

- the wider strategic benefits that could accrue from the development of the site.

The reporter noted that there were no issues regarding the housing land supply. He also noted that both the appellant and council agreed that the proposal did not comply with the development plan by virtue of being a non-allocated site out-with the Linlithgow settlement boundary.

Whilst the reporter acknowledged the appellant's argument that there were material considerations that warranted setting aside the development plan in this case, he found that, whilst there were undoubted merits of developing the appeal site, he did not consider that those merits carried sufficient weight as a material consideration to justify overriding the recently adopted local development plan.

The reporter has therefore concluded that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which would still justify granting planning permission.

There were a total of 70 letters of representation in respect of this case.

[Redacted]

[Redacted] | Section Manager | Planning and Environmental Appeals Division | 4 The Courtyard | Callendar Business Park | Falkirk | FK1 1XR | T: 0131 244 6982 Website: WWW.dpea.scotland.gov.uk



[Redacted]

)

From: [Redacted] on behalf of Minister for Local Government, Housing and Planning
Sent: 14 May 2019 12:44
To: [Redacted] Minister for Local Government, Housing and Planning
Cc: Cabinet Secretary for Communities and Local Government; DG Constitution and External Affairs; McCaig C (Callum); [Redacted]
[Redacted]
[Redacted] Communications CSSE
Subject: RE: Briefing : Land at Clarendon Farm, Linlithgow, West Lothian

Hi [Redacted]

Mr Stewart has noted.

Thanks

[Redacted]

[Redacted]
Assistant Private Secretary
Office of Cabinet Secretary for Communities and Local Government
The Scottish Government
St Andrews House, Regent Road, Edinburgh, EH1 3DG
T: 0131 244 9143

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From: [Redacted]
Sent: 10 May 2019 11:26
To: Minister for Local Government, Housing and Planning <MinisterLGHP@gov.scot>
Cc: Cabinet Secretary for Communities and Local Government <CabSecCLG@gov.scot>; DG Constitution and External Affairs <dgcea@gov.scot>; McCaig C (Callum) <Callum.Mccaig@gov.scot>; [Redacted]
[Redacted]
[Redacted]
[Redacted] Communications CSSE <CommunicationsCSSE@gov.scot>
Subject: Briefing : Land at Clarendon Farm, Linlithgow, West Lothian

Minister for Local Government, Housing and Planning

Copy to

Cabinet Secretary for Communities and Local Government
DG Constitution and External Affairs
Callum McCaig, Special Advisor
[Redacted]
[Redacted]
[Redacted]
[Redacted]

[Redacted]

[Redacted]
Communications CSSE

Briefing on forthcoming Planning Appeal

Proposal: Proposed Residential Development With Associated Works And Landscaping

Site address: Land at Clarendon Farm, Linlithgow, West Lothian

Outcome: Appeal Dismissed (planning permission in principle refused)

A reporter from the Planning and Environmental Appeals Division has made a decision which will be issued on Tuesday 14 May 2019 refusing planning permission in principle 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 14 May the information contained within the notice and in this e-mail remain confidential.

The appeal was submitted to Scottish Ministers on behalf of Gladman Developments Ltd against the decision by West Lothian Council to refuse planning permission.

Having regard to the provisions of the development plan, the reporter considered that the main issues in this appeal were:

- the location of the site relative to the settlement boundary;
- the potential impact of the proposal on traffic movement, road safety and residential amenity; and
- the wider strategic benefits that could accrue from the development of the site.

The reporter noted that there were no issues regarding the housing land supply. He also noted that both the appellant and council agreed that the proposal did not comply with the development plan by virtue of being a non-allocated site out-with the Linlithgow settlement boundary.

Whilst the reporter acknowledged the appellant's argument that there were material considerations that warranted setting aside the development plan in this case, he found that, whilst there were undoubted merits of developing the appeal site, he did not consider that those merits carried sufficient weight as a material consideration to justify overriding the recently adopted local development plan.

The reporter has therefore concluded that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which would still justify granting planning permission.

There were a total of 70 letters of representation in respect of this case.

[Redacted] | Section Manager | Planning and Environmental Appeals Division | 4 The Courtyard | Callendar
Business Park | Falkirk | FK1 1XR | T: 0131 244 6982 Website: WWW.dpea.scotland.gov.uk



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

**PLANNING APPEAL: RESIDENTIAL DEVELOPMENT (119 HOMES) WITH
ASSOCIATED ENGINEERING WORKS AND LANDSCAPING, LAND AT
CLARENDON FARM, LINLITHGOW**

**DIRECTION THAT APPEAL WILL BE DETERMINED BY THE SCOTTISH
MINISTERS**

The Scottish Ministers, in exercise of the powers conferred on them by paragraph 3(1) of Schedule 4 to the Town and Country Planning (Scotland) Act 1997, hereby direct that the above-mentioned appeal shall be determined by the Scottish Ministers instead of a person appointed by them.

This Direction is given because Ministers consider the delivery of appropriate housing developments, particularly in growth areas, and in accordance with the recently issued Scottish Planning Policy, to be an issue of national significance.

A copy of this Direction shall be served on the appellant, the planning authority and any other parties as required by paragraph 3(2) of Schedule 4.

[Redacted]

17 December 2014

[Redacted]
Scottish Government
Directorate for Local Government and Communities
Planning and Architecture Division
Central Decisions
Victoria Quay
EDINBURGH
EH6 6QQ

PPA-400-2046

Scottish Government Directorate for Planning and Environmental Appeals

4 The Courtyard
Callendar Business Park
Callendar Road
Falkirk
FK1 1XR

File reference: PPA-400-2046

The Scottish Ministers
Edinburgh

Ministers

I enclose a report with my recommendations on an appeal by Gladman Developments Ltd against West Lothian Council's refusal of planning permission in principle for a 6.5 hectare residential development at land at Clarendon Farm, Linlithgow, EH49 6QR.

You recalled the appeal on 17 December 2014 because Ministers consider the delivery of appropriate housing developments, particularly in growth areas, and in accordance with the recently issued Scottish Planning Policy, to be an issue of national significance.

During the processing of the appeal I requested further written evidence on a number of matters. I also held a hearing in Linlithgow on 29 October 2014, where I heard evidence on matters relating to housing land supply, education capacity, planning conditions and planning obligations. The council and the appellant have provided succinct statements of their positions on several of the key matters. I undertook unaccompanied inspections of the site on 30 July and 5 November 2014, the latter during the morning rush hour.

My report takes account of all the information submitted in support of the appeal, the council's appeal statement and supporting documents, all of the consultation responses to the original planning application, all of the representations made in response to the application and those made directly to DPEA following the appeal, all of the further written evidence submitted, and the evidence I heard at the hearing.

In reaching your decision on this appeal, you may wish to have regard to the potential for any cumulative impacts (in particular in respect of education capacity) with the appeal proposal at Burghmuir A (DPEA reference PPA-400-2045) which is also before you.

PROPOSED HOUSING AT CLARENDON FARM, LINLITHGOW

Purpose

1. To invite you to agree with Reporter's recommendation to refuse planning permission.

Priority

2. Routine. A response by Friday 24 July would be helpful.

Proposed Development and Site

3. Planning permission in principle (PPiP) is being sought for a 6.5ha site to accommodate around 119 detached and semi detached houses, 15% would be classified as affordable housing. The site is located on the south-east of Linlithgow, with the main part of the site in agricultural use. The remainder of the site, to the north, contains a strip of land required to form access via Clarendon Road. There are residential areas to the west and north.

Reasons for Recall

4. The decision by West Lothian Council to refuse planning consent was appealed, by the applicant, to Scottish Ministers. This appeal was part of a group of 8 appeals which were recalled by Ministers because of the national significance around the delivery of appropriate housing developments, in light of Scottish Planning Policy's (SPP's) new presumption in favour of development that contributes to sustainable development.

Procedure

5. The appeal has been considered at a hearing and by written submissions. I enclose the summary of the reporter's report for further background.

Consideration

6. The development plan comprises the strategic development plan for Edinburgh and South East Scotland (SESplan), the SESplan Housing Land Supplementary Guidance and the West Lothian Local Plan (2009, WLLP). The site is designated as countryside and prime agricultural land in the WLLP. Preparation of the West Lothian local development plan (WLLDP) is underway. The appeal site is one of the council's preferred sites for housing development in the WLLDP's Main Issues Report (Aug, 2014).

7. The WLLP is more than 5 years old and the reporter concludes that there is not, as SESplan Policy requires, a five-year supply of effective housing land in West Lothian. SESplan provides for the development of greenfield sites in order to maintain a five-year supply of effective housing land. The reporter considers the proposal meets the first two criteria of the policy (character, greenbelt objectives). The third and final criterion relates to infrastructure capacity, most importantly in this case, schools.

8. The appeal site lies in the catchment areas of four schools – Linlithgow Academy, St Kentigern's Academy, Low Port Primary School and St Joseph's Primary School. The reporter assessed the education capacity at each school against the likely numbers of pupils from the development. The Council's Education Service cited insufficient capacity at the catchment primary and secondary schools and uncertainty as to whether the education constraints can be satisfactorily overcome to accommodate the development.

9. The reporter considers that were the proposal to proceed, the likely numbers of additional pupils attending Linlithgow Academy could contribute to and exacerbate the expected future capacity issues at the school, in the absence of a new secondary school at Winchburgh. Although there is not yet a firm commitment to the development of the new school at Winchburgh, the council is hopeful that this will be provided by 2019. The reporter considers the appeal proposal could generate a total of 38 non-denominational pupils at Low Port Primary School. This, for the 2019 school session, would be 34 more pupils than the school's capacity. The feasibility of extending the school is uncertain, and there are no plans for this at present. The council has indicated that a catchment review would be the most likely solution. The reporter considers there is no certainty that such a review would deliver the changes to catchment areas required to free up sufficient capacity for the numbers of children which can be expected from the development. Overall the reporter considers this a significant constraint on the appeal.

10. The reporter concluded that of the constraints identified, the lack of capacity at Low Port Primary School, and of an established solution to this is, in his view, the most significant issue, and in this case an insurmountable one.

11. The proposed Burghmuir housing application to the north west of the site, on the edge of the settlement, shares a catchment with St Joseph's Primary School, Linlithgow Academy and St Kentigern's, but not with Low Port Primary which is the main issue here in terms of the education capacity of new development.

12. The reporter considers the proposal does not satisfy policies in WLLP in terms of development proposed on prime quality agricultural land. But notes all the potential greenfield development sites around Linlithgow identified in the Main Issues Report are on prime land which significantly reduces the extent to which impacts on prime land should be considered to constrain development of the appeal site. He also considers impacts on air quality and the uncertainty over the likely level of use of a farm track to the site for pedestrians, cyclists and traffic access also count against the proposal. However, weighed against the benefits of the proposal, the reporter considers these concerns would not be sufficient, on their own, to warrant refusing the appeal. But they do, when taken together with the impacts on Low Port Primary School, underline the adverse impacts of the proposal.

13. Overall, the reporter considers that the proposal is contrary to the development plan and that the adverse impacts identified above are such that the proposal would not contribute to sustainable development.

14. The reporter notes that given the lack of a five-year supply of effective housing land, SPP states that its presumption in favour of development which contributes to sustainable development should be a significant material consideration. The reporter considers that several of the guiding principles listed in SPP point towards allowing the appeal, in particular supporting the delivery of accessible housing and the potential economic benefits of the development. However, the reporter considers that the lack of capacity at Low Port Primary School, and of an established solution to this, is the most significant issue.

Conclusion

15. Taking everything into account, we are satisfied with the reporter's findings that the presumption in the SPP does not justify development on this site when considered against the lack of capacity at Low Port Primary School, and of an established solution to this.

Recommendation

16. We, agree with the reporter and recommend that Ministers dismiss the appeal and refuse PPIP.

Presentation

17. The proposed site lies within the constituency of the Cabinet Secretary for Culture, Europe and External Affairs, Ms Hyslop. In her capacity as MSP, Ms Hyslop has written on behalf of constituents who are opposed to the proposal. Ms Hyslop is, of course, de-barred from the decision making process but we will send her a copy of the decision letter for her information.

18. A separate submission will be presented to you shortly for a similar proposal on a site nearby at Burghmuir, Linlithgow (as mentioned in para. 11 above). We intend to issue those decisions at the same time and we will liaise with Comms as required as there may be some local media interest in the decisions.

[Redacted]

PAD – PLANNING DECISIONS

[Redacted]

From: [Redacted]
Sent: 16 December 2019 14:43
To: [Redacted]
Subject: FW: Proposed residential development - Clarendon, Linlithgow

From: [Redacted] **On Behalf Of** Cabinet Secretary for Social Justice,
Communities and Pensioners' Rights
Sent: 17 July 2015 10:06
To: [Redacted] [Redacted][Redacted] Cabinet Secretary for Social Justice,
Communities and Pensioners' Rights <CabSecSJCPR@scotland.gsi.gov.uk>
Cc: Minister for Local Government and Community Empowerment
<MinisterforLocalGovernmentandCommunityEmpowerment@scotland.gsi.gov.uk>; Minister for Housing and
Welfare <MinisterforHousingandWelfare@Scotland.gsi.gov.uk>; Permanent Secretary
<PermanentSecretary@scotland.gsi.gov.uk>; DG Communities <DGCommunities@scotland.gsi.gov.uk>;
[Redacted] Solicitor to the Scottish Government and PS
<DLCCCVSSG@scotland.gsi.gov.uk>; Chief Planner <Chief.Planner@scotland.gsi.gov.uk>;
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Communications Social Justice
<CommunicationsSocialJustice@scotland.gsi.gov.uk>
Subject: RE: Proposed residential development - Clarendon, Linlithgow

Mr Neil has noted and agreed the recommendation in your minute.

[Redacted]

From: [Redacted]
Sent: 13 July 2015 16:37
To: Cabinet Secretary for Social Justice, Communities and Pensioners' Rights
Cc: Minister for Local Government and Community Empowerment; Minister for Housing and Welfare; Permanent
Secretary; DG Communities; [Redacted]
[Redacted]
[Redacted][
Communications Social Justice
Subject: Proposed residential development - Clarendon, Linlithgow

Please see attached submission for Mr Neil's attention.

I would be grateful for a response by Friday 24 July, if possible.

Kind regards,
[Redacted]

[Redacted]

)

From: [Redacted]
Sent: 16 December 2019 14:53
To: [Redacted]
Subject: FW: Submission on recall of major housing appeals

From: [Redacted] scotland.gsi.gov.uk> **On Behalf Of**
Sent: 11 December 2014 08:02
To: [Redacted] scotland.gsi.gov.uk>
Subject: FW: Submission on recall of major housing appeals

[Redacted]
The Scottish Government
Directorate for Local Government & Communities
Planning & Architecture Division – Central
Area 2H-Bridge
Victoria Quay
Edinburgh
[Redacted]

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From: [Redacted]
Sent: 10 December 2014 15:53
To: Cabinet Secretary for Social Justice, Communities and Pensioners' Rights
Cc: Minister for Local Government and Community Empowerment; Minister for Housing and Welfare; Permanent Secretary; DG Communities; [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted] Solicitor to the Scottish Government and PS
Subject: Submission on recall of major housing appeals

Cabinet Secretary for Social Justice, Communities and Pensioners' Rights

Please see attached routine submission relating to the potential recall of 7 major housing appeals.



Recall of 2019
relocated housing ...

Regards

[Redacted]

[Redacted]

Principal Planner | Planning and Architecture Division | Scottish Government | 2-H South Victoria Quay | Edinburgh |
EH6 6QQ | 0131 244 1538

10 December 2014

Cabinet Secretary for Social Justice, Communities and Pensioners' Rights

PLANNING APPLICATIONS: MAJOR HOUSING PROPOSALS AND IMPLEMENTATION OF SCOTTISH PLANNING POLICY

Purpose

1. To invite you to agree that 7 current appeals for major housing developments are recalled for your decision.

Priority

2. Routine

Proposed Developments and Locations

3. a) PPA-200-2027: Residential Development (200 homes) with associated access and landscaping, Braes O Yetts Farm, Waterside Road, Kirkintilloch, East Dunbartonshire, G66 3TQ.
- b) PPA-200-2028: Residential Development and associated access (50 homes), site south and west of Saddlers Brae Farm, Langmuir Road, Kirkintilloch, East Dunbartonshire, G66 2TB.
- c) PPA-210-2043: Residential Development (52 homes) and associated works, land at Old Craighall Road, Old Craighall, East Lothian.
- d) PPA-230-2129: Residential Development (72 homes) and associated works, Land 213 metres southwest of, 22 The Wisp, Edinburgh.
- e) PPA-230-2131: Residential Development (173 homes), ancillary uses and associated development, land 447 metres northeast Of 545 Old Dalkeith Road, Edinburgh.
- f) PPA-400-2045: Residential Development (200 homes) including green space, Sustainable Urban Drainage, access roads and associated infrastructure, land at Burghmuir A, east of Springfield, Linlithgow, West Lothian.
- g) PPA-400-2046: Residential Development (119 homes) with associated engineering works and landscaping, land at Clarendon Farm, Linlithgow, West Lothian.

Relevant Background

4. Scottish Planning Policy (SPP) was published in June 2014. It is important to monitor the practical application of the newly published SPP, particularly in light of the SPP's new presumption in favour of sustainable development. This new part of the SPP is intended to require those making determinations to ensure that where there is a shortfall in housing and/or another policy void, such as an out of date development plan, then the presumption in favour of sustainable development will be a significant material consideration. This can help to bring forward housing sites which may not be allocated in the current development plan, but which might otherwise be acceptable in terms of location and type of development. Crucially though it is not intended to mean development at any cost.

5. There have been some concerns raised by the development industry around the extent to which the new presumption is being reflected in decisions issued since publication of SPP. Stakeholders have also suggested that they would welcome a greater level of intervention on key cases to bridge a perceived gap between the revised national policy (which has been broadly welcomed) and local decision making. This is a particular issue in the Strategic Development Plan areas, where a large proportion of growth is planned, but it is also relevant across the country, particularly for major proposals which could, in the right locations, make a significant contribution to meeting a local housing need. As you will be aware, work is also ongoing to find new solutions to kick start higher levels of public and private sector housing development across the country given the structural changes in housing markets and the cumulative impact of several years of low levels of completions, but this may take some time to filter through to decision making.

6. We therefore consider that Ministers should have the opportunity to determine a range of appeals with a view to supporting the implementation of the SPP and establishing more clearly the role and impact of the presumption in favour of development that contributes to sustainable development. We consider that housing proposals of 50+ units are of most interest, particularly those in the 4 Strategic Development Plan areas, although we will consider on a case by case basis. Our current analysis has identified the above 7 cases. We recommend that these are recalled for the Ministers' decisions, and recommend that PAD continue to monitor new appeals to identify others of interest, of which we would notify Ministers.

Presentation

7. Recalling a number of appeals at one time is not unprecedented, but is rare, so it may attract some attention. Planning authorities may be concerned about how some proposals may be determined, particularly those which are contrary to the development plan and where an effective housing land supply has not been established. While some individual developers may be concerned that recall may delay a decision on their application, Ministers would expect to take up to 28 days to consider the reporter's recommendations, therefore we do not expect significant delays. In general, housebuilders should perceive the move positively, as Ministers responding to queries about how the new SPP is being implemented and being keen to ensure that new housing in appropriate locations is delivered quickly. We will, however, work with Communications colleagues to agree lines.

Recommendation

8. We recommend that the Minister agrees to recall the above 7 appeals and to agree that PAD shall continue to monitor incoming appeals for possible recall, specifically around the implementation of the SPP’s new presumption in favour of sustainable development.

Planning and Architecture

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Minister for Local Government & Community Empowerment Minister for Housing & Welfare			X X		

Perm Sec
 DG Governance and Communities
 [Redacted]
 [Redacted]

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[Redacted]

From: [Redacted]
Sent: 16 December 2019 14:53
To: [Redacted]
FW: Submission on recall of major housing appeals

From: [Redacted]
Sent: 22 December 2014 12:02
To: [Redacted]
Subject: Submission on recall of major housing appeals

For saving when you can.

[Redacted]

From: [Redacted] **On Behalf Of** Cabinet Secretary for Social Justice, Communities and Pensioners' Rights
Sent: 11 December 2014 07:55
To: [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted] olicitor to the Scottish Government and PS
Subject: RE: Submission on recall of major housing appeals

[Redacted]

Mr Neil has noted your minute and is content with the recommendations at para 8.

Thanks
[Redacted]

[Redacted]
**PS/Cabinet Secretary for Social Justice, Communities and Pensioners' Rights - Alex Neil
MSP**

CabSecSJCPR@scotland.gsi.gov.uk

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From: [Redacted]
Sent: Wednesday, December 10, 2014 3:53 PM

To: Cabinet Secretary for Social Justice, Communities and Pensioners' Rights

Cc: Minister for Local Government and Community Empowerment; Minister for Housing and Welfare; Permanent Secretary; DG Communities; [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted] Solicitor to the Scottish Government and PS

Subject: Submission on recall of major housing appeals

Cabinet Secretary for Social Justice, Communities and Pensioners' Rights

Please see attached routine submission relating to the potential recall of 7 major housing appeals.

<< File: Recall of SPP related housing appeals - submission to Minister - December 2014#3.docx >>

Regards

[Redacted]

[Redacted]

Principal Planner | Planning and Architecture Division | Scottish Government | 2-H South Victoria Quay | Edinburgh | EH6 6QQ | [Redacted]

[Redacted]

From: [Redacted]
Sent: 17 February 2015 13:44
To: Cabinet Secretary for Social Justice, Communities and Pensioners' Rights
Cc: Chief Planner; [Redacted]
(DPEA); [Redacted]
Subject: FW: Update on recall of major housing appeals
Importance: High

To see attached update on progress with the group of 8 recalled housing appeals. You'll note that they were all submitted to DPEA at different times and therefore we do not expect them to arrive from DPEA at exactly the same time, although they are all due in the next few weeks. Timescales will depend on whether further process is required, either in written or oral form. PAD will turn them around as quickly as possible on receipt.

You should note that the 3 appeals in Edinburgh were appeals against non-determination by the planning authority, which means that the planning authority had not got to the end of its consideration of the application. This can sometimes, but not always, require a little more time to ensure that all the necessary information is available.

Happy to discuss. [Redacted] or [Redacted] from DPEA would also be happy to discuss detailed issues in terms of timescales.



Recall of major
housing appeal...

[Redacted]

Principal Planner | Planning and Architecture Division | Scottish Government | 2-H South Victoria Quay | Edinburgh | EH6 6QQ | [Redacted]

RECALL OF MAJOR HOUSING APPEALS – EXPECTED TIMESCALES FOR DETERMINATION

Appeal	Date appeal submitted to DPEA	Anticipated date of submission to Ministers (although this may be extended if any need for further information or oral sessions)
PPA-200-2027 – Braes O Yetts Farm, Waterside Road, Kirkintilloch	23 Sept 2014	Anticipated submission of report from DPEA - March 2015
PPA-200-2028 – Saddlers Brae Farm, Langmuir Road, Kirkintilloch	24 Oct 2014	Anticipated submission of report from DPEA - March 2015
PPA-210-2043 – Land at Old Craighall Road, Old Craighall, East Lothian	30 July 2014	Received from DPEA on 3 Feb 2015, expected to go up to Cabinet Secretary for decision in next 10 days
PPA-230-2129 – Land 213 metres southwest of 22 The Wisp, Edinburgh	1 Aug 2014	Anticipated submission of report from DPEA - April 2015 <i>(This was an appeal against non-determination by the City of Edinburgh Council within the statutory timescales)</i>
PPA-230-2131 – land 447 metres northeast of 545 Old Dalkeith Road, Edinburgh	27 Aug 2014	Received from DPEA on 12 Feb 2015, expected to go up to Cabinet Secretary for decision in next 10 days <i>(This was an appeal against non-determination by the City of Edinburgh Council within the statutory timescales)</i>
PPA-230-2134 – land 345 metres southeast of 18 Cammo Walk, Edinburgh	5 Dec 2014	Anticipated submission of report from DPEA - early April <i>(This was an appeal against non-determination by the City of Edinburgh Council within the statutory timescales)</i>
PPA-400-2045 – land at Burghmuir A, East of Springfield, Linlithgow	14 Feb 2014	Anticipated submission of report from DPEA - March/April 2015
PPA-400-2046 – land at Clarendon Farm, Linlithgow	6 June 2014	Anticipated submission of report from DPEA - April 2015

[Redact]

)

From: [Redacted] PEA)
Sent: 31 March 2015 10:04
To: Cabinet Secretary for Social Justice, Communities and Pensioners' Rights
Cc: [Redacted-
Subject: Recalled planning appeals, update

Cabinet Secretary for Social Justice, Communities and Pensioners' Rights

As discussed earlier with [Redacted] [Redact] is unable to attend the meeting scheduled for later today for personal reasons. She is available via e-mail and the blackberry, number [redacted]

I undertook to provide a written update concerning the current position with regard to planning appeals that have been recalled by Scottish Ministers, which is set out below.

Reference	Appeal Site	Appeal Development	Current Position
PPA-230-2129	Land 213 metres southwest of 22 The Wisp, Edinburgh	Residential development (72 units) and associated development	It is anticipated that the report will be submitted to Scottish Ministers in the first half of April 2015.
PPA-230-2131	Land 447 metres northeast of 545 Old Dalkeith Road, Edinburgh	Planning permission in principle for residential development (173 houses) and associated development	Report was submitted to Scottish Ministers on 12 February 2015. A notice of intention to grant planning permission in principle was issued on 10 March 2015
PPA-230-2134	Land west of Maybury Road, 345 metres southeast of 18 Cammo Walk, Edinburgh	Planning permission in principle for residential development up to 670 residential units and associated development	It is anticipated that the report will be submitted to Scottish Ministers towards the middle of April 2015.
PPA-210-2043	Land at Old Craighall Road, Old Craighall, Musselburgh	Planning permission in principle for residential development (52 units) and associated development	Report was submitted to Scottish Ministers on 2 February 2015. A notice of intention to grant planning permission in principle was issued on 10 March 2015
PPA-200-2027	Braes o Yetts Farm, Waterside Road, Kirkintilloch	Planning permission in principle for	The report will be submitted to Scottish Ministers on 31 March 2015.

		residential development (200 homes) and associated development	
PPA-200-2028	Site south and west of Saddlers Brae Farm, Langmuir Road, Kirkintilloch	Planning permission in principle for residential development (50 homes) and associated development	The report will be submitted to Scottish Ministers on 31 March 2015.
PPA-400-2045	Land at Burghmuir A, east of Springfield, Linlithgow	Planning permission in principle for residential development (200 homes) and associated development	It is anticipated that the report will be submitted to Scottish Ministers towards the middle of April 2015.
PPA-400-2046	Land at Clarendon Farm, Linlithgow	Planning permission in principle for residential development (119 homes) and associated development	It is anticipated that the report will be submitted to Scottish Ministers towards the middle of April 2015.
PPA-320-2077	Mossend Rail Head, Reema Road, Reema Industrial Estate, Bellshill	Expansion Of Mossend Railhead With Additional Rail Sidings, The Development Of The Mossend International Railfreight Park Including: Class 5 (General Industry) Use; Class 6 (Storage And Distribution) Use And Ancillary Support Uses Including Access To The A8 And Associated Site Preparation, Earthworks, Infrastructure And Landscaping	It is anticipated that the report will be submitted to Scottish Ministers towards the end of April/beginning of May 2015.

[Redacted]

Head of Performance and Administration

DPEA

Unit 4

Callendar Business Park

Falkirk

FK1 1XR

Tel [Redacted]



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RECALL OF MAJOR HOUSING APPEALS – IMPLEMENTATION OF SCOTTISH PLANNING POLICY

Background

1. This correspondence relates to Scottish Ministers' decision to issue directions on 17 and 22 December 2014 to recall 8 major housing appeals in central Scotland. The background to the recall directions is set out in the submissions to the Cabinet Secretary on 10 and 17 December 2014.
2. Scottish Planning Policy (SPP) was published in June 2014. It is important to monitor the practical application of the newly published SPP, particularly in light of the SPP's new presumption in favour of sustainable development. This new part of the SPP is intended to require those making determinations to ensure that where there is a shortfall in housing and/or another policy void, such as an out of date development plan, then the presumption in favour of sustainable development will be a significant material consideration. This can help to bring forward housing sites which may not be allocated in the current development plan, but which might otherwise be acceptable in terms of location and type of development. Crucially though it is not intended to mean development at any cost. Recall of the appeals will allow Scottish Ministers to consider how the new policy is being implemented.
3. The directions have attracted some interest, particularly from a developer perspective, with some developers strongly welcoming the Ministers' intervention. In terms of media interest, the Edinburgh Evening News ran an article on 7 January 2015 which wrongly suggested that developers had asked Ministers to intervene on all of these specific appeals. It also incorrectly suggested that Ministerial intervention was more likely to result in approval. Some community interest is also emerging, particularly from the perspective of local objection to proposals, with suggestions that Ministers might be interfering in local democracy. This perhaps fails to recognise that the appeals would in any case have been dealt with by the Scottish Government, had they been delegated to a reporter.

Planning Appeals

4. The appeals which have been recalled relate to:
 - a) PPA-200-2027: Residential Development (200 homes) with associated access and landscaping, Braes O Yetts Farm, Waterside Road, Kirkintilloch, East Dunbartonshire, G66 3TQ.
 - b) PPA-200-2028: Residential Development and associated access (50 homes), site south and west of Saddlers Brae Farm, Langmuir Road, Kirkintilloch, East Dunbartonshire, G66 2TB.
 - c) PPA-210-2043: Residential Development (52 homes) and associated works, land at Old Craighall Road, Old Craighall, East Lothian.
 - d) PPA-230-2129: Residential Development (72 homes) and associated works, Land 213 metres southwest of, 22 The Wisp, Edinburgh.

e) PPA-230-2131: Residential Development (173 homes), ancillary uses and associated development, land 447 metres northeast Of 545 Old Dalkeith Road, Edinburgh.

f) PPA-400-2045: Residential Development (200 homes) including green space, Sustainable Urban Drainage, access roads and associated infrastructure, land at Burghmuir A, east of Springfield, Linlithgow, West Lothian.

g) PPA-400-2046: Residential Development (119 homes) with associated engineering works and landscaping, land at Clarendon Farm, Linlithgow, West Lothian

(h) PPA-230-2134: Residential development supported by ancillary mixed uses, associated works and landscaping at land west of Maybury Road (A902), 345 metres south east of 18 Cammo Walk, Edinburgh.

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Planning and Architecture

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