

NEW APPEALS CHECKLIST - use for PPA/ CLUD / TWCA cases -see Admin GN 2 for more detailed information on checking new appeals

(This checklist should be completed electronically and saved to eRDM as part of the official case record. A hard copy should also be inserted in the physical file)

1. The following documents must be submitted (essential):

- Fully completed appeal form
- Full statement of appeal
- All documents, materials and evidence which the appellant intends to rely on
- Including a location plan? – if no location plan submitted, include the standard paragraph in the shell letter appellant/agent to request one and tick box once received.

2. Additional documents that might be submitted (desired):

- Application to planning authority, including all plans/drawings and other documents relevant to the application which is now subject of this appeal
- Planning authority's decision notice (if any), which is the subject of this appeal
- Where application/appeal relates to an earlier consent (e.g. approval of matters specified in conditions; variation of previous conditions), the application, approved plans and decision notice from that earlier consent.
- The Report of Handling prepared by the planning authority in respect of the application, where one exists

3. Preferred procedure indicated by appellant/agent:

- Review of all relevant information provided by the appellant and other parties only, with no further procedure
- Inspection of the land subject of the appeal
- Further written submissions on specific matters
- Holding of one or more hearing sessions on specific matters
- Holding of one or more formal inquiry sessions on specific matters
- None

Proposal Details

Proposal Name	100043579
Proposal Description	APPEAL ON MILLHOUSE FARM
Address	Millhouse, Yetts Road, Dunning, Perth, PH2 0QZ
Local Authority	Perth and Kinross Council
Application Online Reference	100043579-001

Application Status

Form	complete
Main Details	complete
Certificate of Ownership	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

Attachment Details

Appeals against Refusals and other decisions	System	A4
3D SITE VIEWS	Attached	A0
3D SITE VIEWS 2	Attached	A0
3D SITE VIEWS 3	Attached	A0
ANNOTATED SITE PLAN	Attached	A4
APPLICATION FOR PLANNING PERMISSION	Attached	A4
CATTLE SHED ELEVATIONS	Attached	A0
CATTLE SHED FLOOR PLANS	Attached	A0
DESIGN AND ACCESS STATEMENT 1	Attached	A3
DESIGN AND ACCESS STATEMENT 2	Attached	A3
DESIGN AND ACCESS STATEMENT PART 3	Attached	A3
DOCUMENT ISSUE RECORD	Attached	A4
DOCUMENT ISSUE SHEET	Attached	A4
EXAMPLE ODOUR COMPLAINT FORM	Attached	A4
EXISTING TOPOGRAPHY AND SITE SECTIONS	Attached	A0
FODDER AND FEEDMIX SECTIONS	Attached	A0

FODDER AND FEEDMIX ELEVATIONS	Attached	A0
FODDER AND FEEDMIX FLOOR PLANS	Attached	A0
LOCATION PLAN 1	Attached	A4
NEIGHBOUR NOTIFICATION LIST	Attached	A4
NEIGHBOUR NOTIFICATION PLAN	Attached	A4
ODOUR MANAGEMENT PLAN 071016	Attached	A0
ODOUR MANAGEMENT PLAN 150616	Attached	A0
RICARDO RESPONSE ON 150616 ODOUR MANAGEMENT PLAN	Attached	A0
RICARDO ODOUR ASSESSMENT REVIEW 280416	Attached	A0
SITE PLAN FULL EXTENTS	Attached	A0
SITE SECTIONS	Attached	A0
STRAW STORE ELEVATIONS	Attached	A0
STRAW STORE FLOOR PLAN	Attached	A0
STRAW STORE ROOF PLAN	Attached	A0
STRAW STORE SECTIONS	Attached	A0
WORKSHOP ELEVATIONS	Attached	A0
WORKSHOP FLOOR PLAN	Attached	A0
WORKSHOP ROOF PLANS	Attached	A0
WORKSHOP SECTIONS	Attached	A0
DOC 2 PLANNING COMMITTEE REPORT	Attached	A4
DOC 3 PLANNING REFUSAL	Attached	A4
DOC 4 LDP EXTRACTS ED3A PM1A EP8 EP11	Attached	A4
DOC 5 EXTRACT FROM SCOT EXEC 2005 PEPFA CODE	Attached	A4
ODOUR IMPACT ASSESSMENT PAGES 1-20	Attached	A0
ODOUR IMPACT ASSESSMENT PAGES 21-40	Attached	A0
ODOUR IMPACT ASSESSMENT PAGES 41-70	Attached	A0
NOISE IMPACT ASSESSMENT PAGES 1-50	Attached	A4
NOISE IMPACT ASSESSMENT PAGES 51-90	Attached	A4
NOISE IMPACT ASSESSMENT PAGES 91-110	Attached	A4
NOISE IMPACT ASSESSMENT	Attached	A4

PAAGES 111-130		
SEPA OBJECTION WITHDRAWAL 081216	Attached	A4
PLANNING APPEAL STATEMENT MAY 2017	Attached	A4
Appeals_against_Refusals_and_oth- 2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Appeals against Refusals and other decisions-001.xml	Attached	A0

Brown C (Christine)

From: Walker L (Laura) on behalf of DPEA
Sent: 30 May 2017 15:37
To: Brown C (Christine)
Subject: FW: Erection of 3 agricultural buildings etc in Dunning

PPA-340-2108

-----Original Message-----

From: Irene [mailto: [REDACTED]]
Sent: 30 May 2017 14:49
To: DPEA
Subject: Erection of 3 agricultural buildings etc in Dunning

Dear Sir

As my husband and I are moving to another property outwith Dunning the above will no longer be of concern to us and so I would like to withdraw my name.

Yours sincerely
Irene Hare

[REDACTED]

Sent from my Hudl

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Telephone: 01324 696459 Fax: 01324 696444
E-mail: Christine.Brown@gov.scot

Ms F Ramsay
Sent by e-mail

Our ref: PPA-340-2108
Planning Authority ref:15/02097/FLL

7 June 2017

Dear Ms Ramsay

**PLANNING PERMISSION APPEAL: MILLHOUSE YETTS ROAD DUNNING,
PERTH**

Thank you for your comments that were received in this office on 6 June 2017

Before the reporter takes comments into account, they are published to our web-site. The appellant and Perth And Kinross Council, as planning authority, are then provided with a copy and asked to provide a response to any matters raised, within 14 days of receipt.

On this occasion, because of the nature of your comments I am asking whether you are happy for me to proceed in this way. If not, then please send me an amended version of your comments **within 7 days**. If no amended version is received within this timescales, then we will assume you are happy to proceed as normal.

If you do proceed without making any amendments, then you should be aware that a copy will still be sent to the appellant and planning authority for their comments in line with normal procedure but will not be published to our website. Although we will take these steps not to place them into a public domain, your comments could still be requested by the other parties under the Freedom of Information Act.

Please advise how you wish to proceed. Do not hesitate to contact me if you require any further information or explanation.

Yours sincerely

Christine Brown

CHRISTINE BROWN
Case Officer
Planning and Environmental Appeals Division



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Other Party Type	Surname	First Name	Company Name	Address Line 1	Address Line 2	Address Line 3	Town	Email	Postcode	Taking Part
Interested Party	Adamson	Peter		Round Gable	Lower Granco Street		Dunning	[REDACTED]	PH2 0SQ	No
Interested Party	Andrews	Kirsty		SEND BY E-MAIL	Newton of Pitcairns		Dunning	[REDACTED]	PH2 0SL	No
Interested Party	Andrews	Patricia		SEND BY E-MAIL			Dunning	[REDACTED]	PH2 0SW	No
Interested Party	Armstrong	David And Angela		Glen Rossie House	Newton of Pitcairns		Dunning	[REDACTED]	PH2 0SL	No
Interested Party	Armstrong	Robert		Gryffe Craig	Gryffe Road		Kilmacolm	[REDACTED]	PA13 4BB	No
Interested Party	Ballantine	C		5 Ochil Gardens			Dunning	[REDACTED]	PH2 0SR	No
Interested Party	Barclay	D.M		Recycling Centre	Friarton Road		Perth	[REDACTED]	PH2 8DD	No
Interested Party	Barnes	Patricia		SEND BY E-MAIL	Upper Granco Street		Dunning	[REDACTED]	PH2 0RX	No
Interested Party	Beedham	Karen		8 Raithby Avenue	Keelby		Grimsby	[REDACTED]	DN41 8SG	No
Interested Party	Birkeland	Kjersti		Lower Park View	Granco		Dunning	[REDACTED]	PH2 0SH	No
Interested Party	Black	Robert		6 Maryfield Drive			Boness	[REDACTED]	EH51 9DG	No
Interested Party	Blackburn	Elizabeth		1 Balmanno Farm Cottages	Dron	Bridge of Earn	Perth	[REDACTED]	PH2 9HG	No
Interested Party	Bond	Louise		Auchlyne	Newton of Pitcairns		Dunning	[REDACTED]	PH2 0SL	No
Interested	Bowling	Tarni		71 Dinsmore			London	[REDACTED]	SW12	No

Party				Road					9PT	
Interested Party	Bowman Smith	Richard		26 Latch Burn Wynd			Dunning		PH2 0SP	No
Interested Party	Breen	Theo		113C Jeanfield Road			Perth		PH1 1LP	No
Interested Party	Broad	Stephen		Craigielea	Station Road		Dunning		PH2 0RH	No
Interested Party	Brown	Miss Morgan		Battleby Farm	Redgorton		Perth		PH1 3EN	No
Interested Party	C/o Peter Lodge		Dunning Community Council	SEND BY E-MAIL			.		.	No
Interested Party	Cadger	K		9 MacNeill Drive			East Kilbride		G74 4TR	No
Interested Party	Cairns	Margaret		An Cala	Newton of Pitcairns		Dunning		PH2 0SL	No
Interested Party	Campbell	Allan		11 Oakbank Crescent			Perth		PH1 1DD	No
Interested Party	campbell	catriona		Skymore House	Duncrub Park		Dunning		P2 0QR	No
Interested Party	Campbell	Euan		21 Clovis Duvau Drive			Dundee		DD2 5JA	No
Interested Party	Casey	Janet		High Hope Cottage	Muckhart Road		Dunning		PH2 0RL	No
Consultee	Caswell	Sean	SEPA	Strathearn House	Broxden Business Park	Lamberkine Drive	Perth		PH1 1RX	No
Interested Party	Clarke	Stephen		7 Gallowhill Wynd			Kinross		KY13 8RY	No
Interested Party	Coates	Audrey		20 Lauder Crescent			Perth		PH1 1SU	No
Interested	Conacher	Gary		Kippenhill	Dunning		Perth		PH2	No

Party									ORA	
Interested Party	Corbet Mann	Lori		Drumhead	Lower Granco Street		Dunning		PH2 0SQ	No
Interested Party	Cowan	Katharine		SEND BY E-MAIL			Dunning		PH2 0RF	No
Interested Party	Cowper	David		337 Blackness Road			Dundee		DD2 1SN	No
Interested Party	Crow	Hazel		Cottarsknowe	Newton of Pitcairns		Dunning		PH2 0SL	No
Interested Party	Currie	Tracey		Ysgubor	Bridge of Earn Road		Dunning		PH2 0RU	No
Interested Party	Dickson	Johnny		Kincladie	Welhill Steadings		Dunning		PH2 0QG	No
Interested Party	Dorsett	Carol		SEND BY E-MAIL			Dunning		PH2 0SP	No
Interested Party	Drysdale	Robert		4 Elm Row			Glenfarg		PH2 9PQ	No
Interested Party	Dumbar			Rozzele	6 The Glebe		Dunning		PH2 0RF	No
Interested Party	Duthie	Colin		West Huntingtower			Perth		PH1 3NR	No
Interested Party	Elwine	Michael	Astead Plant Hire Co Ltd	Astead Plant Hire Co Ltd	Friarton Bridge Park		Perth		PH2 8DD	No
Interested Party	Findlay	Craig		Ochil Cottage	Newton of Pitcairns		Dunning		PH2 0SL	No
Interested Party	foreman	iain		11 Sidey Place			Perth		PH1 2UF	No
Interested Party	Forrest	Paul		SEND BY E-MAIL	Newton of Pitcairns		Dunning		PH2 0SL	No
Interested Party	Fraser	Johnathon		Cottarknowe Cottage	Newton Of Pitcairns		Dunning		PH2 0SL	No
Interested	Fraser	Sandy		Moniak			Balmaha		G63 0JQ	No

Party										
Interested Party	Gaughan	Kimberley		2 Belton Grove			Grimsby		DN33 1EB	No
Interested Party	Gordon	Philip		Braehead	Newton of Pitcairns		Dunning		PH2 0SL	No
Interested Party	Gow	Natasha		22 Isla Road			Luncarty		PH1 3HN	No
Interested Party	Graham	Iain		Balgay Farm			Inchture		PH14 9QH	No
Interested Party	Greenhalgh	Keely		Boundary rd			Grmsby		Dn33 3bd	No
Interested Party	Griffths	David		SEND BY E-MAIL	Newton of Pitcairns		Dunning		PH2 0SL	No
Interested Party	Hales	Craig		Southend Cottage	Muckhart Road		Dunning		NW3 2AF	No
Interested Party	Hare	Andrew		Strathview Cottage	Newton Of Pitcairns		Dunning		PH2 0SL	No
Interested Party	Hare	Irene		Strathview Cottage	Newton Of Pitcairns		Dunning		PH2 0SL	No
Interested Party	Hart	Barry		10 Bailleul Grove			Hawick		TD9 9PP	No
Interested Party	Haston	Victoria		9 St Bean Court			Auchterarder		PH3 1QP	No
Interested Party	Hay	David		Earnpark	Easter Rhynd	Rhynd	Perth		PH2 8QE	No
Interested Party	Hewitt	Brian		Medwyn Park	Edinburgh Road		Carnwath		ML11 8HS	No
Interested Party	Holden	Kerri		4 Dunsinnan Road	Wolfhill		Perth		PH2 6TL	No
Interested Party	Hordern	Mark		Loaningside	Balfron		Glasgow		G63 0QF	No
Interested Party	Horner	Christine		Ochilburn	Quarry Road		Dunning		PH2 0SL	No

Interested Party	Horner	Robert And Christine		SEND BY E-MAIL	Quarry Road		Dunning		PH2 OSL	No
Interested Party	Howie	Angus		Manor Farm	Station Road	Meeth	Devon		EX20 3QB	No
Interested Party	Howie	Miss Lynne		Findony Farm			Dunning		PH2 0RA	No
Interested Party	Howie	W		Ochil Gardens			Dunning		PH2 0SR	No
Interested Party	Hughson	B J		SEND BY E-MAIL			Dunning		PH2 0SP	No
Interested Party	Hunter	Stephanie		181 Littlecoates Road			Grimsby		DN34 5TF	No
Interested Party	Ironside	Caron		Keltyburn House	5 Millhaugh Steadings		Dunning		PH2 0DW	No
Interested Party	Jenkins	Julie		23 Latch Burn Wynd			Dunning		PH2 0SP	No
Interested Party	Kane	D		Whitegleugh	Quarry Road		Dunning		PH2 0SL	No
Interested Party	Kane	J		Whitegleugh	Quarry Road		Dunning		PH2 0SL	No
Interested Party	Kenny	Kevin		4 Latch Burn Wynd			Dunning		PH2 0SP	No
Interested Party	Kyle	Margaret		The Cottage	Newton of Pitcairns		Dunning		PH2 0SL	No
Interested Party	Lafferty	Marjorie		Shuttle Cottage	Circus Street		Dunning		PH2 0RQ	No
Interested Party	Lafferty-Monro	Mrs Lisa		Oswald Villa	Station Road		Dunning		PH2 0RH	No
Interested Party	Leathley	Amy		1 Cairnbeddie Farm Cottages			St Martins		PH2 6AQ	No

Interested Party	Leeds	Leanda		31 Grenfell Close			Borehamwood		WD6 4RJ	No
Interested Party	Leslie	Jennifer		Newwiggie Cottage	Rhynd		Perth		PH2 8QG	No
Interested Party	Lodge	Anyta		Burnside	Newton Of Pitcairns		Dunning		PH2 0SL	No
Interested Party	Lynn	Steven		10 St Margaret's Crescent			Auchterarder		PH3 1LT	No
Interested Party	Mackay	Katharine		7 Colt Gardens			Auchterarder		PH3 1LP	No
Interested Party	Maclean	Scott		7 Milton Drive			Shepperton		TW17 0JJ	No
Interested Party	MacPherson S			1 Auchterarder Road			Dunning		PH2 0RJ	No
Interested Party	Marchbank	Graeme		22 Latch Burn Wynd			Dunning		PH2 0SP	No
Interested Party	Marshall	Simon		The Haining	Townhead	Muckhart Road	Dunning		PH2 0RW	No
Interested Party	Martin	Alun		4 Dunsinnan Road	Wolfhill		Perthshire		PH2 6TL	No
Interested Party	McCallum	Hazel		22 Cromar Gardens	Kingswells		Aberdeen		AB15 8TF	No
Interested Party	Mccallum	John		St Martins farm	Culbokie		Dingwall		IV7 8JT	No
Interested Party	McFarlane	Gilmour		1 Cairnbeddie Farm Cottages			St Martins		PH2 6AQ	No
Interested Party	McFarlane-Shand	Linzie And Graeme		Craigview	Newton of Pitcairns		Dunning		PH2 0SL	No
Interested	McInally	Martina		Unit 2	Clayton		Warrington		WA3	No

Party					Road				6PH	
Interested Party	McKenzie	Suz		Tighanna	Perth Road		Dunning		PH2 0RY	No
Interested Party	McLaren	Jim		Knox House	Coldwells Road		Crieff		PH7 4BB	No
Interested Party	McLeod	Mr Ian S.		Thorntree Square	Muckhart Road		Dunning		PH2 0QP	No
Interested Party	McVeigh	Thomas		Dragon House	Newton of Pitcairns		Dunning		PH2 0SL	No
Interested Party	Menzies	Ian		Gateside Of Invermay			Dunning		PH2 9BZ	No
Interested Party	Merchant	Debra		Hansel	West Tofts		Stanley		PH1 4GG	No
Interested Party	Merchant	Mrs N		Fairlea House	West Tofts		Stanley		PH1 4QQ	No
Interested Party	Miller	Lianne		Sawmill Cottage	Newton of Pitcairns		Dunning		PH2 0SL	No
Interested Party	Mills	Sean		Mills Contractors Limited	Newbigging Farm	Kinclaven	Perth		PH1 4QH	No
Interested Party	Mitchell	J Gordon		Sunnybrae House	Braehead Road		Letam		DD8 2PG	No
Interested Party	Mitchell	Mike		Maulesbank	55 Queen Street		Carnoustie		DD7 7BA	No
Interested Party	Morris	Elizabeth		Kippen Lodge			Dunning		PH2 0RA	No
Interested Party	Morrison	Kenny		45 Craigie View			Perth		PH2 0DP	No
Interested Party	Muirhead	Douglas		9 Moncrieff Way			Newburgh		ky14 6ef	No
Interested Party	Neil	Karen		1 Marshall Place			Luncarty		PH1 3UU	No
Interested Party	Neilson	Jennifer		66 Simpson Square			Perth		PH1 5BW	No

Interested Party	Newell	Catherine		Byres House	9 Rossie Steadings		Dunning		PH2 0GA	No
Interested Party	Nicol	Stuart		Primrose Cottage	Colliston Farm	Drunzie	Glenfarg		PH2 9PE	No
Interested Party	O'Rourke	James		Lower Flat	Thorntree House	Muckhart Road	Dunning		PH2 0RL	No
Interested Party	Oswald Villa Bed And Breakfast		Oswald Villa Bed And Breakfast	Oswald Villa	Station Road		Dunning		PH2 0RH	No
Interested Party	Paterson	Bruce		St Andrews Cottage	Station Road		Dunning		PH2 0RH	No
Interested Party	Paterson	Nick		Tron View			Dunning		PH2 0RG	No
Interested Party	Ramsay	Fiona		Pansy Cottage	Thimblorow		Dunning		PH2 0RT	No
Interested Party	Ramsay	Fiona		Sent by e-mail						No
Interested Party	Rattray	Gillian		57 David Douglas Av			Scone		PH2 6QQ	No
Interested Party	Rattray	Leanne		QTS Shop	Muckhart Road		Dunning		PH2 0RL	No
Interested Party	Robertson	Catherine		Viewfield	Gellyburn		Murthly		PH1 4HQ	No
Interested Party	Rodger	Kenneth		2 Monkscroft Farm Cottages	Tullibardine		Auchterarder		PH2 1JT	No
Interested Party	Schaller Mackay	Trudi		Ground Floor Flat	1 Well Road		Dunning		PH2 0SN	No
Interested Party	Scott	Chris		2 Gannochy Green			Perth		PH2 7JQ	No
Interested Party	Scott	Dorothy		46 1F1 Lochrin Buildings	Gilmore Place		Edinburgh		EH3 9ND	No

Interested Party	Shearer	Alan		6 North Rayne Cottages	Meikle Wartle		Inverurie	████████████████████	AB51 5BY	No
Interested Party	Shields	Nicola		Greenmyre	Ladybank Road		Dunshalt	████████████████████	KY14 7HG	No
Interested Party	Silverman	Pauline		The Milton			Auchterarder	████████████████████	PH3 1DP	No
Interested Party	Sinclair	Albert		Ashgrove	Quarry Road		Dunning	████████████████████	PH2 0SL	No
Interested Party	Slater	Judith		5 St Serf's Terrace	Perth Road		Dunning		PH2 0RZ	No
Interested Party	Smith	John		Cornerstones			Dunning	████████████████████	PH2 0RA	No
Interested Party	Smith	Lynn		2 Forthbank Place	Low Valleyfield		Dunfermline	████████████████████	KY12 8TQ	No
Interested Party	Smith	Steven		Harlaw	Lower Granco Street		Dunning	████████████████████	PH2 0SQ	No
Interested Party	Spencer	Trudi		Crawfordene	Newton Of Pitcairns		Dunning	████████████████████	PH2 0SL	No
Interested Party	Spencer	Victoria		Drumside			Dunning	████████████████████	PH2 0QG	No
Interested Party	Stark	Barry		Sunnyside	Newton of Pitcairns		Dunning	████████████████████	PH2 0SL	No
Interested Party	Taylor	Kevin		Buschweide			Bridge of Earn	████████████████████	PH2 9HA	No
Interested Party	Taylor	Mike		41 Clayton Road			Bridge of Earn	████████████████████	PH2 9AE	No
Interested Party	Thomson	Carol		SEND BY E-MAIL	Newton of Pitcairns		Dunning	████████████████████	PH2 0SL	No
Interested Party	Thomson	William		1 West Ardler Farm Cottage	Ardler		Blairgowrie	████████████████████	PH13 9EZ	No
Interested	Thow	John		32 Queen			Perth	████████████████████	PH2	No

Party				Street					0EH	
Interested Party	Tillman	Kim		Fairways	Rumbling Bridge Road		Muckhart		FK14 7JH	No
Interested Party	Todd	Malcolm		23 Clermiston Road North			Edinburgh		EH4 7BN	No
Interested Party	Tree	James		Fairways	Muckhart		Dollar		FK14 7JH	No
Interested Party	Tree	Ken		Fairways	Muckhart		Dollar		FK14 7JH	No
Interested Party	Verhees	Janette		8 Dunning Park			Dunning		PH2 0TA	No
Interested Party	Versteeg	Robin		Upper Flat	Thorntree House	Muckhart Road	Dunning		PH2 0RL	No
Interested Party	Vivers	Stuart		Parish Church Manse	Manse	Newton of Pitcairns	Dunning		PH2 0SL	No
Interested Party	Walker	Susette		B Road	Muckhart Road	Ashcliffe	Dunning		PH2 0RW	No
Interested Party	Wanless	Paulette		22 Ochil Gardens			Dunning		PH2 0SR	No
Interested Party	Warren	Simon		The Bakehouse	Muckhart Road		Dunning		PH2 0RL	No
Interested Party	Webster	Alan		Anchorage	Sauie Road		Crieff		PH7 4EL	No
Interested Party	Whitley	Nicky		Auchmague Cottage	Balbeggie		Perth		PH2 6AT	No
Interested Party	Willsher	Jim		Gracefield	Craigie	Clunie	Blairgowrie		PH10 6RG	No
Interested Party	Wilson	Helen		Glendale	Newton of Pitcairns		Dunning		PH2 0SL	No
Interested Party	Wither	Penny		South Crofts	High Street		Auchterarder		PH3 1BN	No
Interested	Wood	Sally		Ardsheil	Auchterarder		Dunning		PH2 0RJ	No

Party					Road					
Interested Party	Young	Colin		Meadowland	Newton of Pitcairns		Dunning	[REDACTED]	PH2 OSL	No
Interested Party	Zajda	Steven		Upper Flat	Willowbank	Perth Road	Dunning	[REDACTED]	PH2 ORY	No
Interested Party	Zak	P B		1 Carlile Place			Perth	[REDACTED]	PH1 5AR	No
Interested Party	Hare	Irene	Does not want further correspondence	Strathview Cottage			Dunning	[REDACTED]		No
Interested Party	Peebles	Bill And Janet		NO ADDRESS PROVIDED			Dunning		PH2 OSU	No
Interested Party	Potter	M		NO ADDRESS PROVIDED			Dunning		PH2 ORA	No

Brown C (Christine)

From: Stuart Buchanan <sbuchanan@cardrossam.co.uk>
Sent: 22 June 2017 12:32
To: Brown C (Christine)
Subject: PPA-340-2108 Comments Invited On Planning Authority Response
Attachments: PPA-340-2108_20170613_1329_1.docx; APPENDIX 1.docx; APPENDIX 2.docx; PPA-340-2108 COMMENTS ON LOCAL AUTHORITY RESPONSE 220617.docx

Christine

Thank you for your letter of 13 June 2017 (enclosed) with the planning authority's response to our appeal.

Please also see enclosed our comments in reply, I would be grateful if you would pass these to the Reporter.

Regards

Stuart Buchanan

-----Original Message-----

From: DPEA [<mailto:Christine.Brown@gov.scot>]
Sent: 13 June 2017 13:46
To: Stuart Buchanan
Subject: PPA-340-2108 Comments Invited On Planning Authority Response

Mr Buchanan

Please find attached a document related to the case: PPA-340-2108 - Erection Of 3 Agricultural Buildings And Workshop/Office/Staff Accommodation Building And Land Engineering (In Part Retrospect) Land 200 Metres South East Of A M Howie Yard, Yettes Road, Dunning

Regards,

Christine Brown

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Telephone: 01324 696459 Fax: 01324 696444
E-mail: Christine.Brown@gov.scot

Mr S Buchanan
Cardross Asset Management Ltd
8 Craigcrook Road
Edinburgh
EH4 3NQ

Our ref: PPA-340-2108
Planning Authority ref:15/02097/FLL

13 June 2017

Dear Mr Buchanan

**PLANNING PERMISSION APPEAL: MILLHOUSE YETTS ROAD DUNNING,
PERTH**

I am writing to let you know that we received the planning authority's response to your appeal and any supporting documents on 13 June 2017.

I trust you have also received a copy.

You now have 14 days from receipt of the planning authority's response to send the reporter any comments you wish to make in reply. Should you wish to respond your comments should be submitted by 27 June 2017. You can include any documents, materials or evidence that relate to the comments you wish to make. Please note though, that your comments should be limited to new matters the planning authority has raised.

If we do not hear from you within 14 days then we will assume you have nothing further to add to your case. Please note that in line with The Town and Country Planning (Appeals) (Scotland) Regulations 2013, comments received after this date might not be taken into consideration by the reporter.

I trust this information is clear. Please do not hesitate to contact me if you require any further information.

Yours sincerely

Christine Brown

CHRISTINE BROWN
Case Officer



Planning and Environmental Appeals Division



PPA-340-2108

COMMENTS ON LOCAL AUTHORITY RESPONSE

PLANNING PERMISSION APPEAL TO SCOTTISH MINISTERS

UNDER SECTION 47 OF TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

THE TOWN & COUNTRY PLANNING APPEALS SCOTLAND REGULATIONS 2008

APPEAL AGAINST REFUSAL OF PLANNING PERMISSION BY PERTH & KINROSS COUNCIL

FOR ERECTION OF 3 AGRICULTURAL BUILDINGS AND WORKSHOP / OFFICE / STAFF
ACCOMMODATION BUILDING AND LAND ENGINEERING (IN PART RETROSPECT)

BY PERTH & KINROSS COUNCIL

AT

LAND 200 METRES SOUTH EAST OF A M HOWIE YARD YETTS ROAD DUNNING

(APPLICATION NUMBER 15/02097/FLL)

BY CARDROSS ASSET MANAGEMENT LTD

ON BEHALF OF MR ROSS HOWIE

JUNE 2017

We do not agree the local authority's suggestion on page 2 paragraph 3 that "the existence of the farm south of the burn has no bearing on the compatibility of the proposal. Further, it is the proposed operations that must be assessed (particularly for noise and odour) and how they would affect neighbours, not what operations may exist or have existed previously".

It is well established that when determining planning applications, the authority are obliged to have regard to the "fall-back" position i.e. what the applicant can do without any fresh planning permission. We would refer the Council to the case of *R v Secretary of State for the Environment ex parte Ahern* (1998)(JPL 351) in which the court agreed with the applicant that in considering an existing use, the planning authority was required to have regard to (1) whether there is a fall back use, i.e. a lawful pre-existing use (2) whether there is a likelihood or real prospect of such a use occurring and (3) if the answer to the second question is "yes" a comparison must be made between the proposed development and the fall back use.

In this case, the "fall back" use is as agricultural land, including for cattle farming. This is a use to which the applicant site has been put to in the relatively recent past and there is a likelihood or real prospect of the land being used for this purpose.

In page 3 paragraph 3 the local authority states that "the committee were aided in their deliberations by the expertise of two of their members". This appears to be a clear acknowledgement by the local authority that the named councillors led hearsay evidence of their own at the planning committee proceedings which did not form part of either the application or supporting documentation nor the report or other documentation put forward by the local authority nor other consultees. The councillors mentioned are convenor Mr Tom Gray & Mr Murray Lyle.

This is highly irregular and could well have influenced the position of the other councillors in determination of this application.

Councillor Gray was recently found to have not contravened this Code by the Commissioner for Standards in Public Life on 2 June 2017 (LA/PK/1996) – see Appendix 1.

It was found as a statement of fact by the Commissioner that during a planning application where Councillor Gray was supportive of a planning application for a poultry farm he "referred to a poultry farm near his home which he claimed had no detrimental effect on his property."

The Daily Record reported that during the planning committee proceedings.

"Supporting the proposal, committee convener Tom Gray said the controversy was a "non-event". The Strathallan councillor added: "In 1993, suddenly a very similar chicken farm was built not 400 metres from where I stay. "You would not know it was there - I don't know it's there."-see Appendix 2.

Councillor Gray therefore appears in practice to apply his concerns on noise and odour in a selective manner when determining planning applications,

Further on page 5 there appears to be criticism advanced by the local authority that "the proposal has to be able to mitigate against fast changing farming practices over a wide range of agricultural activities". The proposed conditions explicitly cover mitigation.

On page 5 paragraph 4, when discussing the Prevention of Environmental Pollution from Agricultural Activity Code of Practice the local authority states that "it is submitted that there should be no doubt whatsoever that this Advice Note from the Scottish Government (Executive) is a material planning consideration as it relates to the use and development of land. There is a wealth of case law to support the relevance of this source as a material consideration, *Stringer v Minister for Housing and Local Government* 1971 ALLER 65". I have considered this case-law, which is clearly not a Scottish case nor deals with Scottish planning law.

We presume the extract which the local authority is wishing to found upon is “any consideration which related to the use and development of land is capable of being a planning decision”. However that same case critically then goes on to state “whether a particular consideration falling within that broad class is material in any given case will depend on the circumstances”.

The document in question was not published by the Scottish Government, it was published by The Scottish Executive in 2005, so is well over 10 years old. The document pre-dates the vast majority of Planning Policy relevant to the application, including the Statutory Development Plan, NPF 3 and the SPP.

The document refers to numerous pieces of legislation, yet there is no express reference to the Town & Country Planning (Scotland) Act 1997 or related legislation. When considering odour, it is clear that the document focusses on Statutory Nuisance, not Town & Country Planning.

The document does not form any part of the statutory Development Plan, nor does it form any part of the suite of National Planning Policy or Guidance, In our opinion it is simply not intended to be used as a planning document, and should not be a material consideration for the determination of planning applications in terms of Section 25 of the Town & Country Planning (Scotland) Act 1997.

Therefore, we would respectfully request that you consider that this document cannot be a “material planning consideration”. Yes it relates to use of land, but not for planning or development control.

Complaint Number: LA/PK/1996

Date case started: **03 Feb 2017**

Decision issued: **02 Jun 2017**

Allegation against: **Councillor Tom Gray**

Complaint Categories: **3.2, 7.1, 7.2, 7.3, 7.4, 7.12**

Nature of allegation

Breach of the provisions in the Councillors' Code of Conduct set out in section 3 (General Conduct) and 7 (Taking Decisions on Quasi Judicial or Regulatory Applications) of the Code.

Decision by Commissioner

Decision that Councillor Tom Gray had not contravened the Councillors' Code of Conduct.

Details

Complaint no. LA/PK/1996 concerning an alleged contravention of the Councillors' Code of Conduct by Councillor Tom Gray of Perth and Kinross Council

1. Complaint number LA/PK/1996 alleged a contravention of the Councillors' Code of Conduct ("the Code") by Councillor Tom Gray ("the respondent").
2. It was alleged that the respondent had contravened the Code, in particular, paragraph 3.2 dealing with general conduct and paragraphs 7.1 to 7.4 and 7.12 dealing with quasi - judicial or regulatory applications.
3. The persons complaining ("the complainers"), alleged that, when chairing a meeting of the Council's Development Management Committee, he had spoken in an aggressive manner describing the proceedings as a waste of time and a non-event. He was alleged to have demonstrated bias in favour of a proposed development and in having an interest should have withdrawn from the meeting and taken no part in the determination of the application.
4. At the conclusion of the hearing, the respondent moved approval of the application and made reference to 'a waste of time and a non-event'. This was considered by the complainers to be disrespectful in terms of paragraph 3.2 of the Code. They also considered that the actions and statement of the respondent indicated bias in favour of the applicant, which is contrary to paragraphs 7.1 to 7.4 of the Code. Finally, the complainers considered that the respondent had an interest in the application which, in terms of paragraph 7.12, should have required his withdrawal from the meeting, which he did not do.
5. I had to consider whether the actions and statements made by the respondent amounted to a breach of the Code.
6. The first allegation was that the respondent showed disrespect towards the objectors to the planning application.
7. In this regard I made the following findings of fact:
 - The respondent chaired the hearing at which objectors and the applicant's representative addressed the members of the committee.
 - Questions were asked by most members of the committee, including the respondent. The applicant's representative was asked considerably more questions than those representing the objectors.
 - At the conclusion of the hearing, the respondent moved approval of the application. This motion was seconded by Councillor Giacomazzi.

- The respondent, at this point, referred to a poultry farm near his home which he claimed had no detrimental effect on his property.

- The respondent admitted that he had used the words 'waste of time' and 'a non-event' when summing up after moving the motion to approve the application.

8. Paragraph 3.2 of the Code requires councillors to show respect towards colleagues, council employees and members of the public attending a meeting. In this case the allegation was that the respondent's reference to the hearing as a waste of time and a non-event was disrespectful towards those present, particularly the members of the public who were presenting objections to the proposed development.

9. The respondent denied that he made an aggressive outburst. He did not consider the application out of the ordinary. He considered that he had acted in a reasonable way given the number of parties who had addressed the committee that day.

10. The crux of the complaint was the allegedly aggressive outburst, 'this is a waste of time and a non-event'. In my view such words were not offensive, nor were they directed at any particular person attending the meeting. The officers who were interviewed all stated that in their view the comments from the respondent were not exceptional and that the respondent did have a tendency to be quite vocal when addressing the committee. According to the committee legal adviser, on this occasion he was a bit more animated, although he considered the respondent's actions to be passionate rather than aggressive.

11. I recognised that there appeared to have been an element of frustration in the manner in which the respondent behaved. I was satisfied, however, that when making his remarks the respondent was addressing the meeting as the proposer of the motion to approve the application. He was not directing criticism to any particular individual.

12. In addition, the respondent was alleged to have raised the issue of a poultry farm near his property, after the main part of the debate, at a point when the complainers considered no-one could challenge his remarks. It would have been possible for a challenge to the respondent's remarks to have been made when other councillors were tabling and speaking to the amendment. No such challenge was made. The Interim Head of Planning confirmed the respondent's practice was often to add an explanation of why members should support the motion he was tabling

13. I considered all the evidence presented and the statements from witnesses interviewed. While there was no doubt as to what the respondent said, there were contrary views as to whether what he had said and the manner of how he had said it could be regarded as disrespect. On the balance of probabilities, I accept there was no intention on the part of the respondent to be disrespectful towards anyone. He had been the convener of the committee for five years and was experienced in handling hearings. The complainers accepted at interview that they and the other objectors had had an opportunity to make submissions to the Committee

14. I therefore concluded that, in all the circumstances, the behaviour of the respondent did not amount to a breach of paragraph 3.2 of the Code.

15. The complainers also alleged that the complainer breached the terms of paragraphs 7.1 to 7.4 of the Code. Section 7 deals with quasi judicial and regulatory applications. The work of the council's Development Management Committee when determining planning applications falls within the scope of this part of the Code.

16. Paragraph 7.1 provides an introduction of the scope of this part of the Code, while paragraph 7.2 of the Code requires councillors, when considering applications such as that before the committee on 16 November, to take account of different points of view. Paragraph 7.3 similarly requires councillors to ensure that parties are dealt with fairly and are seen to act fairly in such matters. Finally, paragraph 7.4 requires councillors to avoid any impropriety or the suspicion of impropriety which might lead to a legal challenge.

17. In this regard I made the following findings of fact:

- The evidence taken at interview from the committee clerk's notes and the statements made by the Interim Head of Planning, the legal adviser and the committee clerk did not identify any examples of bias or pre-determination.

- The respondent played a small part in the questioning of those who spoke at the hearing.

- The respondent listened to the submissions made by the objectors and by the applicant's representative and asked questions .

· All those who wished to contribute to the hearing had been given an opportunity to do so.

18. In terms of paragraph 7.2 of the Code, the respondent's duty was to take account of different points of view. The Code does not require the respondent to accept the views expressed, merely to take account of them when finally arriving at a decision. The hearing lasted two hours and there were contributions from almost all councillors present. Accordingly, I concluded that the respondent had not breached paragraph 7.2 of the Code.

19. To constitute a breach of paragraph 7.3, there must be evidence that the respondent showed bias or pre-determination in his actions. His motion to approve the application was supported by his statement to the committee that, in comparing this proposed poultry farm to one near his own property, there were no issues. His statement at interview went further in that he did not consider the application was extraordinary. The respondent's motion to approve the application was the first recorded point at which he had expressed a view either way on this application. To establish bias or pre-determination there must be evidence of a councillor having adopted a position for or against an application prior to all the relevant information being presented. In this case there is no evidence of such behaviour by the respondent. Accordingly, I did not consider that the respondent's actions amounted to bias or pre-determination and therefore I concluded that his actions did not amount to a breach of paragraph 7.3 of the Code.

20. The terms of paragraph 7.4 are limited to circumstances where decisions might be legally challenged. The decision to approve the application was taken in accordance with the Council's standing orders and a majority of councillors voted in favour of approving the application. There was no evidence that any action taken by the respondent could have been regarded as improper and therefore constituted the basis of a legal challenge to that decision. In the circumstances, I concluded that the respondent had not breached paragraph 7.4 of the Code.

21. Finally, the complainers alleged that the respondent had breached paragraph 7.12 of the Code. This part of the Code deals with councillors who have either a financial or non-financial interest in a matter which is before them for determination. In cases where an interest is evident the councillors should declare such interest and withdraw from the meeting

22. In this case, it was alleged that the respondent had a personal agenda. Neither of the complainers who were interviewed could provide any evidence of an interest which would have required the respondent to declare it and withdraw. As there was no evidence of the respondent having had a declarable interest, I concluded that there had been no breach of paragraph 7.12 of the Code

23. Having considered the information that arose from my investigation, I concluded that, Councillor Tom Gray had not contravened the Councillors' Code of Conduct.

Bill Thomson

Commissioner

Thistle House

91 Haymarket Terrace

Edinburgh

EH12 5HE

2 June 2017

DAILY RECORD REPORT 19/11/16

Controversial chicken farm approved for Bankfoot despite strong local opposition

German firm Lohmann Tierzucht are leading the £6m project which community leaders say they were not properly consulted on

BY CRAIG ANGUS

• 09:00, 19 NOV 2016

A major application for a new £6m chicken breeding farm near Bankfoot was approved this week despite strong opposition from local residents.

Members of Perth and Kinross Council's development management committee were told that the project, led by German firm Lohmann Tierzucht, would boost the local economy and create jobs.

However, a series of local community leaders, councillors and health professionals all expressed concern about various aspects of the plans.

After two hours of questioning and debate, the plans were passed by seven votes to five.

The 4.5 hectare farm, located within Tullybelton Wood, will comprise three poultry production houses, associated buildings totalling 7510 square metres and infrastructure to accommodate up to 43,500 pedigree laying birds.

Locals turned up in great numbers to oppose the proposal, saying they had not been properly consulted.

Ian Massie, owner of Tullybelton Estate, said he only heard about the plans "by accident" four weeks ago.

He told the committee: "The lack of objections does not mean local support, in fact, quite the opposite.

"The knowledge and understanding of this part of Perthshire is with the landowners and people who stay there.

"There has been no local input into this process today.

"This is a major development and it will only have a detrimental impact. We face potentially a future of continuous noise, light, emissions versus our status quo at the moment - which is a haven of wildlife and protected species."

He was joined in giving a deposition by Sir David Carter, a retired medical professional who served as surgeon to the Queen, and often advised the government on public health issues.

He said: “My principal concern about this development is the danger to people living as close as 400 metres to the development - not the 5km suggested in the planning application.

“The specific concern is the threat of developing an inflammatory lung condition caused by exposure to antigen- containing dust.

“I’m well aware that one individual who lives 600 metres from this development has already had to give up her own domestic hens because of debilitating illness.”

He warned that exposure to the dust could cause potentially fatal respiratory disabilities.

He concluded: “My concern is allergic alveolitis is not a trivial condition.”

Strathtay councillor Grant Laing also spoke on behalf of the community.

He said: “Maps and slides and diagrams do not give you adequate sense of the site, its situation or the surroundings.

“I do not think an industrial farming operation development fits with paragraph 21 of the Local Development Plan policy PM1A which states ‘development must contribute positively to the quality of the surrounding environment and the design’, and that ‘density and siting of the development should respect the character and amenity of the place’.”

Perthshire North MSP John Swinney wrote to the council’s head of planning Nick Brian expressing his concern that residents had not been notified, suggesting that while the process had been followed to the letter of the law, the spirit of the law had not been respected.

He wrote that the lack of dialogue with his constituents had been “due to the fact that the adjoining land within the scope of the neighbour notification is all owned by those on whose land the proposed development will take place.”

He continued: “It appears that this approach may satisfy the letter of the planning process, but I do not believe it satisfies the spirit of the process.

“In light of the significant issues in relation to the consultation process, I believe there is a strong case for this application to be deferred.”

Mr Brian responded by telling the committee: “We are satisfied that the appropriate notification process has been undertaken.”

Speaking for Bidwells, the agent for the applicant, Andrew Wood said his clients had considered several sites across Scotland, and that very few met the criteria for the development.

Regarding the emission of unsavoury odours, he added that a key issue was the manure drying process, and said that technological advances rendered any comparisons to existing farms invalid.

Supporting the proposal, committee convener Tom Gray said the controversy was a “non-event”.

The Strathallan councillor added: “In 1993, suddenly a very similar chicken farm was built not 400 metres from where I stay.

“You would not know it was there - I don’t know it’s there.”

After two hours and countless depositions the plans were approved.

It was one of the most hotly debated proposals in recent times, and the narrow win for the applicants left objectors frustrated and dejected at the result.

ERECTION OF 3 AGRICULTURAL BUILDINGS AND WORKSHOP/OFFICE/STAFF ACCOMMODATION BUILDING AND LAND ENGINEERING (IN PART RETROSPECT) LAND 200 METRES SOUTH EAST OF A M HOWIE YARD, YETTES ROAD, DUNNING at MILLHOUSE YETTS ROAD DUNNING, PERTH

Our ref: PPA-340-2108

Planning Authority ref:15/02097/FLL

LETTER OF APPOINTMENT

Mr Don Rankin DipTCP MRTPI you are appointed to determine this case, or to report to the Scottish Ministers, in accordance with the provisions of the Town and Country Planning Act 1997; the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997; and the Planning (Hazardous Substances) (Scotland) Act 1997; and Regulations made under those statutes (or having the same effect). You are not being engaged as an employee and your appointment does not attract any statutory protection available to employees.

The completed decision letter or report to the Scottish Ministers should be submitted to the Head of Performance and Administration, in final form and ready for issue by 12 August 2017 to allow the target date of 15 August 2017 to be met. Any other date must be agreed with them. You will be paid for your work on the case according to the published schedule of fees. You will also be reimbursed for appropriate travel and subsistence expenses providing these are supported by receipts as necessary. The Schedule which forms part of this letter of appointment details terms and conditions relevant to your appointment and should be read prior to accepting this appointment

This appointment is subject to any recall of jurisdiction under the provisions of paragraph 3 of Schedule 4 of the Town and Country Planning (Scotland) Act 1997 or the appointment of another person to determine the appeal. In either case you will be notified.

Please indicate your acceptance (or otherwise) of this appointment by completing the relevant section below. Both copies of this letter should be completed. Please add one copy to the file and return the second to me with the relevant fee claim. If you are not able to accept this appointment, it would be helpful to us if you could explain why.

David Henderson

David Henderson
Head of Performance and Administration

I accept this appointment – *Yes

I am registered for VAT – No

I will be charging VAT on my fees in respect of this case – No

Signed



Date: 18 June 2017

Brown C (Christine)

From: [REDACTED]
Sent: 05 July 2017 14:37
To: Brown C (Christine)
Subject: Re: PPA-340-2108 Notification Of Site Visit

Dear Sir/ Madam

I have already emailed to say it will no longer affect us as we are moving out of the area and would be grateful if you would make a note of same.

Yours sincerely
Irene Hare

Sent from my Hudl

DPEA <Christine.Brown@gov.scot> wrote:

>Sir/Madam
>
>Please find attached a document related to the case: PPA-340-2108 - Erection Of 3 Agricultural Buildings And Workshop/Office/Staff Accommodation Building And Land Engineering (In Part Retrospect) Land 200 Metres South East Of A M Howie Yard, Yettes Road, Dunning
>
>Regards,
>
>Christine Brown

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Brown C (Christine)

From: Brown C (Christine)
Sent: 10 July 2017 07:59
To: 'John Thow'
Subject: RE: PPA-340-2108 Notification Of Site Visit

Dear Mr Thow

I will remove your name from our database.

Regards

Christine

-----Original Message-----

From: John Thow [mailto: [REDACTED]]
Sent: 07 July 2017 19:32
To: Brown C (Christine)
Subject: Re: PPA-340-2108 Notification Of Site Visit

Christine

I wish to take my name of the interested party list on this matter. I hope this meets with your approval. Many thanks John Thow

Sent from my iPhone

> On 5 Jul 2017, at 10:45, DPEA <Christine.Brown@gov.scot> wrote:
>
> Dr
>
> Please find attached a document related to the case: PPA-340-2108 - Erection Of 3 Agricultural Buildings And Workshop/Office/Staff Accommodation Building And Land Engineering (In Part Retrospect) Land 200 Metres South East Of A M Howie Yard, Yettes Road, Dunning
>
> Regards,
>
> Christine Brown
> <PPA-340-2108_20170705_1019_27.docx>

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From: [REDACTED]
To: [Brown C. \(Christine\)](#)
Subject: RE: PPA-340-2108 - TARGET DATE
Date: 02 August 2017 12:23:12
Attachments: [image001.jpg](#)
[image002.jpg](#)

Christine,
Target will be met. Should be in the CMS by Friday at latest.
Don

Don Rankin

From: Christine.Brown@gov.scot [mailto:Christine.Brown@gov.scot]
Sent: 01 August 2017 09:05
To: [REDACTED]
Subject: PPA-340-2108 - TARGET DATE

Hi Don

I have received an alert that the target is approaching for the above appeal (15 August)

Can you advise if you will meet the target date or will I issue the letters advising the target date will be missed.

Regards

Christine Brown
Scottish Government
Planning And Environmental Appeals Division
4 The Courtyard
Callendar Business Park
Falkirk
FK1 1XR
Tele: 01324 696459
Fax: 01324 696444
Christine.brown@gov.scot
www.scotland.gov.uk/Topics/Planning/Appeals

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Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadaichte a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo le gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh, leig fios chun neach a sgaoil am post-d gun dàil.

Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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Brown C (Christine)

From: [REDACTED]
To: [REDACTED]
Sent: 15 August 2017 08:46
Subject: Undeliverable: PPA-340-2108 Appeal DecisionAppeal allowed/allowed in part

Delivery has failed to these recipients or groups:

[REDACTED]
This message was rejected by the recipient e-mail system. Please check the recipient's e-mail address and try resending this message, or contact the recipient directly.

Diagnostic information for administrators:

Generating server: MM1P12301MB1468.GBRP123.PROD.OUTLOOK.COM

[REDACTED].ADR.RecipientNotFound; Recipient not found by SMTP address lookup>
#SMTP#

Original message headers:

Received: from MMXP12301CA0002.GBRP123.PROD.OUTLOOK.COM (10.166.234.137) by MM1P12301MB1468.GBRP123.PROD.OUTLOOK.COM (10.166.220.144) with Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_CBC_SHA384_P256) id 15.1.1341.21; Tue, 15 Aug 2017 07:45:39 +0000

Received: from LO2GBR01FT018.eop-gbr01.prod.protection.outlook.com (2a01:111:f400:7e15::207) by MMXP12301CA0002.outlook.office365.com (2603:10a6:a00:14::9) with Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_CBC_SHA384_P256) id 15.1.1341.21 via Frontend Transport; Tue, 15 Aug 2017 07:45:39 +0000

Authentication-Results: spf=none (sender IP is 80.4.144.211)
smtp.mailfrom=gov.scot; shorelaminates.com; dkim=none (message not signed)
header.d=none;shorelaminates.com; dmarc=none action=none
header.from=gov.scot;

Received-SPF: None (protection.outlook.com: gov.scot does not designate permitted sender hosts)

Received: from sedsh08.sedsh.gov.uk (80.4.144.211) by LO2GBR01FT018.mail.protection.outlook.com (10.152.42.104) with Microsoft SMTP Server id 15.1.1304.16 via Frontend Transport; Tue, 15 Aug 2017 07:45:39 +0000

Received: from sedsh134a (sedsh134a.sedsh.gov.uk) by S0414a.scotland.gov.uk (Clearswift SMTPRS 5.5.0) with ESMTP id <Tcaf17a9d84c0a8183bc24@S0414a.scotland.gov.uk>; Tue, 15 Aug 2017 08:45:38 +0100

Message-ID: <Tcaf17a9d84c0a8183bc24@S0414a.scotland.gov.uk>

Sensitivity: Normal
Importance: Normal
MIME-Version: 1.0

From: DPEA <Christine.Brown@gov.scot>
To: [REDACTED]
Reply-To: <Christine.Brown@gov.scot>
Date: Tue, 15 Aug 2017 08:45:37 +0100
Subject: PPA-340-2108 Appeal DecisionAppeal allowed/allowed in part
Content-Type: multipart/mixed;
boundary="--boundary_23_e3a94078-47e7-4eeb-872e-1cfbeab268e1"
Return-Path: Christine.Brown@gov.scot
X-EOPAttributedMessage: 0
X-EOPTenantAttributedMessage: c013812e-ee42-44a7-9059-dd13fc2400ac:0
X-Forefront-Antispam-Report: CIP:80.4.144.211;IPV:NLI;CTRY:GB;EFV:NLI;
X-Microsoft-Exchange-Diagnostics:
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Brown C (Christine)

From: [REDACTED]
To: [REDACTED]
Sent: 15 August 2017 09:02
Subject: Undeliverable: PPA-340-2108 Appeal DecisionAppeal allowed/allowed in part

Delivery has failed to these recipients or groups:

[REDACTED]
A communication failure occurred during the delivery of this message. Please to resend the message later. If the problem continues, contact your helpdesk.

The following organisation rejected your message: simonhowie-co-uk.mail.protection.outlook.com.

Diagnostic information for administrators:

Generating server: S0414a.scotland.gov.uk

[REDACTED]
simonhowie-co-uk.mail.protection.outlook.com #<simonhowie-co-uk.mail.protection.outlook.com #5.4.1 smtp; 550 5.4.1 [lynne@simonhowie.co.uk]: Recipient address rejected: Access denied [HE1EUR01FT040.eop-EUR01.prod.protection.outlook.com]> #SMTP#

Original message headers:

Received: from sedsh134a (sedsh134a.sedsh.gov.uk) by S0414a.scotland.gov.uk
(Clearswift SMTPRS 5.5.0) with ESMTP id
<Tcaf17aa528c0a8183bc24@S0414a.scotland.gov.uk>; Tue, 15 Aug 2017
08:45:40 +0100
Message-ID: <Tcaf17aa528c0a8183bc24@S0414a.scotland.gov.uk>
Sensitivity: Normal
Importance: Normal
MIME-Version: 1.0
From: DPEA <Christine.Brown@gov.scot>
To: [REDACTED]
Reply-To: Christine.Brown@gov.scot
Date: Tue, 15 Aug 2017 08:45:39 +0100
Subject: PPA-340-2108 Appeal DecisionAppeal allowed/allowed in part
Content-Type: text/plain

Brown C (Christine)

From: postmaster@sedsh.gov.uk
To: [REDACTED]
Sent: 15 August 2017 09:06
Subject: Undeliverable: PPA-340-2108 Appeal DecisionAppeal allowed/allowed in part

Delivery has failed to these recipients or groups:

[REDACTED]
A communication failure occurred during the delivery of this message. Please to resend the message later. If the problem continues, contact your helpdesk.

The following organisation rejected your message: calport-co-uk.mail.protection.outlook.com.

Diagnostic information for administrators:

Generating server: S0414a.scotland.gov.uk

[REDACTED]
calport-co-uk.mail.protection.outlook.com # <calport-co-uk.mail.protection.outlook.com #5.4.1 smtp; 550 5.4.1 [simon@calport.co.uk]: Recipient address rejected: Access denied [DB5EUR03FT048.eop-EUR03.prod.protection.outlook.com]> #SMTP#

Original message headers:

Received: from sedsh134a (sedsh134a.sedsh.gov.uk) by S0414a.scotland.gov.uk
(Clearswift SMTPRS 5.5.0) with ESMTP id
<Tcaf17ac3cec0a8183bc24@S0414a.scotland.gov.uk>; Tue, 15 Aug 2017
08:45:48 +0100
Message-ID: <Tcaf17ac3cec0a8183bc24@S0414a.scotland.gov.uk>
Sensitivity: Normal
Importance: Normal
MIME-Version: 1.0
From: DPEA <Christine.Brown@gov.scot>
To: [REDACTED]
Reply-To: Christine.Brown@gov.scot
Date: Tue, 15 Aug 2017 08:45:47 +0100
Subject: PPA-340-2108 Appeal DecisionAppeal allowed/allowed in part
Content-Type: text/plain

Ross K (Kelly)

From: Johnstone C (Carroll) <Carroll.Johnstone@parliament.scot>
Sent: 24 August 2017 16:44
To: Ross K (Kelly)
Subject: PPA-340-2108

Follow Up Flag: Follow up
Due By: 28 August 2017 06:00
Flag Status: Flagged

Categories: Action

Dear Ms Ross,

Mrs Angela Armstrong, Glenrossie House, Dunning, PH2 0SL

Following on from our telephone conversation, Roseanna Cunningham MSP has been contacted by her above-named constituent regarding Mr Rankin's Appeal Decision, 15 August, 2017.

The main objection Mrs Armstrong brought to my attention was in paragraph 4, pertaining to the government's advisory 400m spacing between intensive agricultural buildings and residential areas, identified in PEPFFA, which is substantially greater than the 45m which Mrs Armstrong's home is from the proposed development. She feels that the conditions in place to mitigate noise, odours, light and traffic concerns, are not conducive to the massive discrepancy between the 400m guideline and 45m.

Mrs Armstrong has a surgery appointment on Wednesday 30 August with Ms Cunningham, to discuss her concerns about the Appeal Decision.

I would appreciate Mr Rankin's comments on this matter.

Regards,

Carroll Johnstone

Caseworker

Office of Roseanna Cunningham MSP

Member of the Scottish Parliament for Perthshire South & Kinross-shire

Mail: 63 Glasgow Road, Perth, PH2 0PE

Phone: (01738) 620540

Email: carroll.johnstone@parliament.scot

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Archibald B (Brian)

From: Gallagher M (Marissa) on behalf of Minister for Local Government and Housing
Sent: 16 August 2017 12:06
To: McComiskie M (Mandy); Minister for Local Government and Housing
Cc: Cabinet Secretary for Communities, Social Security and Equalities; DG Constitution and External Affairs; Campbell J (Jeanette); Cackette PH (Paul); [REDACTED]; [REDACTED]; Henderson D (David) (DPEA); McNairney J (John); Wood HB (Helen); Simpson F (Fiona); Sinclair MA (Murray); Communications CSSE
Subject: RE: Briefing : Millhouse, Yetts Road, Dunning, Perth, PH2 0QZ

Mandy

Mr Stewart noted this information, thanks.

Marissa

Marissa Gallagher

Private Secretary to Kevin Stewart, Minister for Local Government and Housing

0131 244 4425

07917 588461

From: McComiskie M (Mandy)
Sent: 11 August 2017 13:06
To: Minister for Local Government and Housing
Cc: Cabinet Secretary for Communities, Social Security and Equalities; DG Constitution and External Affairs; Campbell J (Jeanette); Cackette PH (Paul); [REDACTED]; Henderson D (David) (DPEA); McNairney J (John); Wood HB (Helen); Simpson F (Fiona); Sinclair MA (Murray); Communications CSSE
Subject: Briefing : Millhouse, Yetts Road, Dunning, Perth, PH2 0QZ

Minister for Local Government and Housing

Copy to

Cabinet Secretary for Communities, Social Security and Equalities
DG Constitution and External Affairs
Jeanette Campbell, Special Advisor
Paul Cackette, Chief Reporter

[REDACTED]
[REDACTED]
David Henderson, Head of Performance and Administration
John McNairney, Chief Planner
Helen Wood, Assistant Chief Planner
Fiona Simpson, Assistant Chief Planner
Murray Sinclair, Solicitor to the Scottish Government
Communications CSSE

Briefing on forthcoming Planning Appeal

Proposal: : Erection of 3 agricultural buildings and workshop/office/staff accommodation building and land engineering operations (in part retrospect)

Site address : Millhouse, Yetts Road, Dunning, Perth, PH2 0QZ

Outcome: Appeal Allowed (Planning Permission granted)

A reporter from the Planning and Environmental Appeals Division has made a decision in the above appeal, which will be issued on Tuesday 15 August 2017, granting planning permission for the above proposal.

This note is part of the agreement reached about prior notification of potentially contentious appeal decisions and I would remind recipients that until the notice is issued on 15 August the information contained within the notice and in this e-mail remain confidential.

The appeal was submitted to Scottish Ministers on behalf of Ross Howie against the decision by Perth and Kinross Council to refuse planning permission.

The reporter appointed to determine the appeal did so on the basis of written submissions made by all parties and a visit to the site.

Having regard to the provisions of the development plan the main issues in this appeal were:

- (1) the impact of the proposal on the amenity of local residents;
- (2) whether the proposal would contribute positively to the quality of the surrounding built and natural environment and respect the character or amenity of the area; and
- (3) whether other material considerations warrant the grant or refusal of planning permission.

The reporter noted that a noise impact assessment (NIA) concluded that noise could be contained to within relevant limits envisaged in Planning Advice Note 1/2011: *Planning and Noise* (PAN 1/2011) in terms of level, frequency emitted and duration. Whilst he acknowledged that the council committee considered that much of the noise generated would not be sufficiently containable by planning conditions to prevent an unacceptable loss of amenity to nearby residents, the reporter saw no convincing evidence that excessive noise will be generated and considered compliance with conditions would be enforceable.

In terms of odour management, the reporter noted that the odour management plan, proposed by the appellant and agreed by the council's planners and environmental health officers, sets out a comprehensive and detailed set of requirements in relation to storage of waste, movement of materials and hours of operation. Despite the proximity of residential property, he considered that the proposal would, with regard to odour emissions, and subject to the management plan, not be injurious to amenity. Whilst the reporter noted the many submissions expressing concern over the potential for effluent spills into the Dunning Burn he saw no reason to doubt the Scottish Environment Protection Agency (SEPA) conclusion that the proposal, with a condition to deal with problems arising from unauthorised earthworks affecting the Marcassie Burn, was acceptable in respect of both effluent handling and flood prevention

The reporter concurred with the council's conclusion that any impact from additional vehicle generation to be insufficient reason for refusing permission, and, given the proposed buildings would be screened from the closest residential properties by the woodland surrounding the Dunning Burn, he did not consider the proposal to be detrimental to the visual amenity of the

area. The buildings would be in open country sufficiently far from the Dunning Conservation Area to avoid any detrimental impact on the character or appearance of that conservation area.

The reporter has therefore concluded that the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would still justify refusing to grant planning permission.

There were a total of 163 letters of representation in respect of this proposal.

Mandy McComiskie

Mandy McComiskie | Section Manager | Planning and Environmental Appeals Division | 4 The Courtyard | Callendar Business Park | Falkirk | FK1 1XR | T: 01324 696 487 | F: 01324 696 444 Website: WWW.dpea.scotland.gov.uk

<< OLE Object: Picture (Device Independent Bitmap) >>

Ross K (Kelly)

From: Ross K (Kelly)
Sent: 28 August 2017 11:50
To: 'Carroll.Johnstone@parliament.scot'
Subject: RE: PPA-340-2108

Dear Ms Johnstone

PLANNING PERMISSION APPEAL: MILLHOUSE YETTS ROAD DUNNING, PERTH

Thank you for your e-mail of 24 August 2017 about the appeal against the erection of 3 agricultural buildings and workshop/office/staff accommodation building and land engineering (in part retrospect) land 200 metres South East of A M Howie Yard at Millhouse Yetts Road, Dunning, Perth .

While I acknowledge [REDACTED] objection to the reporter's decision, planning law states that the decision is final and so neither the reporter nor Scottish Ministers have any power to change it. This means that I am unable to make any further comment on the planning merits of this appeal. For the same reason, the reporter also cannot respond directly to [REDACTED] on the matters she raises.

Please be assured though that the reporter made the decision after carefully balancing all the arguments relevant to this case, taking account of all the information provided by the parties involved and an inspection of the site on 10 July 2017.

It may help to explain that each appeal is considered solely on the merits and facts as they relate to the proposal. The reporter is required to consider the appeal before him in accordance with the development plan for that area unless material considerations indicate otherwise. Those material considerations cover a wide range including Scottish Planning Policy, National Planning Framework, a proposed strategic or local development plan as well as community plans, the environmental impact of the proposal as well as legitimate public concern or support expressed on relevant planning matters.

Although, I cannot discuss the specific planning merits of this appeal, I can offer a response to [REDACTED] concern regarding the advisory 400m spacing between the intensive agricultural building and residential areas. As can be seen from the decision letter, the reporter was aware of the standard referred to and had regard to it but made clear that it is not a planning standard and does not form part of Scottish Planning Policy. Notwithstanding that, as the Council had, he treated it as a material planning consideration in his decision.

He gave detailed consideration to the needs for protections and adequate safeguards with regards to noise, smell and hours of operation. This included expert evidence submitted by the Scottish Environment Protection Agency, the Council's Environmental Health Service, backed by their own independent consultant's research and the recommendations of the council's own planning service which came to the conclusion that the proposal was acceptable, subject to a stringent set of conditions. There was no convincing evidence placed before him to counter the conclusions of the expert submissions made. Despite the wording of the advisory document (to which it is clear from the decision letter that due regard was had), you will understand that the reporter requires to make a decision based on an assessment of the evidence before him.

I hope this is helpful. [REDACTED] should be aware that individuals unhappy with the decision made by the reporter may have the right to appeal to the Court of Session, Parliament House, Parliament Square, Edinburgh, EH1 1RQ. An appeal **must** be made within six weeks of the date of the appeal decision. Please note, though, that an appeal to the Court of Session can only be made on a point of law and it may be useful to seek professional advice before taking this course of action. For more information on challenging decisions made by DPEA please see <http://www.gov.scot/Topics/Built-Environment/planning/Appeals/ourperformance/commentsandcomplaints>.

Finally, if [REDACTED] is dissatisfied with the administration service provided by this office during the appeal process and wishes to discuss this further, then please advise her to contact David Henderson, the Head of Performance and Administration, Planning & Environmental Appeals, 4 The Courtyard, Callendar Business Park, Falkirk, FK1 1XR or email david.henderson3@scotland.gsi.gov.uk.

Yours sincerely

Kelly Ross

Kelly Ross
Casework Section Leader
The Scottish Government
Planning and Environmental Appeals Divison
4 The Courtyard
Callendar Business Park
Falkirk
FK1 1XR
Tel: 01324 696 483
Fax: 01324 696 444

From: Johnstone C (Carroll) [<mailto:Carroll.Johnstone@parliament.scot>]
Sent: 24 August 2017 16:44
To: Ross K (Kelly)
Subject: PPA-340-2108

Dear Ms Ross,

Mrs Angela Armstrong, Glenrossie House, Dunning, PH2 0SL

Following on from our telephone conversation, Roseanna Cunningham MSP has been contacted by her above-named constituent regarding [REDACTED] Appeal Decision, 15 August, 2017.

The main objection [REDACTED] brought to my attention was in paragraph 4, pertaining to the government’s advisory 400m spacing between intensive agricultural buildings and residential areas, identified in PEPFFA, which is substantially greater than the 45m which [REDACTED] home is from the proposed development. She feels that the conditions in place to mitigate noise, odours, light and traffic concerns, are not conducive to the massive discrepancy between the 400m guideline and 45m.

[REDACTED] has a surgery appointment on Wednesday 30 August with Ms Cunningham, to discuss her concerns about the Appeal Decision.

I would appreciate [REDACTED] comments on this matter.

Regards,

Carroll Johnstone
Caseworker
Office of Roseanna Cunningham MSP
Member of the Scottish Parliament for Perthshire South & Kinross-shire
Mail: 63 Glasgow Road, Perth, PH2 0PE
Phone: (01738) 620540
Email: carroll.johnstone@parliament.scot

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