

Buidheann-stiùiridh Cultair, an Roinn Eòrpa agus Cùisean an Taoibh a-Muigh
Culture, Europe and External Affairs Directorate
Roinn a' Chultair agus Àrainneachd Eachdraidheil
Culture and Historic Environment Division



T:
E:

Ur faidhle/Your ref :
Ar faidhle/Our ref :2016/0008779
29 March 2016

Dear

Thank you for your email dated 4 March 2016 to Fiona Hyslop, Cabinet Secretary for Culture, Europe and External Affairs on a film studio for Scotland. I have been asked to reply and you will no doubt be aware of the announcement by Ms Hyslop on 9th March regarding the proposed expansion to the studio facility at Wardpark, Cumbernauld.

I am, of course, well aware of the benefits that a permanent studio facility would bring to Scotland and that is why the Film Studio Delivery Group (comprising of Scottish Government, Scottish Enterprise and Creative Scotland) has been working extremely hard to consider proposals to enhance studio infrastructure. However, such proposals are dependent on being brought forward by the private sector as we are restricted in what the public sector can contribute because of State Aid rules.

The proposal by Pentland Studios Ltd for Straiton, Midlothian is a wholly private sector funded development, but is currently at the stage of a live non-determination appeal, which will ultimately be determined by Scottish Ministers. It would therefore not be appropriate for me to comment on that proposal at this time.

Yours sincerely

Cidhe Bhictòria, Dùn Èideann EH6 6QQ
Victoria Quay, Edinburgh EH6 6QQ
www.gov.scot





From: Fiona.Hyslop.msp@scottish.parliament.uk
[mailto:Fiona.Hyslop.msp@scottish.parliament.uk]
Sent: 15 March 2016 10:47
To: Cabinet Secretary for Culture, Europe and External Affairs
Subject: FW: Pentlands film studio.

From: 
Sent: 10 March 2016 15:10
To: Hyslop F (Fiona), MSP
Subject: Pentlands film studio.

Hi Fiona.

I have some questions regarding the proposed Pentlands film Studio. Is it still going ahead? I know the one Outlander is filmed in is getting extended, which is fantastic, but I think the one in Penlands should still go ahead because number 1. most countries have more than one film studio. Second it will bring and retain many jobs and thus boost the economy directly and indirectly such as bring more tourist from overseas and finally it is entirely privately funded to the tune of £150 million. I know Midlothian Council is not keen, so my question is can/ could the Scottish government override the council in granting planning permission? If you could get back to me I would be grateful.



Local Government and Communities Directorate
Planning and Architecture Division: Planning
Decisions



T:
E: planning.decisions@gov.scot

Our ref: 2017/0010229

13 April 2017

Thank you for your e-mail of 14 March 2017 to the Cabinet Secretary for Culture, Tourism and External Affairs regarding the Pentland Film Studio proposal. I am replying on behalf of the Cabinet Secretary.

I note your comments and the issues that you raise. As you will know, this particular planning application appeal was recalled for ministerial determination as they considered the potential economic and cultural benefits associated with the proposal to be an issue of national importance. A report was subsequently submitted to Ministers on 22 December 2016 for their consideration.

I can confirm that Ministers have now considered the appeal fully and are 'Minded to Grant' planning permission for the proposal, subject to the satisfactory conclusion of a legal planning obligation. The next steps will involve both the planning authority and developer agreeing to discharge the planning obligation before Ministers can issue a formal grant of permission in principle for the proposal.

I attach a [link](#) to copies of Scottish Ministers Intentions letter of 3 April 2017 and associated report for your information.

Yours sincerely

From:

Sent: 04 March 2016 09:31

To: Hyslop F (Fiona), MSP

Subject: Pentland Film Studio Proposal

Dear Fiona Hyslop,

I am writing to you in your position of Cabinet Secretary of Culture to request that you consider the application - [cid:image001.png@01D17859.B1CD0180] - (Pentland Film Studio) and approve it.

The Film and TV sector is in dire need of help in Scotland contrary to what is claimed by Creative Scotland. I work in this field and know of the current state from direct experience.

This sector thrives in other areas of the UK and there is a risk of this sector disappearing in Scotland. I know of many productions in the last 6 months that have decided not to come to film in Scotland because of a lack of studio and infrastructure. Studios in N. Ireland, Wales, London, Yorkshire and Manchester are booked for years with productions queuing for space whilst Scotland scrabbles together empty warehouses to attract productions that decide to go elsewhere because of a lack of studio.

I am a freelance Production Designer for Film and Television and I am well placed to understand the huge benefits that this development would provide.

I grew up in Edinburgh, live in Scotland and work all over the world in Film and Television.

Almost all of my work is done outside of Scotland primarily because there is no Studio facility here. I have worked in South Africa, Rwanda, Germany, England, Canada, United States, Hungary, Jordan, Sweden amongst others and all of these places have purpose built studios for Film and TV. I have seen how these countries and local areas to studios benefit economically and culturally from the facility of a purpose built Film Studio.

because they have studios.

You will know the rising global consumer demand for screen-based media is increasing the requirement for specialist studio facilities of the type that The Pentland Film Studios would provide.

Screen based industry has a current annual global spend of ?460 billion and is projected to rise to ?628 billion by next year. Strong performance of the film market is also highlighted by global box office receipts which now stand at ?32.6 billion, 65% higher than ten years ago. Films produced in the UK made up 17% of these receipts. At the moment Scotland doesn't benefit at all from those financial rewards because there is no studio and as a result production is minuscule here in Scotland compared to elsewhere in the UK. There is an opportunity here to reap some significant rewards in employment, finance, education and cultural activity for the Midlothian area should this development be approved.

We may cite a few productions from within Scotland as an example of how well we are doing but if we lift our heads beyond our locality our success pales into insignificance to the rest of the UK. Its minuscule. Leavesdon, Pinewood, Twickenham and Shepparton Studios are all booked with forthcoming productions for the foreseeable future. We are missing out.

I can't think of another proposal that could create similar benefits to the one proposed by the Pentland Film Studio. For the Midlothian area the development would provide new employment, education, revenue, status, cultural interest and excitement for the

local area of Midlothian and indeed Scotland as a whole.

A studio doesn't just provide filming space for productions but acts as an anchor to allow the sector to grow. Other facilities in the sector will thrive like 'Extra's, Animal Hire, Vehicle Hire, Catering, Hotel and Accommodation, Location facilities, Timber supplies, Costume supplies, Graphic Design, Tourism, Transport etc etc (the list is endless) as a result of major productions being attracted to the facility of a studio.

Scotland needs an infrastructure in the Film and TV sector that allows it to compete with other areas of the UK that are currently benefiting from having such facilities.

I note that the Oil and Gas sector is getting help -

http://www.heraldscotland.com/news/14244167.Sturgeon_announces__12m_fund_to_retrain_oil_and_gas_staff_facing_job_losses/. The Film and TV sector could do

with the same support from the Scottish Government. We as a sector have been struggling for decades and seen many job losses and relocation.

In this case we (Film and TV sector) are not asking for money but just a favourable decision!

This is an opportunity for investment in infrastructure that will create employment.

This is an opportunity for cultural expression. This is an opportunity for a local development plan that can serve the community for decades. This is an opportunity to put Scotland on the map in the world of Cinema and the Creative Industries. This is an opportunity that will cost the tax payer nothing!

The market for Film and Television is huge and is growing. Other areas within the UK are benefiting from Studio Facilities where areas like Scotland is missing out.

This is an opportunity to put that right!

I look forward to your response,



The Scottish Parliament
Pàrlamaid na h-Alba

Jackson Carlaw MSP
Member for Eastwood

Fiona Hyslop MSP
Cabinet Secretary for Culture, Tourism & External Affairs
The Scottish Government
St Andrew's House
Regent Road
Edinburgh
EH1 3DG

11 January 2017

Dear Fiona

PENTLAND FILM STUDIOS PROJECT

I understand that the Reporter's recommendation was made to Ministers on December 20th 2016 regarding the above project. This was originally expected in June last year and therefore follows after an unexpectedly lengthy delay and a process lasting some three years.

In a week where we are celebrating the latest success for Scotland in securing filming of scenes in the new Hollywood 'Avengers' movie, it should be noted that much of the soundstage work will take place in Atlanta. Were the Pentland project to have already progressed then not only might our film industry be able to secure soundstage work on major motion pictures and international TV series but also secure the significant Scottish employment that follows; it is unfortunately the case that only a small percentage of the £300m 'Avengers' budget will be spent in Scotland as the crews will not be Scottish and nor will the pre or post production be based in Scotland.

In the meantime, I understand that arrangements have been reached in principle with various parties to establish this world leading facility at Pentland offering enormous scope for employment and the creative industries in Scotland generally, not least with the provision of a leading academic training facility at the heart of the project.

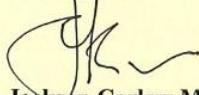
Moreover, the consequential benefit to tourism cannot be underestimated. Only this morning I note that we are able to celebrate an 11% increase in tourism to Scotland in 2016. International TV series based in Scotland such as 'Outlander' are contributing significantly to a new generation of international tourism stimulated by location work. The establishment of the Pentland site can only contribute further to this. The opportunities are enormously exciting.

Given the foregoing, I am contacting you to urge an early statement by the Scottish Government regarding its decision following the work of the Reporter and to ask you to confirm when this might now be expected.

I hope that this decision will be positive. It is undoubtedly one of the most important decisions regarding the creative industries in Scotland for many years and given the length of time involved, the many organisations and parties standing by and the huge public interest in securing a major studio in Scotland, the time has surely come to give the green light to the future of artistic talent and enterprise in Scotland.

I look forward to hearing from you in early course.

Kind regards



Jackson Carlaw MSP

Deputy Leader of the Scottish Conservatives

Shadow Cabinet Secretary for Culture, Tourism, Europe & External Affairs

Member of the Scottish Parliament for Eastwood

F: [@Jackson4Eastwood](https://twitter.com/Jackson4Eastwood)

T: [@Carlaw4Eastwood](https://twitter.com/Carlaw4Eastwood)

W: www.jacksoncarlaw.org.uk

From: Hyslop F (Fiona), MSP [mailto:Fiona.Hyslop.msp@parliament.scot]

Sent: 15 March 2017 09:45

To: Cabinet Secretary for Culture, Tourism and External Affairs

Subject: FW: Culture Minister, MSP, Pentland Studios Project

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

From: [redacted]

Sent: 14 March 2017 10:51

To: Hyslop F (Fiona), MSP <Fiona.Hyslop.msp@parliament.scot>

Subject: Culture Minister, MSP, Pentland Studios Project

Dear Ms Hyslop,

I have worked in the field of Culture all my life and have been [redacted]

[redacted]

I have been following the debate of the plans for a film studio opposite Ikea at Straiton, land which has previously been mined and was green belt but no longer, and is desired by Midlothian council.

It is beyond belief that the consultation on the Pentland Studios project is still undecided, despite the elderly tenant farmer having been offered legal documentation to live in his farmhouse until his death plus being given alternative fields and compensation if he agrees to the plans. The biomass plant, if a real project for the Studios, could be denied but to not accept this brilliant project bringing so very many jobs to central Scotland at this time without using public funds would be insane and give credibility to the claims of incompetence of the SNP governance. The Film School and Digital Hub working with Napier is commendable.

[redacted]

enthusiastic about this project and would consider using this studio. I know several Scots working in Hollywood and film who would love to come home and make this a success particularly as these plans are the best on offer.

The developers are now considering withdrawing and taking their funding to another country easier to work with because of all the filibustering from the Greens (this land is going to be built on whatever happens).

As someone who loves Scotland and has supported our heritage against personal interest my whole life I do not want to find myself campaigning against indyref2 on the grounds of total incompetence with regard to culture by the SNP,

Regards,

[redacted]

Sent from my iPad

From: Woods D (David)
Sent: 06 October 2017 14:40:23
To: Public Engagement Unit
Cc: Cabinet Secretary for Culture, Tourism and External Affairs
Subject: FW: Correspondence - Note of Intention for Power Station / Film Studio & [REDACTED] at the Hands of Scottish Government

Attachments: John McNairney - Note of Intention Old Pentland 2017-10-04 - FINAL.pdf

PEU,

Can this go on the MACCS system as an OR please?

Regards,

David Woods
Assistant Private Secretary (Correspondence)
Office of Fiona Hyslop, Cabinet Secretary for Culture, Tourism and External Affairs
Scottish Government, Room 2N.15, St Andrew's House, Regent Road, Edinburgh,
EH1 3DG | www.gov.scot <<http://www.gov.scot/>>

From: [REDACTED]
Sent: 04 October 2017 18:20
To: Chief Planner; Minister for Local Government and Housing; First Minister; Cabinet Secretary for Communities, Social Security and Equalities; Cabinet Secretary for Culture, Tourism and External Affairs; Cabinet Secretary for the Environment, Climate Change and Land Reform; Cabinet Secretary for the Rural Economy and Connectivity; Scottish Ministers

Subject: Re: Correspondence - Note of Intention for Power Station / Film Studio & [REDACTED] at the Hands of Scottish Government

Sent on behalf of [REDACTED]

Evening

Please find attached updated letter which was originally sent at 12:43 today.

Regards
[REDACTED]

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

From: [REDACTED]
To: chief.planner <chief.planner@gov.scot>; MinisterLGH <MinisterLGH@gov.scot>; firstminister <firstminister@gov.scot>; CabSecCSSE <CabSecCSSE@gov.scot>; CabSecCTEA <CabSecCTEA@gov.scot>; CabSecECCLF <CabSecECCLF@gov.scot>; CabSecREC <CabSecREC@gov.scot>; scottish.ministers <scottish.ministers@gov.scot>

Sent: Wed, 4 Oct 2017 12:43

Subject: Correspondence - Note of Intention for Power Station / Film Studio & [REDACTED]
[REDACTED] t the Hands of Scottish Government
For the attention of Kevin Stewart / John McNairney

Please find attached letter of concern to Note of Intention report issued April 2017 regarding power station / film studio at Old Pentland.

I have copied in Cabinet Secretaries who's portfolio relates to the above potential development.

It would be appreciated that I receive acknowledgement of receipt from all who have been emailed this correspondence.

Regards
[REDACTED]

This email has been scanned by the Symantec Email Security cloud service.
For more information please visit <http://www.symanteccloud.com>

This email has been received from an external party and has been swept for the presence of computer viruses.

4 October 2017

Notice of Intention

Planning Permission in Principle for a Mixed Use Development Comprising Film & TV Studio including Backlot complex

DPEA Ref: PPA-290-2032 - DPEA case reference for proposed Film Studio at Old Pentland

I wish to express my deep concern and frustration that Kevin Stewart MSP has been allowed to single-handedly go against the local residents, local community council, local authority and designated professional Reporter to give intention to grant planning in principle for the above appeal, subject to:

- (a) conditions as set out in the Annex to this notice, including conditions in relation to the proposed location of the A701 Relief Road; and
- (b) the completion and registration of a planning obligation to make a financial contribution to the A701 relief road and to fund improvement of the A701 / B702 / A720 westbound off-slip / A720 eastbound on-slip junction.

I cannot understand how we can consider ourselves to live in a democratic or fair country while the views of local communities are trampled over repeatedly by those who are elected to govern us. Not only has the elected local community council strongly rejected the proposal but Midlothian Council – the local authority – while unable to conclude their decision within the mandated deadline did ultimately object to the proposal in their submission to the DPEA. The recommendation by the professional Reporter looking into this application was to reject this appeal however, the Government have taken it upon themselves to fly in the face of local feeling and professional judgement to support this proposal on grounds which are unsubstantiated.

From Note of Intention dated 3 April 2017:

Point 4 in Notice of Intention inexcusably misunderstands the nature of the point raised. Concern categorically had not been raised as to whether or not Scottish Ministers had the necessary jurisdiction to consider the case. Legal concern was communicated regarding the legalities of the identity of the applicant and appellant which were not the same, nor do they have any legal relationship to one another. The original application was made by **Pentland Studios Limited (SC 463392)** while the appellant to the DPEA was **PSL Land Ltd (SC491629)**. I note there was correspondence to Midlothian Council to amend the name of the applicant however this was never confirmed by the local authority and in their Report of Handling to the DPEA the application is clearly stated as Pentland Studios Ltd.

Section 47(2) of the Town and Country planning (Scotland) Act 1997 states:

A person who has made such as application may also appeal to the Secretary of State if the planning authority have not given the applicant –

- (a) notice of their decision on the application,
- (b) notice that they have exercised their power under section 39 to decline to determine the application, or
- (c) notice that the application has been referred to the Secretary of State in accordance with directions given under section 46.

It is wholly discriminatory that Scottish Ministers' has the brashness to state' ***It is not considered that any such discrepancy has undermined the substantive consideration of the application or has given rise to any unfairness to any parties to the process.*** It is therefore hugely concerning that Scottish Ministers accept this point of law as being accurate, but then take the decision that 'It is not considered that any such **discrepancy** . . . given rise to any unfairness to any parties in the process.' Let us be very clear here an application has now been lodged with the Scottish Land Court by the landowner for the resumption of both No. 1 and No. 2 Smallholdings with the primary support documentation being the Note of Intention issued by Scottish Ministers. I have no option but to defend this action for [REDACTED]. There is absolutely no mistaking this decision has [REDACTED] the nature of our local community and the legal standing of the remaining Scottish small landholders. **In no uncertain terms [REDACTED] is directly a result of the actions of the Scottish Government in issuing their Note of Intention.** The perpetuation of this project by the Scottish Government goes against local residents, the local community council, Midlothian Council and the professional planning Reporter designated by the Scottish Government who have all concluded this application should be rejected.

This small landholding case should be at the sole discretion of the Scottish Land Court, it is unjust that Scottish Government is taking an active and supportive role in the potential eviction of a Scottish farmer and untold consequences for the remaining 72 small landholders.

It should therefore be noted that section 46 is redundant as the only party entitled to appeal under 47(2) is the person who has made the corresponding planning application to their local authority. In this case the applicant and appellant are wholly independent and unrelated entities and therefore only Pentland Studios Ltd. should legally have the ability to appeal. The DPEA and Scottish Government have allowed this appeal to proceed without due care to section 47(2).

Point 17 in the Notice of Intention acknowledges concerns raised by the developers comments that the proposal for the realigned A701 may render the land unsuitable for the proposed development. To be clear the development has stated in no uncertain terms the construction of the realigned A701 through the land risks the financial viability of the project. The developer stated,

"The proposal in the emerging Local Development Plan for the realignment of the A701 through the site would cause the viability of the project to be fatally damaged. The Film & TV studio cannot co-exist with the physical effects of the proposed line . . . without the prospect of completing the development"

Given the context that the Scottish Government has now approved in principle the construction of the realigned A701 as part of the Midlothian Local Development Plan how can we reconcile the continued support of this mixed development given the developer has stated in black and white their proposal would be 'fatally damaged' by this. It is in my opinion unacceptable and anti-democratic for this appeal to be refused at the local level, only for the Scottish Government in their infinite wisdom to continue to progress with this. I have seen over the last decade the Scottish Government pursue an agenda which has left local communities, local community councils and local authorities sidelined and ignored in matters which ultimately primarily affect them. How are the Scottish people supposed to place faith in the political system when their views and voices are increasingly pushed out of the decision making process.

Point 21 of the Notice of Intention states, *"...cumulative road and traffic effects of the proposal with the proposed allocation in the proposed LDP have not been quantified because the developer decline to model them. . . Ministers accept that there is a degree of prejudice to the proposed LDP process."*

I find it absolutely astounding that the required data was simply 'declined' to be modelled, that Scottish Ministers would find this sufficient when planning matter should surely should only be determined by fact.

We are looking at the eviction of yet another Scottish tenant farmer, the destruction of our greenbelt and prime agricultural land. The outcome of this decision will have serious and lasting implication on other small landholders, of local residents and the future of our green spaces. If the Scottish Government is choosing to take this path it should at the very least be with the knowledge of what the outcome will be. I would like to believe the Scottish Government would consider a request for information by their own professional Reporter to warrant an actual response.

Point 27 of the Notice of Intention states, *"It is noted no objections were received relating to air quality effects."* This is categorically untrue and fundamentally misrepresents a significant number of objections submitted by local residents. Moreover, it is in direct contradiction to the Reporter's report which on page 59, item 6.2 states,

"Air quality issues are also a concern to a number of objectors . . . In relation to emissions from the proposed energy centre, a limited amount of air quality information was provided in response to my request for further environmental information."

Moreover despite numerous concern raised by objectors regarding the potential impact to air quality the Reporter's report acknowledges the serious limitation of the applicant and Environment Statement in providing sufficient information on this issue. Page 62, 6.23 of the Reporter's report states,

"Turning to air quality issues, as set out above, the ES did not address this potential environmental effect. In relation to the proposed energy centre (and in response to my request for further information) the appellant predicts that emissions of oxides of Nitrogen from the combined heat and power (CHP) gas engines (of which three are proposed to be installed) would be 250 milligrams per cubic metre. No further emissions details have been provided."

In my view it is unacceptable and questionable why the Scottish Government has misrepresented within their Note of Intention the comprehensive air quality comments made by objectors with the statement, *"no objections were received"*. This is categorically untrue and given the majority of objections raised contain at least some reference to air quality I would assume those persons preparing the Note of Intention did not take the time to properly consider those objectors concerns. It is hugely concerning to think that the Scottish Government has blatantly disregarded objectors concerns and ultimately undermining the factual basis on which their ultimate decision was based.

As I quoted in my letter dated 12 September 2016 *'No information has been forthcoming with regards to the noise and air quality of the CHP's operational phase this information is imperative on health and safety grounds as at no time has this information been addressed or consulted on. Data on the pollutants including carcinogenic pollutants which are*

released from CHP's should be fully address prior to any further decisions being made, if this data is not issued this proposal should be rejected on the grounds of key information not being divulged.'

Point 30 of the Notice of Intention states there has been,

"...some confusion from parties over the size and generating capacity of the proposed energy centre."

Such is wholly inaccurate and misleading, core documentation submitted as Additional Environmental Information in accordance with Regulation 23 of the Environmental Information (Scotland) Regulations 2011 clearly highlights within the Deloitte report received by Midlothian Council on 3 August 2015, that the Energy Centre will have an output in excess of 50MW, heading 3.2 Energy Centre, "capability to own design and operate an Energy Centre designed to meet an output in excess of 60MW with the potential for up to 100MW." Further the Deloitte and the Vital Energi reports submitted to the DPEA as key appeal documents categorically citing the energy centre as having an output in excess of 50MW. The appellant provided these documents, "to enable a full assessment of the proposed development." **Where therefore is the confusion?** The applicant and then the appellant have made clear their proposal includes an 'energy centre' with an output capacity in excess of 50MW, potentially up to 100MW. It is the **professional Reporter and Scottish Government who have caused confusion in deciding to disregard information contained within the core documentation originally supplied to them. Such actions undermine what should be a fact-based, transparent and open planning system.**

This proposal remains contrary to the vision of the Midlothian LDP with regard to development within the greenbelt. Note the Reporter's report states

"...that to grant planning permission for the proposed development would undermine the plan-making process by predetermining decision about the scale, location and phasing of new developments that are central to the proposed LDP."

regulated by the Crofters Holdings (Scotland) Act 1886 and the Small Landholders (Scotland) Act 191 which has resulted in the failure of the Scottish Government to stand up for local communities, green spaces and small Scottish farmers. The First Minister, Cabinet Secretaries and Kevin Stewart, MSP and Bob McIntosh (Land Commissioner) are now fully aware an application has now been lodged with the Scottish Land Court by the landowner for the resumption of both No. 1 and No. 2 Smallholdings with the primary support documentation being the Note of Intention issued by Scottish Ministers, which in my opinion is factually flawed. I have no option but to defend this action for m

In no uncertain terms is directly a result of the actions of the Scottish Government in issuing their Note of Intention. The perpetuation of this project by the Scottish Government goes against local residents, the local community council, Midlothian Council and the planning Reporter designed by the Scottish Government who have all concluded this application should be rejected.

It is alarming that Scottish Ministers and ultimately Scottish Government are of the opinion to grant planning in principle to this flawed and highly questionable appeal namely:

1. Let us be very clear here an application has now been lodged with the Scottish Land Court by the landowner for the resumption of both No. 1 and No. 2 Smallholdings with the primary support documentation being the Note of Intention issued by Scottish Ministers. I have no option but to defend this action for and the nature of our local community. **In no uncertain term is directly a result of the actions of the Scottish Government in issuing their Note of Intention.**
2. Under Section 47(2) of the Town and Country planning (Scotland) Act 1997 - no correlation between the appellant and applicant of this application / appeal exists. Therefore making this appeal void.
3. Purporting to Note of Intention acknowledges concerns raised by the developer comments within their core supporting documentation that the proposal for the realigned A701 may render the land unsuitable for the proposed development, ultimately advising the proposal would "cause the viability of the project to be fatally damaged. The Film & TV studio cannot co-exist with the physical effects of the proposed line . . . without the prospect of completing the development" Unjust and questionable that Scottish Government do not take the advice or merely accept the information given by the appellant / applicant that both projects 'cannot co-exist' in their infinite wisdom Scottish Government decide to go against logic.
4. Acknowledgement that NO cumulative road and traffic effects of the proposal have been quantified because the developer declined to model them, resulting in 'a degree of prejudice to the proposed LDP process.' In essence it appears to be irrelevant to adhere to a direct request by a professional body to submit crucial data to make an informed and unbiased decision as Scottish Ministers do not see the merit in a transparent process, merely stating 'a degree of prejudice'. I would raise concern as to why Scottish Government have not based their decision on fact, cumulative road and traffic effects are a major concern of any development however in this instance key factual information remains void to allow a factual and informed decision.

5. Air Quality Effects – ‘no objections were received relating to air quality effects.’ Scottish Government have absolutely fictitiously misrepresented this statement. Why?
6. **Power Station** – core, concise documentation submitted by the developer clearly states “capability to own design and operate an Energy Centre designed to meet an output in excess of 60MW with the potential for up to 100MW.” There is absolutely no ‘confusion’ as to this key / core statement by the local community who were merely commenting on the only key evidence submitted and commented on. It is highly questionable why a professional Reporter and Scottish Government decided to disregard information contained within the core documentation submitted to DPEA. Such actions undermine what should be a fact-based, transparent and open planning system.
7. Coal Mining Report was not considered as an integral part of the ES, competency of ES must be drawn into question together with the transparency in the planning process. A revised ES and Non-Technically Summary addressing the Coal Mining report has not been submitted as required under the EIA regulations. Under the town and Country Planning Environmental Impact Assessment (Scotland) Regulations 2011 Failure to determine this application without a competent ES and Non-Technical Summary conflicts with the EIA Regulations and would open-up any planning decision to a risk of judicial review.
8. Decommissioning Plan has not been made available - legal requirement under LDP and SPP
9. The Film Studio Delivery Group (FSDG) being the designated professional body has already rejected this proposal in a letter to the developer dated 4 February 2015 Question S4W-27408
10. Overview of companies owned by PSL Land Ltd directors: <https://www.biofuelwatch.org.uk/2017/pentlands-pr/>
11. Basis of the site matrix for Old Pentland was factually incorrect which ‘made’ Pentland site the preferred option, objection letter dated 12 September 2016 pages 3 – 12 comprehensively covers. Why?
12. Missive documentation details that Clippens Development Limited, Registered Number: SC276494 director being [REDACTED] who was previously a Trustee Pentland Estates will be purchasing both Site A and Site B from Gibsone Estate on the resumption of the smallholdings, screen shot of balance sheet below with **£1 cash at hand in the bank**. This being questionable and a potential conflict of interest, <https://beta.companieshouse.gov.uk/company/SC276494/filing-history>

CLIPPENS DEVELOPMENTS LIMITED Registered Number SC276494

Balance Sheet as at 30 November 2016

	2016	2015
	£	£
CURRENT ASSETS		
Cash at bank and in hand	1	1
Net assets	1	1
Issued share capital	1	1
1 Ordinary Share of £1 each	1	1
Total Shareholder funds	1	1

STATEMENTS

- a. For the year ending 30 November 2016 the company was entitled to exemption under section 400 of the Companies Act 2006 relating to dormant companies.
- b. The members have not required the company to obtain an audit in accordance with section 476 of the Companies Act 2006.
- c. The directors acknowledge their responsibilities for complying with the requirements of the Act with respect to accounting records and the preparation of accounts.
- d. These accounts have been prepared in accordance with the provisions applicable to companies subject to the small companies regime.

Approved by the Board on 5 April 2017

And signed on their behalf by:

[REDACTED]

This document was delivered using electronic communications and authenticated in accordance with the registrar's rules relating to electronic form, authentication and manner of delivery under section 1072 of the Companies Act 2006.

13. PSL Land Ltd, Company No: SC491629, highlighting that current business account remain overdue, last balance sheet shows: <https://beta.companieshouse.gov.uk/company/SC491629>

PSL Land Ltd (Registered number: SC491629)

Abridged Balance Sheet
30 November 2015

	Notes	£	£
FIXED ASSETS			
Tangible assets	2		434,406
			434,406
CURRENT ASSETS			
Debtors		30,176	
Cash at bank		24,548	
		54,724	
CREDITORS			
Amounts falling due within one year		275,009	
NET CURRENT LIABILITIES			(221,185)
TOTAL ASSETS LESS CURRENT LIABILITIES			213,221
CREDITORS			
Amounts falling due after more than one year			378,000
NET LIABILITIES			(164,779)
CAPITAL AND RESERVES			
Called up share capital	3		912
Profit and loss account			(165,694)
SHAREHOLDERS' FUNDS			(164,779)

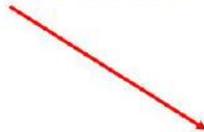
The company is entitled to exemption from audit under Section 477 of the Companies Act 2006 for the period ended 30 November 2015.

14. It is concerning that we are all very much aware that film studio development is notoriously difficult to succeed in, yet we have within this application flawed and inaccurate data including baseline economic and financial information which remains untenable, questioning the potential viability for this project.
15. Cumulative road and traffic effects data being key information requested by the Reporter to base his decision on was declined by the appellant / applicant, it therefore remains questionable that Scottish Government can / are proposing to grant planning in principle without due information to base their decision on.
16. At no time has this note of intention actually made reference to [REDACTED]

It is appalling that we do not in fact live in a fair, just society. It is wrong that the relevant and competent departments make their planning decision i.e. Midlothian Council advising refusal of this appeal, the designated professional Reporter also advising refusal of this appeal further the local community council and the local community also advised refusal of this inappropriate and flawed appeal. If this is how planning decisions are being made by Scottish Government we need to have a full review of the planning system.

Let us be very clear here an application has now been lodged with the Scottish Land Court by the landowner for the resumption of both No. 1 and No. 2 Smallholdings (Site A, prime agricultural land) the primary support documentation being the Note of Intention issued by Scottish Ministers. There is absolutely no mistaking the decision made in April 2017 by the Scottish Government [REDACTED] the nature of our local community and the legal standing of the remaining Scottish small landholders. **In no uncertain terms [REDACTED] is directly a result of the actions of the Scottish Government in issuing their Note of Intention.** This would be a 'National' disgrace.

This is shockingly the offering (Site B) for Scotland's 'National' film studio which has never been environmentally assessed and which the designated Reporter and Local Authority have advised for refusal.



[REDACTED], the potential destruction of 60 acres of prime agricultural land (Site A), the destruction of a rural community at the hands of the Scottish Government is deplorable, moreso on questionable and flawed data. I would question what truly is Site A destined for?

Yours

[REDACTED]
[REDACTED]

Cabinet Secretary for Culture, Tourism and External
Affairs
Fiona Hyslop MSP



Scottish Government
Riaghaltas na h-Alba
gov.scot

T: 0300 244 4000
E: scottish.ministers@gov.scot

Mr Jackson Carlaw MSP
The Scottish Parliament
EDINBURGH
EH99 1SP

Our ref: 2017/0001669

2nd February 2017

Dear Jackson

Thank you for your letter on the 11th of January regarding the planning appeal relating to the Pentland Film Studios Limited (PFS) proposal for a mixed-use development which includes an education centre, student accommodation, a hotel, data centre, energy centre and a film and television studio.

It is inaccurate to say the Scottish Ministers are responsible for the time taken to produce the report and recommendations on the appeal that the Scottish Ministers received in December 2015. The DPEA found that the information provided by the appellant was insufficient and had to request further information on the effects on bats, the environment and noise, road infrastructure and site selection.

The last of this information was submitted at the end of July 2016. Thereafter, parties had the opportunity to comment and final submissions were received mid-November. DPEA submitted the report to the Minister for Local Government and Housing on 22 December.

The independent report is being considered at present by the Minister for Local Government and Housing, who has portfolio responsibility for planning and his decision on the outcome of the planning appeal will be published as soon as possible. However, I am sure you will understand that, given the appeal is currently under consideration in the statutory planning process, Ministers cannot comment on the specific merits of the proposal, as that could be prejudicial to the final outcome of the decision making process.

*Kind regards
Fiona*

FIONA HYSLOP

