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Dear Mr Bremner,

I refer to your email of 16 November 2018 notifying Scottish Ministers of East Dunbartonshire Council's decision of 15 November 2018 to implement its proposals to close Campsie View School and Merkland School.

A three week period began on 15 November 2018 for any person to make a representation to the Scottish Ministers requesting that the decision should (or should not) be called in by them for further investigation (as provided for by section 15(4) of the Schools (Consultation) (Scotland) Act 2010 (the "2010 Act"). That period expired on 5 December 2018 and twenty-three representations were received.

Under section 17 of the 2010 Act, the Scottish Ministers may only issue a call-in notice if it appears to them that the education authority may have failed:

- (a) in a significant regard to comply with the requirements imposed on it by (or under) this Act so far as they are relevant in relation to the closure proposal, or
- (b) to take proper account of a material consideration relevant to its decision to implement the proposal.

Having reviewed East Dunbartonshire Council's Proposal Paper and Consultation Report, and given careful consideration to the representations received, the Scottish Ministers consider that East Dunbartonshire Council has fulfilled its obligations under the 2010 Act and consequently have decided not to issue a call-in notice for these proposals.

The majority of the representations set out local concerns, including from Waterside Community Council, regarding the choice of the Waterside Road site for the new school. The issues relating to the impact of siting the new school there include the loss of green space for play, exercise and community events. Particular concern was expressed regarding the loss of the football pitch, given the few full size grass pitches in the locality and the higher cost and restricted availability of other types of pitches. Concerns were also raised that the proposal conflicted with the site's designation as open space and green belt in East Dunbartonshire Council's local development plan, and regarding the options appraisal process that the Council had undertaken. Further issues raised included that building on the proposed site could diminish Waterside's identity as a separate village, and that the village and site in particular could struggle with increased traffic and congestion due to the new school.

However, these issues relate specifically to the Council's proposal to build a new school, and the 2010 Act does not provide for this decision to be referred to Scottish Ministers. They could not therefore be part of Ministers' consideration in deciding whether or not to call in the closure proposals. We would note the level of concerns and encourage the Council to continue to work with all its communities to ensure that the best possible site is identified and developed in a way which recognises the needs of all those in the area. We also note that as the proposal to build the new school is considered a separate proposal, under the 2010 Act, to the associated closure proposals, that proposal is not subject to a restriction under section 2A to the 2010 Act and there is no legal restriction on the Council regarding reviewing that aspect of its decision.

We also note that many of the concerns raised in representations to the Scottish Ministers relate to planning issues and would properly be dealt with through the planning process that the Council will require to follow to take forward the proposal to build the new school. The planning process provides considerable opportunities for those living in the area to have their concerns heard and taken into account, and includes specific provision where a planning authority has some interest in a development proceeding, and where the proposal involves a significant departure from the authority's own development plan.

East Dunbartonshire Council may now implement its decision to close Campsie View School and Merkland School in line with the timescales set out in its proposal paper.

Yours sincerely,



CLARE MORLEY
School Infrastructure Unit