofuelwatch recently discovered that a planning application for a 'mixed use' development at Damhead, Midlothian, could, if granted, pave the way for a large biomass power station on the site. Such a biomass power station was not included in the original planning application, nor considered in the Environmental Impact Assessment, and it has not been subject to any public consultation. A biomass power station would have serious impacts on air quality and transport in Midlothian and Edinburgh City, which have not been acknowledged in any planning documents.

Proposals for an Energy Centre with up to 100 MW capacity, fuelled primarily with biomass were submitted by the applicants as a late "clarification" of their application for a mixed use development including a film studio, hotel and associated "gas and heat power plant".

The planning application will be decided by Scottish Ministers, following an Appeal against Midlothian Council's failure to reach a decision within the statutory period. The Appeal has been called in by the Scottish Government.

***Biofuelwatch believes that the Appeal must be rejected due to serious irregularities, including the developers' failure to disclose the nature of their proposal at the time of the public consultation. We hope that MSPs will investigate the concerns about this proposal and take them up with the Scottish Government.***

### **What is the proposed development?**

The proposal has been widely reported in the media as a Film Studio development. However, a film studio is only one of the elements included in this mixed-use development. Other elements are an education centre, student accommodation, a hotel, a data centre and an Energy Centre. Thus, ***rather than being an application for a film studio, the application, if granted would allow the developer to develop or sell the land for a wide range of different potential purposes, one of which would be a power station.***

According to the original planning documents, the Energy Centre was "*likely to be a gas-fired Combined Heat and Power plant*". However, after Midlothian Council's official consultation period had expired, the developers submitted a "Planning Issues Report" which stated: "*Detailed discussions are planned during August 2015 with a number of suppliers with the capability to own design and operate an Energy Centre designed to meet an output in excess of 60 MW with the potential for up to 100 MW.*" It included a document by the developer's "preferred operator", Vital Energi, which stated that the primary fuel source was 'envisaged' as being biomass, supplemented by natural gas. Recently, the developers have submitted a document to the Planning Reporter, suggested that they are looking at a much smaller gas-fired combined heat and power plant. However, planning applications can only be varied before an Appeal has been lodged, not afterwards. Biofuelwatch has been informed by the Scottish Government's Case Officer for the Appeal that "*it would appear that, notwithstanding the recent assurances from the appellant's agent, the ultimate intention might be to develop an energy centre with a capacity in excess of 50 megawatts.*"<sup>1</sup>

### **Local concerns about the application:**

Local residents expressed serious concerns about the development even before becoming aware of the biomass power station plans. The site is on prime agricultural land within Midlothian's greenbelt. It is currently occupied by a farmer who is facing eviction. The proposal is inconsistent with the Midlothian Development Plan. Concerns have been raised in relation to biodiversity impacts, noise, visual impacts, and traffic.

A biomass power station would result in serious impacts not so far assessed or consulted on. A power station with a capacity of 50 MW or larger would require a new planning application to the Energy Consents Unit. However, the impacts of biomass plant below that limit could nonetheless be significant. ***Biofuelwatch estimates that, for example, a 36 MWe biomass power station would involve around 76 HGV movements a day<sup>2</sup>. Air quality impacts would affect areas in both Midlothian and Edinburgh, especially in and around Burdiehouse. None of those impacts have been addressed by the Environmental Impact Assessment.***

### **Lack of transparency and consultation:**

The planning proposal submitted by Pentland Studios Ltd, on which Midlothian Council consulted did not mention a biomass power station. The official consultation period ended on 4<sup>th</sup> June 2015, yet the document outlining plans for a biomass power station was only submitted on 29<sup>th</sup> July 2015. Midlothian Council published it on their website as "Negotiation Correspondence/General" and did not consult on what appears to be a very significant variation of the original application. The Planning Reporter consulted on a new Energy Statement in September 2016, however that contradicts the information contained in the planning application itself even though a variation of the application is not possible once an appeal has been lodged.

***We believe that if the Appeal was approved, the developers could argue that a biomass plan has been approved in principle. Yet the biomass power station proposal has thus not been subject to any public consultation.***

### **Who are the applicants?**

The planning application, together with the Environmental Impact Assessment, was submitted on behalf of a company called Pentland Studio Ltd, which is registered as a Scottish company focussed on the "operation of art facilities"<sup>3</sup>. However, bizarrely, the Appeal was submitted by a different and legally unrelated company, called PSL Land Ltd, which registered as specialising in "buying and selling of own real estate"<sup>4</sup>. Under Scottish Planning regulations, only the Applicant can submit an Appeal. When Biofuelwatch queried this with the Case Officer, we were told that the identity of the applicant was "not a material consideration". Yet the Scottish Government rejected a the Talladh-a-Bheithe Wind Farm application on the grounds that the company behind it had not been incorporated at the time the application was made<sup>5</sup>.

We are aware that the developer's Agent had written to Midlothian Council in July 2015, claiming that they had made an 'honest mistake' and that the Applicant was in fact PSL Land Ltd. However, Midlothian Council did not approve a change of the application details and continued to refer to Pentland Studios Ltd as the applicants. ***This raises serious questions about the legal competence of the Appeal. We would further question whether the application would have won support from members of the film industry, had the applicant been known to be a company set up for the sole purpose of selling and buying real estate.***

## References:

The planning documents can be found on Midlothian Council's website ([planning-applications.midlothian.gov.uk](http://planning-applications.midlothian.gov.uk)), application reference 15/00364/PPP.

Additional documents and representations associated with the appeal can be found at <http://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=117144> .

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<sup>1</sup> Email sent to Biofuelwatch by Liz Kerr, Case Officer, Planning & Environmental Appeals Division, 9<sup>th</sup> November 2016

<sup>2</sup> These figures are based on Forth Energy's Transport Assessment submitted as part of their application for a 100 MWe biomass power station at Grangemouth Port, which was approved by Scottish Ministers (i.e. they reflect a proportion of the total HGV movements listed in that assessment to account for a smaller, 36 MWe biomass power station.

<sup>3</sup> [www.checkcompany.co.uk/company/SC463392/PENTLAND-STUDIOS-LIMITED](http://www.checkcompany.co.uk/company/SC463392/PENTLAND-STUDIOS-LIMITED)

<sup>4</sup> [www.checkcompany.co.uk/company/SC491629/PSL-LAND-LTD](http://www.checkcompany.co.uk/company/SC491629/PSL-LAND-LTD)

<sup>5</sup> [www.energyconsents.scot/ApplicationDetails.aspx](http://www.energyconsents.scot/ApplicationDetails.aspx)