

Planning and Environmental Appeals Division

Annual Review

2017-18



July 2018

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Scottish Government

Planning and Environmental Appeals Division

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Cover picture of Stromness Primary School, provided by Orkney Islands Council.
Stromness was awarded the Silver Jubilee Cup, at the Royal Town Planning Institute's
Awards for Planning Excellence 2018

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MINISTERIAL FOREWORD



We have achieved a great deal this year in our work to reform planning in Scotland. In December 2017 the Scottish Government laid the Planning (Scotland) Bill in Parliament. The general principles of the Bill have now been agreed by the Scottish Parliament, and scrutiny of detailed provisions and amendments is ongoing.

The introduction of the Bill was an important step towards improving the planning system so that it can do more for Scotland's communities and can better support inclusive growth across the country. Alongside our work on legislation, a wider programme of planning reform continues to progress, with research, pilot projects, and stakeholder engagement all helping us to develop a clearer picture of what we need to do to take forward the provisions of the Bill.

Although we do not yet know the form that the final legislation will take, it is clear that we all recognise the opportunities for change and can improve the way that planning works in Scotland. As changes introduced by the Planning Bill make their way into practice, we will all need to find new, constructive and positive ways of working, to ensure make best use of our time, skills and resources.

We rely every day on DPEA reporters to make sound decisions about the future of our places and they will continue to be central to the success of a fair, inclusive and outcome focused planning system. I appreciate the support that the DPEA has already provided to our work on planning reform, and look forward to seeing this work continue to ensure their unique insights, experience and expertise are used to inform future change. I am also very grateful for the high quality work and significant achievements that are reflected in this annual report.

Kevin Stewart

Minister for Local Government and Housing

CHIEF REPORTER'S STATEMENT



On 30 May 2018, the general principles of the Planning (Scotland) Bill were agreed by the Scottish Parliament and the Bill will move after Summer Recess to line by line committee scrutiny by the Local Government and Communities Committee of the Parliament. The final shape of the Bill will be known after such detailed scrutiny in the Autumn.

The proposed improvements to the planning system in Scotland will have implications for DPEA in the operational delivery of the appeals system, ranging from an anticipated enhanced role for Reporters in the front-loaded gatecheck processes as part of local development plan examination to more technical roles in resolving disputes on the amounts due under an infrastructure levy.

The role of DPEA, in relation to planning examinations and appeals, will be to implement to will of the Parliament, once determined at the end of its scrutiny of the current Bill.

The year 2017-18 therefore remained one of transition as the Bill was finalised and as it goes through Parliament, but where - for DPEA – business continued as usual.

DPEA is an integral part of the planning system and we recognise the challenges faced - both in appeals and local plan examinations - in balancing competing land use management demands and objectives. In our work, we recognise the importance of ensuring effective and proportionate community involvement in decision making.

As can be seen in this annual review, we have completed notable and significant areas of work in a number of important local development plan examinations, major planning appeals and wind farm applications. In addition, we have adapted our administrative processes in consequence of the implementation of the EIA Directive, with effect from May 2017.

I am supported in this work by high quality and dedicated teams of Reporters and administrative support staff, whose commitment and professionalism is invaluable.

Our focus in meeting these challenges has been and continues to be on maintaining and further improving the quality of our decision making and enhancing the speed and efficiency of DPEA decision making.

In support of that we have restructured our senior management team in DPEA, enhanced our support processes for coaching and managing Reporters, continued our outreach work raising awareness of DPEA (including an inaugural drop-in session at the Parliament for MSP's), worked with PAD on digital transformation of planning services and enhanced integration of IT and other systems and continued the role out of tools such as webcasting.

In planning for the future, we are making further improvements to our administrative systems to complement ongoing planning reforms. These include enhancing early engagement with local planning authorities as they develop work on upcoming local development plan examinations (both ahead of submission and during the period of DPEA consideration), designed to increase mutual administrative effectiveness and improve the quality of outcomes.

This Report sets out in more detail what we have done in all these respects.

Paul Cackette

Chief Reporter

WHAT WE DO

Planning and Environmental Appeals (DPEA), a division of the Scottish Government Legal Directorate, considers and makes decisions and recommendations on a range of planning and environmental matters on behalf of Scottish Ministers. In 2017-18 DPEA received 585 cases.

A person appointed by Scottish Ministers (a reporter) decides most planning permission appeals. These are called 'delegated' appeals. In a small number of cases the reporter does not decide the appeal but submits a report with a recommendation to the Scottish Ministers. These are called 'non-delegated' or 'recalled' appeals. We also deal with a wide range of appeals from decisions of planning or local authorities on matters such as listed buildings, consents to display advertisements and storage of hazardous substances. DPEA also deals with appeals from decisions made by the Scottish Environment Protection Agency in connection with the prevention and control of pollution, air and water quality, and waste management.

Other key areas of our work include the examination of strategic and local development plans, public local inquiries held in connection with applications for consent under the Electricity Act 1989, Transport and Works Act 2007 and compulsory purchase and other orders.

Through our practical knowledge and experience of the appeals system, we continue to provide input to the Planning and Architectural Division of the Scottish Government in taking forward planning reform, designed to further improve the planning system.

OUR AIMS AND VALUES

DPEA aims to embody the core values of the planning service in Scotland as set out in Scottish Planning Policy (2014) which include:

- Focusing on outcomes, maximising benefits and balancing competing interests
- Playing a key role in facilitating sustainable economic growth, particularly the creation of new jobs and the strengthening of economic capacity and resilience within communities
- Ensuring development plans are up to date and relevant
- Making decisions in a timely, transparent and fair way to provide a supportive business environment and engender public confidence in the system

- Being inclusive, engaging all interests as early and effectively as possible
- Being proportionate, only imposing conditions and obligations where necessary
- Upholding the law and enforcing the terms of decisions made

OUR OBJECTIVES

- To reach sound decisions and recommendations
- To carry out our business more efficiently
- To ensure we use our resources to best effect and in a proportionate way
- To continue to improve the experience of our customers

WHO WE ARE

DPEA's senior management team is made up of the Chief Reporter, Paul Cackette; the three Assistant Chief Reporters, Scott Ferrie, Karen Heywood and Dan Jackman; the Head of Performance and Administration, David Henderson; and the Principal Reporters, David Buylla, Allison Coard, David Liddell and David Russell.

In May 2018 Paul Cackette moved on a temporary basis to fill the post of Solicitor to the Scottish Government. Karen Heywood has been temporarily promoted to Chief Reporter in Paul's absence.

Our administrative staff are based in our office in Falkirk and are divided into a number of groups and teams including specialised caseworkers, caseworkers, the development plan team, the scanning team and the IT/finance team. Our [organisational chart](#) at Appendix B shows our management and administrative structure.

All the office numbers changed at the end of March. The main office number is now 0300 244 6668.

[Our reporters](#), who decide appeals on behalf of Ministers or make reports and recommendations to them, are home based. They are in regular contact with members of the administration team and work closely with them. Reporters have a variety of professional backgrounds: most are planners but some are architects and others are lawyers.

Three new reporters joined us in the Summer of 2017: Keith Bray, Elspeth Cook and Nick Smith. Richard Dent and Gerry Farrington departed from the panel of self-employed reporters.

HOW WE WORK

Under the procedures that apply to planning appeals it is the reporter who decides what procedure, if any, is necessary once the grounds of appeal, response by the planning authority and representations by interested parties have been received. For this reason it is our practice to allocate appeals at an early stage. The reporter considers the submissions made by the various parties to the appeal and decides whether any further procedure is necessary. If a site inspection is to take place the reporter decides whether this will take place on an accompanied or unaccompanied basis. In more complex cases a pre-examination meeting may be held before the reporter takes a final view on how the appeal should be conducted. If hearing or inquiry sessions are needed these will normally be restricted to the issues or matters specified by the reporter.

Each appeal has a dedicated caseworker who is responsible for the management of the appeal documentation, issues letters on behalf of the reporter, and acts as a point of contact for parties to the appeal.

Development plan examinations are supported by a specialist development plan team. Our practice is to appoint a lead reporter who has overall responsibility for the conduct of the examination. Depending on the number of unresolved representations one or more additional reporters may be appointed to assist with the examination.

WEBSITES & ELECTRONIC SUBMISSION OF APPEALS

For information about the work of DPEA, forms for submitting appeals, guidance on procedure, previous annual reviews, how to contact us, how to make a complaint or let us have feedback please go to [our planning and environmental appeals pages on the Scottish Government website](#). Forms and guidance for submitting appeals are also available at [mygov.scot](#).

We publish the documentation for all planning appeals on our dedicated website, [www.dpea.scotland.gov.uk](#), and all documentation in pending appeals is available on the site. The aim of the website is to increase openness and improve the transparency of the appeals process. All papers that are in front of the decision maker are available for all parties or members of the public to view via this website. Usage of the site has continued to increase since its introduction in 2009. We have

expanded the content of the website by publishing key documents in other types of casework.

There is also a registered users option on the website that gives access to the DPEA Portal which works in much the same way but also allows users to set up alerts for new cases, new documents, new decisions etc. Please refer to our [guides on how to use the website and the DPEA Portal](#), our [case file publication protocol](#), and our [policy on publication and data protection](#).

This year the proportion of appeals submitted electronically, either through the online eDevelopment portal or by email was around 81%, an increase in the previous year of 5%.

WEBCASTING

The webcasting of hearings and inquiries throughout Scotland has continued in 2017/18. We have continued to receive positive feedback both in respect of the benefits this delivers but also useful suggestions as to how we can improve this service.

We have provided 61 webcasts covering 10 cases. There have been over 45,000 “hits” to this site with over 1200 live viewings. In total we have webcast over 2200 hours of hearings and inquiries. The most watched webcasts were the planning appeal for works at the Ineos site in Grangemouth; the called-in application for mixed use development at Loudoun Castle; and the planning application for residential development at Hermiston.

We continue to encounter problems in certain locations in terms of broad band connections but are looking at steps we can take to deal with this issue.

ELECTRONIC WORKING

It is now the norm rather than the exception that reporters will conduct hearings and inquiries electronically rather than using paper files. Feedback from reporters in this regard has been positive. We will continue to look at ways to ensure that parties attending hearing or inquiry sessions can better follow the proceedings.

WHAT WE HAVE ACHIEVED

As was noted in last year's Annual Review, 2016/17 was a particularly demanding year for DPEA for reasons outlined at the time. We anticipated at that time that recruitment would allow us to make progress in recovering this position, albeit this was not a short term fix. In 2017/18 we have seen an improvement in performance as the year has progressed and whilst performance has not yet returned to the levels prior to 2016/17 there are clear signs that we are heading in the right direction.

We continue to recognise that, to improve the quality and speed of our decision making, we need to increase our focus on continuous improvement and enhance the support systems we have in place for all reporters to broaden and deepen their skills.

PLANNING AND OTHER APPEALS

The Scottish Government places great emphasis on the importance of a modern planning service to stimulate sustainable economic growth and to encourage investment in Scotland. One of the key objectives of planning reform was to remove unnecessary delays and to speed up decisions on planning applications and appeals.

Prior to planning reform appeals based upon a consideration of the appeal papers and a site inspection took an average of 18 weeks. In 2017/18 we have decided 72% of appeals within the 12 week target, compared with 51% in 2016/17. The overall average time of 12.6 weeks for deciding compares with an average time of 14 weeks in 2016/17. In more complex appeals in which the reporter asked for further written submissions, the 20 week target was met in 67% of cases with an average time of 21.4 weeks to determine appeals of this type, compared with 62% and 22 weeks respectively in 2016/17. A high proportion of complex cases, mainly section 36 applications and residential development appeals, have continued to contribute to the problem of allocating cases to reporters.

We have not achieved our targets for cases conducted by hearing session (26 weeks) or inquiry session (32 weeks). The number of these cases is small: 9 cases out of 413. Go to [performance against our targets](#) for more information.

Our [stakeholder forum](#) provides us with constructive feedback on our performance, our business improvements, how they see the new Planning Bill impacting on the work of DPEA and e-development in the wider planning system.

We have continued to hold meetings with planning authorities to look at ways to try and improve our methods of working together. We have also initiated discussions with authorities regarding the implementation of the GDPR in May 2018.

We have dealt with a wide range of appeals about significant development proposals including:

RESIDENTIAL DEVELOPMENTS OVER 10 UNITS

LOCATION	HOUSE/FLATS	CASE STATUS
Aberdeen (Abbotswell Road)	100	Appeal Allowed
Aberdeen (South Avenue)	21	Appeal Allowed
Aberdeen (Froghall Terrace)	80	Appeal Dismissed
Udny Station	25	Appeal Dismissed
Broughty Ferry	150	Appeal Dismissed
Torrance	140	Appeal Dismissed
Kirkintilloch	150	Appeal Dismissed
Milton of Campsie	57	Appeal Allowed
Bearsden	39	Appeal Dismissed
Dirleton	24	Appeal Dismissed
Waterfoot	100	Appeal Dismissed
Edinburgh (Ocean Drive)	57	Appeal Allowed
Edinburgh (Boroughmuir High School)	115	Appeal Dismissed
Edinburgh (Pentland View)	37	Appeal Dismissed
Edinburgh (Canaan Lane)	11	Appeal Dismissed
Edinburgh (Colinton Road)	37	Appeal Dismissed
Glenrothes	12	Appeal Allowed
Kingsbarns	18	Appeal Allowed
Bonnyrigg	300	Appeal Allowed
Elgin (Waulkmill Grove)	16	Appeal Allowed
Elgin (Hopeman)	22	Appeal Allowed
Newmains	92	Appeal Dismissed
Coatbridge	180	Appeal Allowed
Cumbernauld	11	Appeal Dismissed
Glenboig	280	Appeal Dismissed
Perth	1280	Appeal Allowed
Johnstone (Brookfield)	90	Appeal Dismissed
Johnstone (Kilbarchan)	150	Appeal Dismissed
Johnstone (Elderslie)	200	Appeal Dismissed
Bridge of Weir (Gryffe Castle)	80	Appeal Dismissed

Bridge of Weir (Johnstone Road)	49	Appeal Dismissed
Bridge of Weir (Lawmarnock Road)	22	Appeal Dismissed
Lochwinnoch	100	Appeal Dismissed
East Kilbride	50	Appeal Allowed
Cambusbarron	42	Appeal Allowed
Dunblane	129	Appeal Dismissed
Kirknewton	35	Appeal Allowed
Livingston	120	Appeal Dismissed

We now publish weekly statistics on all [developments with 10 or more houses](#).

WIND FARM DEVELOPMENTS (MORE THAN TWO TURBINES)

LOCATION	TURBINES	DECISION
Kintyre	14	Appeal Allowed
Dalry	8	Appeal Dismissed
Glenluce	14	Appeal Dismissed
Fenwick	12	Appeal Dismissed
New Fenwick	9	Appeal Dismissed
Drumnadrochit	13	Appeal Dismissed
Aberarder	12	Appeal Allowed
Wick	12	Appeal Allowed
Shotts	7	Appeal Allowed
Bridge of Cally	11	Appeal Allowed

Statistics on all wind turbine appeal decisions are [published on our website](#).

OTHER NOTABLE APPEALS HANDLED INCLUDE:

- A quarry at Appin
- Student accommodation in Stornoway and Aberdeen
- Commercial development at Thainstone Business Park
- Retail stores at Bridge of Weir and Edinburgh
- A camp site in Turriff
- A care home in Cupar
- A solar farm at Lochwinnoch
- An energy storage facility at Broxburn

RECALLED APPEALS

Reports were submitted to Scottish Ministers in six planning appeals that were recalled by Ministers.

LOCATION	PROPOSED DEVELOPMENTS
South Street, Glasgow	Alteration and diversification of existing waste recycling facility
Mossend, Bellshill	Expansion of Mossend Railhead
Overtown, Wishaw	Residential development
Airthey Kerse, Bridge of Allan	Residential development
Bangour	Residential development
Livingston	Residential development

CALLED IN PLANNING AND LISTED BUILDING APPLICATIONS

Three reports were submitted to Scottish Ministers relating to proposals for a gypsy/traveller site at St Cyrus; demolition and construction works at Elgin; and the erection of a holiday let unit at Crieff.

PLANNING OBLIGATION APPEALS

Decisions were issued in 10 planning obligation appeals, an increase from 6 decisions in 2016/17, as shown in the table below.

DECISIONS ISSUED

AUTHORITY	MODIFICATION SOUGHT	OUTCOME
Aberdeen Council	Discharge of obligation providing for payment of developer contributions.	Appeals Dismissed
Aberdeenshire Council	Discharge of obligation providing for payment of developer contributions.	Appeal Allowed
Scottish Borders Council	Discharge of occupancy restriction.	Appeal Allowed
Dumfries and Galloway Council	Discharge of occupancy restriction.	Appeal Allowed
East Lothian Council	Discharge of occupancy restriction.	Appeal Allowed
East Lothian Council	Deletion of clause related to planning permission	Appeal Allowed

East Lothian Council	Deletion of clause related to planning permission	Appeal Allowed
East Lothian Council	Deletion of clause related to planning permission	Appeal Allowed
West Lothian Council	Deletion of clause related to planning permission	Appeal Dismissed
West Lothian Council	Deletion of clause related to planning permission	Appeal Dismissed

DEVELOPMENT PLAN EXAMINATIONS

Scottish Planning Policy emphasises the importance of development plans being up to date, place-based and enabling with a spatial strategy that is implemented through policies and proposals. Circular 6/2013: Development Planning provides further guidance on Ministers' expectations in terms of moving swiftly from the main issues report stage through to proposed plan, examination and adoption with a view to ensuring that we have an up to date, plan led system.

Planning Circular 6/2013: Development Planning sets out Ministers' expectations of the examination process. Examinations should:

- Ensure the process is understandable and transparent to the public;
- Examine any unresolved issues raised in representations rather than responding to each individual representation;
- Be succinct and proportionate. Scottish Ministers expect the process from appointment to reporting normally to take around six months, and rarely to exceed nine months;
- Be focussed on the reporter seeking out the information they feel they need to reach conclusions on the matters at hand. As the onus is on the planning authority and interested parties providing information in advance, further procedure will rarely be required and will be at the discretion of the reporter; and
- Identify any deficiencies in the plan, arising from the examination of the unresolved issues, and recommend modifications to rectify these or, where this is not possible within the constraints of the examination, identify post-adoption actions to rectify the deficiency.

The Circular provides further guidance, at paragraphs 121 to 123, on the approach that reporters should take in the event of their identifying a deficiency in the plan.

Four LDP examinations were completed in 2017/18. Modifications were recommended in relation to all proposed plans, ranging from minor modifications to conclusions regarding deficiency or non-compliance with national policy. Further details are given in table 6A.

The examinations were completed in an average of 45 weeks which is outside the target of 9 months (39 weeks) referred to in Circular 6/2013.

Two examinations are pending at the moment. Nine plans are due to be submitted for examination before the end of 2018 and a further 12 plans in 2019. It is likely, therefore, that in the medium term development plan examinations will continue to form a substantial part of our work.

We continue to seek continuous improvement in this area of our work, learning lessons from previous examinations and actively reviewing procedures and practices in dealing with development plan examinations.

To support that, we encourage those authorities that are in the process of preparing a proposed development plan to engage with us at an early stage. This should be before the proposed plan is published, in order to discuss the resources that are likely to be required to support the examination process. This is important because, once the proposed plan is published, there is limited scope to make significant modifications to it without republishing and inviting a further round of representations. In 2018/19 we intend to liaise earlier and more regularly during the plan preparation stage. Schedule 4 forms should be accompanied by the evidence upon which the planning authority relies in support of its position, including any documentation referred to in the response to representations. Some issues, such as housing land supply, may need to be addressed in greater detail than allowed for in the schedule 4 form. It is possible for the council, and other parties when submitting representations on the plan, to submit supporting documentation such as reports or technical papers. Authorities will also want to ensure that sufficient time is factored into their timetable for the administrative task of pulling their examination material together.

We work closely with authorities in the period leading up to submission of the plan for examination. If we are to complete examinations within the timescales set out in the circular it is essential that authorities provide accurate timescales of when the plan will

be submitted. We have previously tried to line reporters up for examinations in order that work can commence as soon as possible after it has been submitted. However, slippage in submission of plans has resulted in reporters not being allocated to a plan until it is actually received. As reporters workloads are scheduled up to six months in advance this has meant delays to the examination commencing with a knock on impact on the time taken to complete the examination.

OTHER CASEWORK

DPEA deals with a wide variety of non-planning casework including inquiries held under the Electricity Act, the Transport and Works Act and inquiries into Compulsory Purchase Orders. We also have responsibility for determining environmental appeals made to Scottish Ministers against decisions made by SEPA in relation to the control and prevention of pollution, water quality and waste management.

Statistics giving the volume and breakdown of casework are in [tables 1 to 3](#) of Appendix A to this report.

ELECTRICITY ACT CASES

Applications to construct or vary electricity generating stations (including onshore wind farms) with a capacity of more than 50 megawatts are made to the Scottish Ministers under section 36 and 36C of the Electricity Act 1989. Scottish Ministers also deal with applications to construct overhead electric power lines (section 37) and, where these cannot be agreed, applications for any necessary wayleaves over land for the purpose of constructing or maintaining access to power lines.

This year reports were submitted to Ministers on five applications for wind farms at Pencloe in East Ayrshire; Caplich Estate in Lairg; Dorenell in Moray; Crossburns in Perth and Kinross; and West Garty in Helmsdale (April 2018). We are currently considering a further thirteen Section 36 and 36C applications for wind farms as below:

ELECTRICITY ACT APPLICATIONS

DPEA REFERENCE	PLANNING AUTHORITY	PROPOSED WIND FARM
WIN-130-2	Argyll and Bute	Upper Sonachan
WIN-130-3	Argyll and Bute	Killean
WIN-140-5	Scottish Borders	Fallago Rigg
WIN-140-6	Scottish Borders	Fallago Rigg
WIN-140-7	Scottish Borders	Birneyknowe
WIN-170-2003	Dumfries and Galloway	Windy Standard
WIN-190-5	East Ayrshire	Enoch Hill
WIN-270-8	Highland	Limekiln
WIN-270-9	Highland	Drum Hollistan
WIN-270-10	Highland	Golticlay
WIN-340-2	Perth and Kinross	Dulater Hill
WIN-370-1	South Ayrshire	Linfairn
WIN-380-1	South Lanarkshire	Harryburn

This year we submitted a report to Ministers on 10 applications for a necessary wayleave.

COMPULSORY PURCHASE ORDERS

Four reports were submitted relating to Compulsory Purchase Orders to enable Scottish Canals to manage the network at Port Dundas; to enable the connection of offshore wind farms in the Moray Firth ; to enable the construction of a railway station at Kintore; and to enable replacement of a bridge at Shieldhill.

CERTIFICATES OF APPROPRIATE ALTERNATIVE DEVELOPMENT

We reported to Ministers on one appeal regarding a certificate of appropriate alternative development at Rosyth for inclusion of development including Class 1 – shops, Class 7 – hotels and hostels and Class 11 – assembly and leisure and public house.

OTHER ORDERS

Reports were also submitted to Ministers relating to a Stopping Up Order in Culross; Revocation or Modification Orders in the Shetland Islands; and a Purchase Notice in Perth.

ENVIRONMENTAL APPEALS

In 2017/18 we made four decisions on environmental appeals relating to the withdrawal of an approval notice at Irvine; an enforcement notice served by SEPA at Coatbridge; revocation of a waste licence at Coatbridge; and against a civil penalty at Troon.

HIGH HEDGES

We made 25 decisions in 2017/18 on cases dealt with under the High Hedges (Scotland) Act 2013. In considering these numbers, it should be recalled that multiple appeals are possible. Not only does the owner of a high hedge notice have the right of appeal but also neighbours who may consider that the remedial action specified in the notice is not sufficient may appeal.

High hedge appeals remain a contentious and difficult topic. The 2013 Act is at present subject to a post legislative review by the Local Government and Communities Committee of the Parliament. The Chief Reporter gave evidence to the Committee in May. We look forward to seeing the conclusions of that review.

Further information about high hedges can be found in the Scottish Government's [guide to local authorities](#) and the associated [FAQs](#)

HISTORIC ENVIRONMENT (SCOTLAND) ACT 2014

In 2017/18 we made our first decision on a building designation appeal at Lothian Regional Transport Office, Edinburgh. We have received a further three building designation appeals relating to Gasholders in Glasgow and Fife.

APPEALS TO THE COURT OF SESSION AND SUPREME COURT

In 2016-17 there were four appeals to the Court of Session against delegated decisions made by reporters. In three cases we conceded and the other case was withdrawn. An unsuccessful challenge was also made against the Clydeplan.

CUSTOMER FEEDBACK

We welcome feedback on any aspect of the service that we provide as well as suggestions as to how we can further improve. Please send any comments to DPEA@gov.scot.

STAKEHOLDERS FORUM

Our Stakeholders Forum met twice this year to give us constructive feedback on our performance and to make suggestions for improvement of the service that we offer.

The members of the Stakeholders Forum are representatives from:

STAKEHOLDERS FORUM

[Scottish Property Federation](#)

[Homes for Scotland](#)

[CBI Scotland](#)

[Scottish Renewables Planning Group](#)

[Heads of Planning Scotland](#)

[Planning Aid for Scotland](#)

[Planning Democracy](#)

[Royal Town Planning Institute in Scotland](#)

[Royal Institution of Chartered Surveyors Scotland](#)

[Royal Incorporation of Architects in Scotland](#)

[Royal Society for the Protection of Birds](#)

[Faculty of Advocates Planning and Environmental Law Group](#)

[The Society of Local Authority Solicitors](#)

[Scottish Environment Protection Agency](#)

[Scottish Environment Link](#)

[The Law Society of Scotland](#)

[Scottish Natural Heritage](#)

[Scotland Against Spin](#)

[South West Edinburgh Communities Forum](#)

[The Royal Burgh of St Andrews Community Council](#)

[Sustainable Communities Scotland](#)

We have published the [minutes of the meetings](#) of the Forum.

The Forum has discussed numerous issues including the resources available to DPEA, our performance against targets, the application of regulations, the codes of practice, emerging work streams, the Planning Bill and e-development within the planning system.

STAFF ENGAGEMENT

In the course of the year our staff were invited to take part in a civil service wide staff survey that asked questions on leadership and managing change, their work, their line manager, pay and benefits, resources and workload, learning and development, organisational objectives and purpose, inclusion and fair treatment and their team. Some of our results were down on previous years although it was acknowledged that on-going uncertainty regarding our future location (our lease for our current premises expires in December 2018) was a contributing factor in these results. An in depth analysis of the results was undertaken with all staff based in Falkirk.

LEARNING AND DEVELOPMENT

With regard to the professional development of reporters, we hold monthly seminars at which external and in-house speakers give talks on planning policy, legislative reform and new issues for our casework. The topics have included flood awareness; housing land supply; the role of the National Park Authorities; the Planning Bill; and Inclusive Growth and Regional Partnerships. Reporters are divided into four discussion groups, each of which is led by a Principal Reporter and part of the day is given over to a discussion of current cases including any handling or procedural issues. This provides a forum for reporters to discuss problems or difficulties, to consult with colleagues, to identify best practice and to promote consistency.

The Principal Reporters act as professional mentors for more junior reporters and offer advice on procedure and best practice. We also have a system of peer review where a small group of reporters meet to critique their work. The purpose is to enable reporters to exchange constructive criticism on a confidential basis, to benefit from the experience of other colleagues, to resolve problems and again to share best practice.

In suitable cases a junior reporter is paired with a more senior colleague to gain experience of working on more complex cases.

We have initiated a system of Specialist Advisers where reporters take responsibility for a specific area of our work and feedback to the group on issues arising as well as providing advice with regard to their area of specialism. These subjects include aquaculture; development economics; ecology; energy from waste; flooding; human rights; national park/rural issues; noise; and ornithology.

COMPLAINTS

In the course of the year we received 10 formal complaints regarding our work – down from 24 in 2016/17. Some letters were concerned with the administration of appeals and other casework; the e-development appeal submissions system; the process of appointing a reporter; the Human Rights Act; and the venue selected for a hearing . Where there is a complaint about an administrative error or some other failure in the service we provide we try to ensure that this is investigated promptly, that an apology is given where our service falls short of acceptable standards and that appropriate remedial action is taken to ensure that this does not happen again. We try to resolve complaints informally in the first instance but a customer may elect to pursue a complaint on a more formal basis, in which case the procedure in our [Complaints Policy](#) applies.

If the complaint is about the outcome of an appeal then we explain that the decision of the reporter is final and cannot be revoked or reviewed by DPEA or by Ministers. Customers are, however, made aware of their statutory right to appeal to the Court of Session on a point of law.

A number of these complaints were progressed to a Stage 2 investigation which is carried out by Scottish Government officials out with DPEA. In general these investigations have not been carried out within the timescales set out in the Scottish Government complaints procedures. We continue to have concerns in this regard and are continuing discussions with the team responsible.

In the course of the year three complaints about our service were considered by the Scottish Public Services Ombudsman. In two cases, the Ombudsman confirmed that they had no power to investigate further and in the other case the Ombudsman found that we had correctly followed procedures.

OUR PRIORITIES FOR THE COMING YEAR

BUSINESS IMPROVEMENT OBJECTIVES/SERVICE IMPROVEMENT PLAN 2017/18

In last year's Annual Review we highlighted five priorities for the year.

We have focussed on continuous improvement of our services, to further improve the quality of our decision making.

We have embedded business improvement policies designed to broaden and deepen the skills of all reporters, with a particular emphasis on developing the experience and competence of newer reporters.

We have continued to take steps to reduce the backlog of cases and improve our efficiency in meeting targets for making decisions on appeals and other cases.

We have worked with Planning and Architecture Division to support Planning reform with a view to introduction of a Planning Bill.

We have continued our programme of meeting with councils to share and implement best practice on appeals and other casework.

We have built relations with appropriate bodies through our implementation of Specialist Advisers and disseminate best practice to all reporters.

We have continued to prioritise digital transformation in co-operation with Planning and Architecture Division and planning authorities. Whilst we had hoped to take forward work on our IT systems and in particular our external facing case website this has not been possible due to continued limitations on budgets.

BUSINESS IMPROVEMENT OBJECTIVES/SERVICE IMPROVEMENT PLAN 2018/19

We will continue to focus on improvement of our services, to further improve the quality of our decision making.

We will continue to embed business improvement policies designed to broaden and deepen the skills of all reporters, with a particular emphasis on developing the experience and competence of newer reporters.

We will continue to take steps to improve our efficiency in meeting targets for making decisions on appeals and other cases.

We will continue to work with Planning and Architecture Division to deliver the Planning Bill.

We will continue our programme of meeting with councils to share and implement best practice on appeals and other casework.

We will implement a programme of early engagement with planning authorities to better facilitate the submission of local developments plans for examination.

We will build relations with appropriate bodies through our implementation of Specialist Advisers and disseminate best practice to all reporters.

We will further develop our IT systems and in particular our external facing case website to provide an enhanced user friendly and effective system to all users.

APPENDIX A

STATISTICS ON WORKLOAD AND PERFORMANCE AGAINST TARGETS

TABLE 1: VOLUME OF CASES HANDLED BY DPEA

VOLUME OF CASES HANDLED BY DPEA						
BUSINESS YEAR	IN HAND AT START OF YEAR	RECEIVED	DELEGATED APPEALS DECIDED	REPORTS SUBMITTED	WITHDRAWN	IN HAND AT END OF YEAR
2017-2018	224	585	500	46	45	217
2016-2017	213	549	443	50	45	224
2015-2016	233	625	568	42	35	213
2014-2015	215	624	480	63	63	233
2013-2014	184	598	483	42	43	214

TABLE 2: TYPES OF CASES RECEIVED

TYPES OF CASES RECEIVED					
TYPES OF CASE	2013 -2014	2014 -2015	2015 -2016	2016 -2017	2017 -2018
Planning permission appeals	308	288	296	250	238
Planning enforcement appeals	62	65	66	61	76
Conservation area consent, listed building consent and listed building enforcement appeals	57	69	75	73	91
Advertisement consent, discontinuance notice and advertisement enforcement appeals	39	43	57	50	55
High Hedge appeals	n/a	67	51	31	22
All other types of appeal	40	28	31	35	38
Subtotal: all types of appeals	506	560	576	500	520
Called-in application	2	1	2	0	3
Called-in conservation area consent - demolition	2	1	1	0	0
Called-in listed building consent - alterations	1	1	0	0	0
Called-in listed building consent - demolition	0	1	2	0	0
Compulsory Purchase Order	2	13	5	2	4
Core Paths Plan	2	0	0	0	0
Extinguishment of Public Right of Way	0	0	0	0	1
Farm Business Development Scheme	1	0	0	0	0
Flood Prevention Scheme	0	1	0	1	2
Local Development Plan	11	7	9	5	4
Notification of direction	1	1	0	2	1
Notified application	1	1	0	2	1
Public path, creation, diversion extinguishment order	0	0	1	0	1
Purchase Notice	0	0	0	1	2
Revocation order	0	1	1	2	0
Roads order	1	1	0	0	0
Safeguarded Aerodromes Applications	1	1	0	0	0
Section 36 & 36C Wind Farm	0	0	4	7	7

Section 36 Wind Farm & Section 37*	4	10	5	0*	0*
Section 37 Transmission line	0	0	0	0	1
Stopping up order	2	2	5	3	0
Strategic Development Plan	1	0	0	2	1
Traffic Regulation Order	8	4	1	1	1
Wayleave	51	11	9	20	35
Subtotal: all types of appeals	92	64	49	49	65
ALL CASES RECEIVED	598	624	625	549	585

* Note: this case type was split into those immediately above and below in 2016

TABLE 3: BREAKDOWN OF PLANNING PERMISSION APPEALS RECEIVED

TYPES OF CASES RECEIVED

CHARACTERISTIC	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017
Advertisement	43	50	61	54	61
Agricultural	2	5	10	12	12
Animal (cattery, kennel, stable etc.)	1	1	5	2	6
Bridge/Road	2	13	19	17	11
Building Alterations (householder)	96	74	11	12	59
Building Alterations (non-householder)	30	29	60	68	49
Business	18	28	26	30	15
Car park	4	8	27	18	11
Caravan and Campsites	11	8	5	6	10
Cemetery/Religious Building	2	0	1	0	1
Chimney/Flue	0	0	4	3	4
Compulsory Purchase Order	2	13	5	2	3
Data Storage Facility	0	0	1	0	0
Demolition	4	12	32	20	21
Designation of Building/Monument	0	0	0	1	5
Development Plan (Local)	12	7	9	5	4
Development Plan (Strategic)	0	0	0	2	1
Dock/Harbour	1	0	0	0	0
Environmental Appeal	11	7	3	5	7
Fencing/Wall	3	13	27	23	21
Fish Farm	0	1	2	4	1
Flood Prevention Scheme	0	1	0	1	2
Hazardous Substance	0	0	0	0	1
Hedge	0	67	51	31	22
Holiday/Leisure	0	0	9	5	6
Hospital/Medical Centre	0	0	2	0	0
Hot Food Takeaway	15	6	12	3	10
Hotel/Visitor Accommodation	3	7	17	8	5
House in Multiple Occupation	3	3	6	7	5
Housing (10 or more houses)	0	10	56	49	43
Housing (more than one house)	67	70	26	28	28
Housing (single dwelling)	39	43	38	50	54
Hydro/Solar Power	1	6	1	3	0
Industrial	2	5	2	3	3
Landscaping	0	1	37	37	22
Leisure Facility/Ground	9	12	12	2	2

Meteorological/Anemometrical Mast	4	2	10	2	3
Mineral Extraction	8	1	3	4	5
Nursing/Care/Retirement Home	0	1	3	1	2
Other	7	27	12	15	29
Path	4	3	5	7	5
Petrol Station	0	2	2	2	0
Power Station/Energy from Waste	2	3	1	2	1
Recycling	0	3	0	3	0
Restaurant/Cafe/Licensed Premises	6	6	13	13	5
Retail (food)	3	8	7	13	3
Retail (non-food)	27	10	8	15	4
School/Educational	1	5	9	8	2
Shed/Garage	0	2	7	15	20
Storage (non-warehousing)	1	3	7	14	13
Substation/Transmission Line/Pipeline	0	0	1	1	1
Telecommunication	2	0	1	4	7
Traffic Regulation Order	8	4	1	1	0
Transport	2	1	1	1	1
Travelling Persons Site	1	1	0	3	2
Tree	10	4	13	7	8
Warehouse/Distribution	1	2	4	1	2
Waste Disposal	7	3	2	0	1
Water/Sewage	1	1	0	1	3
Wayleave	50	10	9	20	35
Wind Farm (offshore)	0	0	1	0	1
Wind Farm (two or more turbines)	48	53	47	26	21
Wind turbine (single)	55	31	32	4	5
Windows - Timber	0	1	3	8	7
Windows - UPVC	0	11	22	27	25

TABLE 4A: APPEAL CASES SUCCESS RATES BY METHOD OF DETERMINATION

	NUMBER DECIDED	CONSIDERED BY ORAL PROCESS			CONSIDERED BY SITE VISIT OR REVIEW OF WRITTEN SUBMISSIONS			ALL CASES ALLOWED	
		Total	Allowed	Percentage	Total	Allowed	Percentage	Allowed	Percentage
		Delegate Appeals							
Planning permission	167	8	2	25%	159	69	43%	71	43%
Planning enforcement	52	0	-	-	52	13	25%	13	25%
Conservation area consent, listed building consent and listed building enforcement	87	0	-	-	87	26	30%	26	30%
Advertisement consent discontinuance notice and advertisement enforcement	46	0	-	-	46	14	30%	14	30%
High hedge	24	0	-	-	24	15	63%	15	63%
All others	27	1	0	0%	26	13	50%	13	48%
Subtotal: Delegated Appeals	403*	9	2	22%	394	150	38%	152	38%
Non-delegated Appeals	10	4	2	50%	6	3	50%	5	50%
Total: All Appeals	413	13	4	31%	400	153	38%	157	38%

* In addition a further 97 appeals were turned away as we had no powers to determine

TABLE 4B: NON-APPEAL CASES SUCCESS RATES BY METHOD OF DETERMINATION

NON-APPEAL CASES SUCCESS RATES BY METHOD OF DETERMINATION

	NUMBER DECIDED	CONSIDERED BY ORAL PROCESS			CONSIDERED BY SITE VISIT OR REVIEW OF WRITTEN SUBMISSIONS			ALL CASES ALLOWED	
		Total	Allowed	Percentage	Total	Allowed	Percentage	Allowed	Percentage
Compulsory Purchase Order	3	3	3	100%	0	-	-	3	100%
Flood Prevention Order	1	1	1	100%	0	-	-	1	100%
Notified application	3	0	-	-	3	0	0%	0	0%
Purchase Notice	1	1	0	0%	0	-	-	0	0%
Revocation Order	2	2	2	100%	0	-	-	2	100%
Section 36 Wind Farm	3	3	2	67%	0	-	-	2	67%
Section 36 Wind Farm & Section 37	5	5	4	80%	0	-	-	4	80%
Stopping up order	1	1	0	0%	0	-	-	0	0%
Wayleave	4	2	2	100%	2	2	100%	4	100%
Total: All Non-appeal Cases	23	18	14	78%	78%	2	40%	16	70%

TABLE 5: SUCCESS RATES FOR DELEGATED APPEALS BY PLANNING AUTHORITY

SUCCESS RATES FOR DELEGATED APPEALS PLANNING AUTHORITY			
PLANNING AUTHORITY	APPEALS DECIDED	APPEALS ALLOWED	SUCCESS RATE %
Aberdeen City Council	16	7	44%
Aberdeenshire Council	22	10	45%
Angus Council	7	3	43%
Argyll and Bute Council	15	4	27%
City of Edinburgh Council	71	22	31%
Comhairle nan Eilean Siar (Western Isles Council)	5	2	40%
Dumfries and Galloway Council	14	3	21%
Dundee City Council	9	6	67%
East Ayrshire Council	5	2	40%
East Dunbartonshire Council	9	3	33%
East Lothian Council	12	5	42%
East Renfrewshire Council	6	3	50%
Falkirk Council	10	4	40%
Fife Council	32	11	34%
Glasgow City Council	40	16	40%
Highland Council	20	8	40%
Historic Environment Scotland	1	0	0%
Loch Lomond & the Trossachs National Park Authority	4	3	75%
Midlothian Council	8	4	50%
Moray Council	6	2	33%
North Ayrshire Council	8	4	50%
North Lanarkshire Council	11	5	45%
Perth and Kinross Council	2	0	0%
Renfrewshire Council	11	6	55%
Scottish Borders Council	14	3	21%
Shetland Islands Council	11	5	45%
South Ayrshire Council	8	3	38%
South Lanarkshire Council	4	3	75%
Stirling Council	8	1	13%
West Dunbartonshire Council	3	2	67%
West Lothian Council	11	2	18%
Total	403	152	38%

Note: if an authority is not listed above it means no delegated decisions have been issued for sites within the authority's area within the period.

TABLE 6A: DEVELOPMENT PLAN EXAMINATIONS COMPLETED

DEVELOPMENT PLAN EXAMINATIONS COMPLETED		
DEVELOPMENT PLANS	NUMBER OF REPORTERS	WEEKS TO COMPLETE
Proposed East Lothian Local Development Plan	4	44
Proposed Midlothian Dunbartonshire Local Development Plan	3	38
Proposed Stirling Local Development Plan	4	40
Proposed West Lothian Local Development Plan	4	59

TABLE 6B: DEVELOPMENT PLAN EXAMINATIONS IN HAND

DEVELOPMENT PLAN EXAMINATIONS IN HAND		
DEVELOPMENT PLANS	RECEIVED	REPORT DATE
Proposed Dundee Local Development Plan	13/02/2018	
Proposed Outer Hebrides Local Development Plan	31/07/2018	03/04/2018
Proposed SESplan Strategic Development Plan	26/02/2018	
Proposed Caithness And Sutherland Development Plan	07/04/2018	11/04/2018

TABLE 7: EXPENSES CLAIMS

EXPENSES CLAIMS		
	NUMBER OF CLAIMS	SUCCESSFUL CLAIMS
By an authority against:		
A main contact	5	0
All Parties (total)	5	0
By a main contact against:		
An authority	58	12
Another party	1	0
All Parties (total)	59	12
By another party against:		
An authority	1	1
A main contact	1	1
All Parties (total)	2	1

TABLE 8: PERFORMANCE AGAINST OUR TARGETS

PERFORMANCE AGAINST OUR TARGETS				
PROCEDURE	TARGET NUMBER OF WEEKS TO DETERMINE	NUMBER OF APPEALS	PERFORMANCE AGAINST TARGETS	AVERAGE WEEKS TAKEN TO DETERMINE
No Further Procedure	8	4	25%	9.5
Site Inspection	12	283	72%	12.6
Further Written Submission	20	110	67%	21.4
Hearing	26	7	0%	57.6
Inquiry	32	2	0%	37.4

APPENDIX B

DPEA ORGANISATIONAL CHART

DPEA ORGANISATION CHART

SENIOR MANAGEMENT TEAM

Chief Reporter	Paul Cackette	Interim Chief Reporter	Karen Heywood	
Assistant Chief Reporters	Scott Ferrie	Karen Heywood	Dan Jackman	
Principal Reporters	David Russell	David Buylla	David Liddell	Allison Coard
Head of Performance and Administration	David Henderson	Business Support Officer	Diane Sinclair	
Case Work Section		Case Work and Development Plan Section		
Section Manager	Pauline Hendry	Section Manager	Mandy McComiskie	
Section Leader	Kelly Ross	Section Leader	Angela Reid/Brian Archibald	
Specialised Case Officers	Colin Bell Jane Robertson Smerah Akbar Fiona Manson	Specialised Case Officers	Liz Kerr Scott Mackenzie Karen Cowie	
Case Officers	Chris Kennedy Christine Brown	Case Officers	Marie Buchanan Cherie Chrystal	
Data Management Administration and Support Officer	Graeme Mason	Development Plan Officer	Brian Archibald	
		Development Plan Administrators	Morag Smith Jayne Anderson	
Webcasting, IT Development and Finance Section				
Information System and Business Process Manager		Carol Totten		
Digital Co-ordination and Webcasting Officer		Euan Murray		
BCLO & Technical Support Officer		Douglas Berry		
Finance and IT Assistant		Laura Walker		

APPENDIX C

DPEA REPORTERS EMPLOYED OR CONTRACTED 2017/18

DPEA REPORTERS

SALARIED REPORTERS

Chief Reporter

Paul Cackette LLB (Hons)

Assistant Chief Reporters

Scott Ferrie MSc MRTPI

Karen Heywood BSc(Hons) MPhil MRTPI

Dan Jackman BA(Hons) MRTPI

Principal Reporters

David Buylla BA(Hons) MRTPI

Allison Coard MA MPhil MRTPI

David Liddell BA(Hons) MRTPI

David A Russell MA(Hons) MPhil MRTPI

Other Salaried Reporters

Karen Black BA(Hons) MRTPI

Keith Bray BSc(Hons) MRTPI

Amanda Chisholm MEdes

Elsbeth Cook BSc(Hons) MRTPI

Trevor A Croft BSc DipTRP ARSGS FRSA MRTPI

Alasdair Edwards MA(Hons) MRTPI

Stephen Hall BA(Hons) BPI MRTPI

Malcolm Mahony BA(Hons) MRTPI

Lorna McCallum MSc BSc(Hons) MRTPI

Claire Milne BSc(Hons) DipTP MBA MRTPI

Dannie Onn BSc(Hons) Dip Arch RIBA IHBC

Katrina Rice BSc DipTP MRTPI

Robert Seaton MA(Hons) LLB DipLP

Andrew Sikes BA(Hons) DipUD MRTPI

Nick Smith BSc(Hons) MRTPI

Christopher Warren BA(Hons) DipTP MRTPI

SELF-EMPLOYED REPORTERS

Philip Barton MCD BA(Hons) MRTPI

Tim P W Brian BA(Hons) DipURP MRTPI

Sue Bell BSc MSc CEcol C ENV FCIEEM
CIWEM MCIWEM

Trudi Craggs LLB(Hons) DipLP

Mike Croft MA DipTP MRTPI

Michael Cunliffe BSc(Hons) MSc MCIWEM

Richard G Dent BA(Hons) DipTP

Gerry Farrington BA DipTP FRTPI

Steve Field BA MRTPI

Andrew Fleming BA(Hons) BTP MRTPI

Jo-Anne Garrick BSc(Hons) MTP(UC) MRTPI

Lance R Guilford DipTP MRTPI

Richard M Hickman CBE MA BA DipTP
MRTPI

Rob Huntley BSc DipTP MRTPI

Sinéad Lynch BSc (Hons) MRTPI

John Martin RIBA MRTPI

Robert W Maslin BA DipTP MRTPI

Frances McChlery BA (Hons) LLB LARTPI

Chris Norman BSc(Hons) MRTPI

Grainne O'Keefe BSc MSc MRTPI

Chhaya Patel (BA(Hons) PG Dip

Don Rankin DipTCP MRTPI

Martin Seddon BSc MPhil DipTP MRTPI

Dilwyn Thomas BSc (Hons) MBA MRTPI

Padraic Thornton BA HDip in Ed DipTP MSc
MIPI