

[Redacted]

**From:** [Redacted]  
**Sent:** 24 October 2018 08:14  
**To:** [Redacted]  
**Cc:** Chief Planner; [Redacted]  
**Subject:** DPEA REF PPA-380-2078  
**Attachments:** 18.10.24 Ltr to [Redacted].pdf

Dear Ms [Redacted],

Please see attached correspondence in relation to the aforementioned appeal.

I look forward to hearing from you.

Many thanks,  
Leona

[Redacted]  
Director, Planning

telephone: [Redacted]  
mobile: [Redacted]  
email: [Redacted]

**Please be aware that from the 29th October our new London office address will be Da Vinci House, 44 Saffron Hill, London EC4A 3DF**



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██████████  
Planning Decisions Manager  
Scottish Government  
St. Andrew's House  
Regent Road  
Edinburgh  
EH1 3DG

By email ██████████

24<sup>th</sup> October 2018

Dear ██████████

**PROPOSED ENERGY RECOVERY FACILITY WITH AN INTEGRATED EDUCATION AND VISITOR CENTRE AT WHISTLEBERRY ROAD, HAMILTON, ML3 0EG**

**SOUTH LANARKSHIRE REF HM/17/0260**

**DPEA REF PPA-380-2078**

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I act on behalf of Clean Power Properties Ltd and West Wind Ventures Ltd in relation to the aforementioned appeal. We note the correspondence from the DPEA in relation to this appeal to you dated the 15th October 2018 highlighting that the appeal may be appropriate for recall action, which we were surprised was not copied to the Appellants agent.

We are seriously concerned regarding the possible recall as it will clearly have implications in terms of the timescale for the determination of this appeal.

I note from the guidance on the Scottish Government website in relation to ministerial involvement in planning decisions that appeals can only be 'recalled' to be determined by Scottish Ministers themselves which raise matters of genuine national concern or where there is a connection with another ministerial case. Neither of these criteria are applicable in this instance.

The proposed Energy Recovery Facility at Whistleberry Road in Hamilton is time critical and needs to be determined expeditiously. The proposed facility will assist in meeting the urgent need for waste management infrastructure in Scotland and will contribute towards the Government's Zero Waste Targets of sending only 5% of their total household waste to landfill by 2025, which the Scottish Government are currently a long way from meeting.

The DPEA previously approved planning consent for an Energy Recovery Centre (DPEA Reference PPA-380-2049) on the subject site in August 2015 which was determined by the Reporter. In this respect there is no rationale to justify the determination of this current appeal for a similar proposal by Scottish Ministers.

There are no objections from any of the government departments on the planning application including Historic Environment Scotland, Scottish Natural Heritage and Scottish Environment Protection Agency. Indeed, HES were satisfied that the impacts of the proposal were localised only, SNH stated that there would be no adverse impacts and SEPA confirmed that the proposal is potentially consentable and consistent with national policy.

The proposal is fully compliant with the Zero Waste Plan (ZWP) and Scottish Planning Policy (SPP). The Reporter on the previous Appeal confirmed that the subject site was an appropriate location for

waste management uses. National and local policy stipulate that waste management uses should be developed on industrial allocated sites, derelict or degraded sites, sites adjacent to the strategic highway network or sites that have the potential with co locate with potential heat users – the subject site is fully compliant with all of these criteria. The site is ideally located in close proximity to commercial and industrial users to maximise the opportunities to utilise the proposed surplus heat and energy generated. The Planning Authority have not identified any conflict with the ZWP or SPP.

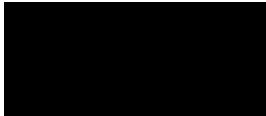
In regards to commercial matters, delay is always a threat to project finance deals of this nature and the referral of this appeal to Scottish Ministers is resulting in further delays and uncertainty.

In view of the above the Appellant considers that this decision to refer the appeal to Scottish Ministers is perverse. Should Scottish Ministers decide to recall the appeal we would ask for full reasons to be presented to ascertain whether the Appellant wishes to legally challenge the decision.

In terms of timescales, it would be appreciated if this matter could be considered at the earliest opportunity as the Appellant is eager to progress with the construction of the facility.

I look forward to hearing from you at the earliest opportunity.

Yours sincerely,



Leona Hannify  
**DIRECTOR**

Cc John McNairney, Chief Planner, Scottish Government

David Henderson, Head of Performance and Administration, DPEA



Telephone: [REDACTED] Fax: [REDACTED]  
E-mail: [REDACTED]

[REDACTED]  
PAD  
SENT BY E-MAIL

Our ref: PPA-380-2078  
Planning Authority ref:HM/17/0260

15 October 2018

Dear [REDACTED]

**PLANNING PERMISSION APPEAL: SITE AT WHISTLEBERRY ROAD HAMILTON  
ML3 0EG**

It appears that the attached appeal may be appropriate for recall action.  
<http://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=119950>

Please consider the case (see attached link) and advise within 7-14 days, whether :

- Recall action is considered appropriate for this case, in which instance the recall direction should be attached;

or

- Recall action is not considered appropriate for this case.

Yours sincerely

[REDACTED]

[REDACTED]  
**Case Officer**  
**Planning and Environmental Appeals Division**



[REDACTED]

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**From:** [REDACTED]  
**Sent:** 06 November 2018 08:46  
**To:** [REDACTED]  
**Subject:** RE: Whistleberry Road, Hamilton

Hi Pauline

Not seen anything on this.

Cheers

David

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**From:** [REDACTED]  
**Sent:** 06 November 2018 08:45  
**To:** [REDACTED]  
**Subject:** Whistleberry Road, Hamilton

Hi David

Liz had sent this case to PAD for possible recall around three weeks ago, but hasn't heard anything back. I know that you occasionally get copied into the briefing that PAD send to the Minister to see if he wishes to recall, and I wondered if you had had anything in relation to this case? If not, I'll instruct Liz to remind them and ask for an update, but if you've received something from them recently we'd just hold our horses and await further information in due course.

P

[REDACTED]  
Section Manager

[REDACTED] | Section Manager | Planning and Environmental Appeals Division | Scottish Government | Unit 4 The Courtyard | Callendar Business Park | Falkirk | FK1 1XR | Tel: [REDACTED]

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[REDACTED]

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**From:** [REDACTED]  
**Sent:** 08 November 2018 07:29  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: PPA-380-2078 - Whistleberry Road - Possible recall, decision required

Thanks for letting me know, Leigh. Look forward to hearing from you.

[REDACTED] | **Case Officer**

Planning & Environmental Appeals Division | 4 The Courtyard | Callendar Business Park | FALKIRK | FK1 1XR

TEL: [REDACTED]



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**From:** [REDACTED]  
**Sent:** 07 November 2018 15:31  
**To:** [REDACTED]  
**Subject:** RE: PPA-380-2078 - Whistleberry Road - Possible recall, decision required

Hi Liz,

Sorry its proving more complicated so we'll aim to get back to you by end of next week – hope that's ok.

Leigh

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**From:** [REDACTED]  
**Sent:** 06 November 2018 10:45  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: PPA-380-2078 - Whistleberry Road - Possible recall, decision required

That's great thanks, I look forward to hearing from you.

Liz

[REDACTED] | **Case Officer**

Planning & Environmental Appeals Division | 4 The Courtyard | Callendar Business Park | FALKIRK | FK1 1XR

TEL: [REDACTED]

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**From:** [REDACTED]  
**Sent:** 06 November 2018 10:39  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: PPA-380-2078 - Whistleberry Road - Possible recall, decision required

Hi Liz,

I'm looking at this later today so hopefully we'll get back to you tomorrow – hope that is ok?

Leigh

[REDACTED] | Senior Planner | Planning Decisions | Planning & Architecture | Scottish Government | Area 2F (South) | Victoria Quay | Edinburgh | EH6 6QQ [REDACTED]

**\*\*Please note I do not work on Fridays\*\***

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**From:** [REDACTED]  
**Sent:** 06 November 2018 10:37  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** FW: PPA-380-2078 - Whistleberry Road - Possible recall, decision required

Leigh

Can you please respond to Liz?

Many thanks

Lyndsey

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**From:** [REDACTED]  
**Sent:** 06 November 2018 10:31  
**To:** [REDACTED]  
**Subject:** RE: PPA-380-2078 - Whistleberry Road - Possible recall, decision required

Morning Lyndsey

I am just wondering if there's any progress on a possible call-in on this case?

Regards

Liz

[REDACTED] | Case Officer

Planning & Environmental Appeals Division | 4 The Courtyard | Callendar Business Park | FALKIRK | FK1 1XR

TEL: [REDACTED]



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**From:** [REDACTED]  
**Sent:** 15 October 2018 14:20  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: PPA-380-2078 Possible recall, decision required

Hi Liz

We will look into the matter of recall in the very near future and get back to you.

Many thanks

Lyndsey

[REDACTED] Planning Decisions | Planning & Architecture | Scottish Government



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**From:** [REDACTED]  
**Sent:** 15 October 2018 14:16  
**To:** [REDACTED]  
**Subject:** PPA-380-2078 Possible recall, decision required

Lyndsey,

Please find attached a document related to the case: PPA-380-2078 - Erection Of Waste Processing Facility Including Waste Recovery Plant And Thermal Treatment Facility For Energy Recovery With Associated Landscaping, Access, Parking Infrastructure And Education And Visitor Centre

Regards,



[Case Publication Website](#)



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