

{Redacted}

From: {Redacted}
Sent: 16 September 2020 16:04
To: [REDACTED]
Subject: RE: PPA-100-2106 Appeal Decision - Appeal allowed/allowed in part
Categories: MACCS/Post Decision Correspondence

Mr {Redacted}

Thank you for your email below.

While I acknowledge your disappointment with 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.

Although, I cannot discuss the specific planning merits of this appeal, I can offer a response to the point«Yourref» you make about evidence of road traffic accidents. Paragraph 37 of the reporter's decision refers to no details of any specific dangers or disruption having been brought to his attention, and no evidence of any previous road traffic incidents or accidents having been provided by the council. The reporter may only consider those documents and evidence which are submitted as part of the appeal in his determination of the case.

I trust this clarifies our position. However you may wish to know 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 <https://beta.gov.scot/publications/planning-and-environmental-appeals-complaints-policy/>.

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Finally, if you are dissatisfied with the administration service provided by this office during the appeal process and wish to discuss this further, then please contact [REDACTED], the Head of Performance and Administration, Planning & Environmental Appeals, 4 The Courtyard, Callendar Business Park, Falkirk, FK1 1XR or email [REDACTED].

Yours sincerely

{Redacted}

{Redacted}

Section Manager

Planning and Environmental Appeals Division
Telephone: {Redacted}

I AM WORKING FROM HOME CURRENTLY. PLEASE CONTINUE TO CONTACT ME BY EMAIL AS I WILL HAVE NO ACCESS TO PHONE OR VOICEMAIL UNTIL FURTHER NOTICE.

 Follow us on Twitter for Appeal and Decision Updates



From: {Redacted} [REDACTED]
Sent: 16 September 2020 09:18
To: {Redacted}
Subject: RE: PPA-100-2106 Appeal Decision - Appeal allowed/allowed in part

Thank you {Redacted} ,
Disappointing news for the residents. The reporter mistaken states that there is no evidence of road traffic accidents outside our drive on {Redacted} . The Council has recorded over five RTA. The stone walls still show the evidence, and Bielside house's railings are still missing due to the last crash. How can we appeal on this point of fact? Please advise.

Yours Sincerely
{Redacted}
{Redacted}
{Redacted}

From: DPEA {Redacted}
Sent: 11 September 2020 12:16
To: [REDACTED]
Subject: PPA-100-2106 Appeal Decision - Appeal allowed/allowed in part

Mr {Redacted}

Please find attached a document related to the case: PPA-100-2106 - Approval Of Matters Specified In Condition 1(Iv) (Construction Method Statement) Related To Planning Permission In Principle P120491

Regards,

{Redacted}



[Case Publication Website](#)

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{Redacted}
{Redacted} e
Aberdeen
{Redacted}

Telephone: [REDACTED]

Mobile: [REDACTED]

E-Mail: [REDACTED]

16th September 2020

Mr. {Redacted}

Thank you for the copy of your Appeal Decision. I have to say that it is extremely disappointing. It contains some clear errors, and also fails to address key issues that were raised in objections that were sent to the Government. I find it difficult to understand that after one brief visit you have chosen to totally disregard the objections of Aberdeen City Council, the Community Council and local residents.

Site Access:-

As you must surely be aware there is a law, passed by Aberdeen City Council earlier this year, which states that only emergency vehicles can use the Deeside Way. Yet you are actively encouraging the applicant to disregard this law and use the Deeside Way for construction vehicles. How is it that you, as someone who represents the Government, are allowed to suggest that someone breaks a local law?

And of course if this project happens it will open the floodgates for every other land owner along the Deeside Way to demand access for their construction projects. Thus it may be effectively lost or at least closed for long periods.

Decanting large items:-

You briefly mention that large items will have to be decanted onto smaller vehicles that can use the Deeside Way, but you have not mentioned where this will happen and how it will be managed. Lorries that will be long enough to carry the steelwork for the proposed building will almost certainly not be able to get down Golf Road due to the sharp bend by the railway bridge. So where will the decanting take place? The only possible place is the North Deeside Road. How many days will this cause major disruption for the users of the North Deeside Road, which is always busy with traffic coming from/to the AWPR? If some of the smaller lorries are able to get down Golf Road then there will be significant disruption for the residents and also for the Golf Club – this happened when the applicant last had heavy machinery delivered for site testing.

Deeside Way:-

You state that the Deeside Way “*is robust and of solid, loadbearing construction*”. I strongly disagree with you.

The Deeside Way has a very light construction that is only suitable for pedestrian/cycle/horse use. The tarmac surface is approximately 30mm thick and it appears to be laid on a compacted soil/gravel base. I suspect that a detailed investigation, or a study of Council records from when it was built, would reveal that it was built close to the standard for a pavement, certainly not a road.

Also, the tarmac is approximately 2.6m wide. A typical 3 ton dump truck has a wheel span of around 2m – a 6 ton is around 2.3m. Thus if the drivers are really careful all 4 wheels will be on the tarmac. But of course the load will all be taken by the tarmac at the edges,

inevitably resulting in severe damage. This will lead to a potentially dangerous situation for cyclists that might last for several months.

Aberdeenshire Council have a document on their web site “Standards for road construction consent and adoption”. I presume that this document, or one very similar, is valid within Aberdeen City. I attach a copy of one page. It clearly shows that the construction of the Deeside Way may just meet the specifications for a footpath, but certainly NOT that of a road.

Thus it is very clear that the Deeside Way is not suitable for use by construction vehicles.

Use of banksmen:-

You state *“I am satisfied that there is sufficient reassurance in this approach to demonstrate that effective management by the council can ensure that impacts on core path users are minimised”*

This implies that the council will have to have someone monitoring the use of banksmen and traffic throughout the build program. Who will pay for this? Will it be us? i.e. City council tax payers.

Closure of the Deeside Way:-

As I said in my objection to the Government, it is inconceivable that the Way can remain open whilst it is being used by construction traffic, even if banksmen are used. This would be extremely dangerous. Therefore the only safe way would be to completely close the section of the Deeside Way between Old Ferry Road and West Cults Road, the access points closest to the proposed building site.

I attended the last City Council planning meeting after which the application was refused. As I was leaving the meeting I happened to be walking next to the applicant and a gentleman that he introduced as his “architect” (it turned out that this man was not actually registered as an architect). After a brief discussion they both agreed with me that the Deeside Way will have to be closed for safety reasons. I asked them how long they expected the Way to be closed. The “architect” replied *“A minimum of 6 to 9 months”*.

Thus how can you state that the impact on users will be minimal?

Summary:-

Whilst you have gone into great detail about the actual building works you have glossed over/ignored the access problems and the disruption and inconvenience that the project will bring to local residents, road users and users of the Deeside Way.

Sadly, if this project does go ahead it will not be you that gets the blame and the complaints, it will be our local councillors. Meanwhile you will be sitting in your Falkirk office totally unaffected by your decision.

Is it possible for you to carry out a more detailed study of access, disruption, etc. and then reconsider your decision?

Regards
{Redacted}

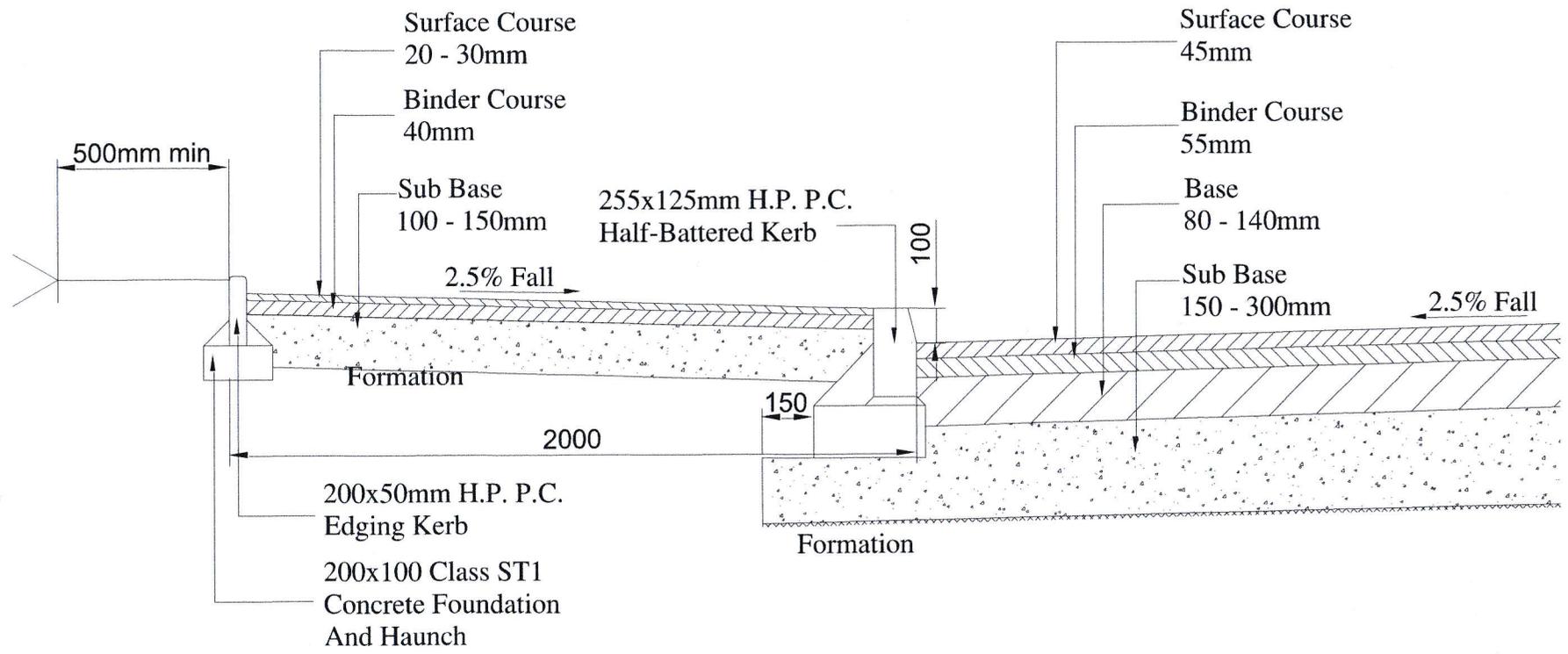


Figure 30.5: Typical Carriageway and Footway Construction

{Redacted}

From: {Redacted}
Sent: 13 October 2020 12:51
To: [REDACTED]
Subject: RE: PPA-100-2106 Appeal Decision

Dear {Redacted}

The decision notice in no way encourages the appellant to break local laws. Permission to use the core path for access must still be sought from the local council and the discharge of the planning condition relating to the construction method statement in no way supersedes any local policies or restrictions. It is worthy of note that at no time was the DPEA made aware of any local bylaws or policies preventing the use of the route for access by the council. Notwithstanding this fact, planning permission is not required to take access via this route and the only material consideration in the assessment of the appeal was the potential adverse impacts on users of the core path. In considering the appeal, the reporter was satisfied that, should there be any requirement to close the path, or cause any obstruction, this would be regulated through the statutory procedures set out within relevant access legislation. Any such need would be identified by the council as landowner when permission is sought to use the core path for construction access.

I trust this explains the position.

Yours sincerely

{Redacted}

{Redacted}

The Scottish Government
Planning and Environmental Appeals Division
4 The Courtyard
Callendar Business Park
Falkirk
FK1 1XR

****Please note my working pattern is Tuesday, Wednesday & Thursday****

From: {Redacted} [REDACTED]
Sent: 07 October 2020 11:23
To: {Redacted}
Cc: {Redacted}
Subject: RE: PPA-100-2106 Appeal Decision

{Redact
- -

Whilst I understand that the reporter's decision is final, I have to point out that no one has answered my most important question.
How is it allowed that representatives of our Government can actively encourage the applicant to break local laws? i.e. use the Deeside Way for construction traffic.
Surely the Government's fundamental purpose is to ensure that everyone complies with all laws.

Regards
{Redacted}

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{Redacted}

From: {Redacted} [REDACTED]
Sent: 27 May 2020 19:53
To: Scottish Ministers; kevin.stewart.msp@scottish.parliament.uk
Subject: FAO Kevin Stewart MSP, - Pitmedden - Bonnyton Farm development - request for assistance
Attachments: Notice of intention – dated 3 April 2020_671714[4517].pdf
Categories: MICASE

Good evening Mr Stewart

I hope you and yours are safe and well in these unprecedented times. It has been too many years since we last met at Aberdeen City Council, I miss our encounters as a former {Redacted}. Please be aware that I have also contacted [in April] your colleague and my MSP, {Redacted}

The village of Pitmedden (AB41) appreciates all that you and your colleagues are doing in order to maintain our safety from these challenging times. We appreciate that your time is precious and we look to you to continue representing and protecting our community's safety and way of life.

I am writing today as a resident and supporter to ask for that assistance: For some time a proposed residential development of Pitmedden has been going through several iterations of planning consent and consultations. The terms of which, are causing my family and my neighbours [the community] great concern. Please be aware that we are NOT opposing the development and that we are not NIMBY's. We recognise that need for development and that Pitmedden is part of Aberdeenshire Council's master development plan. However, through several rounds of planning consultation the community has opposed the traffic management plan attached to the development. Aberdeenshire Council has supported us on this and on two occasions it's planning committee has unanimously declined planning applications based on the traffic management plan and it's inherent safety deficiencies.

While we were delighted that the developer has been asked to resubmit with an alternative traffic management plan, that they appeared to be pursuing, as per protocol they have appealed to the Scottish Reporter who has sadly overturned the Council decisions and granted the appeal.

As an Aberdonian and local to the area you may know the junction (I am sure {Redacted} does): where Tarves Road and Ingleside meet, immediately next to the village shop and directly opposite Pitmedden Primary School. The development plan is to permanently open the street of Ingleside to make a 4 way junction with Tarves Road and the school. I hope from this simple explanation and hopefully local knowledge you can understand our concern?

In 2001 Aberdeenshire Council closed Ingleside a part of the planning consent to its construction. This was due to safety concerns and to protect the village amenities. Since then Tarves Road has only become busier and more of a concern. A significant key point to the Scottish Reporter's {Redacted} decision is the lack of record of this event or its reasoning. As a QHSE professional for the last 30 years in Local Government, industry and as a regulator, I am simply appalled at this logic. Despite significant anecdotal evidence from Councillors of the time (and still serving the community), no action has been taken to verify this, either through record retrieval or investigation with the councillors. When combined with the developers own traffic management risk assessment; that outlines unresolved deficiencies in the plan, this decision to grant the appeal defies belief. Due to the lack of record, the anecdotal evidence and the risk assessment, these are the very reasons why we believe an appeal should have been denied. Protection is the fundamental of Scottish H&S legislation, through the hierarchy of control the first point is elimination – remove the risk. The report, while extensive, is also scant on the detail under what conditions the visit to the location was made and given that the refusal to allow a member of the council, community council or member of the community to accompany the visit, or make commentary, we cannot in good conscience accept the findings.

Should we be correct and someone is hurt, or worse, that a person, a child, dies in an RTC; I doubt that the Scottish Reporter or the developer will stand before us and apologise for their mistakes. However, we want to do everything in our power to avoid those events and *we need your help*.

I have taken much of your time with this email and the attachment will take even more. We have requested Mrs {Redacted} help to lobby our case with you, [the Minister], to have the Scottish Reporter decision overturned and uphold the decision(s) of Aberdeenshire Council. We now reach out to you personally in an attempt to seek and lobby for your assistance directly.

Thank you kindly, once again, for your time and service. I look forward to hearing from you soon and should you require anything further please do not hesitate to contact me.

Yours Sincerely,

{Redacted}

Pitmedden

Sent from [Mail](#) for Windows 10

From: {Redacted}

Sent: 13 April 2020 13:27

To: {Redacted}

Subject: Pitmedden - Bonnyton Farm development - request for assistance

Good afternoon {Redacted},

I hope you and yours are safe and well in these unprecedented times.

The village of Pitmedden appreciates all that you and your colleagues are doing in order to maintain our safety from these challenging times. We appreciate that your time is precious and we look to you to continue representing and protecting our community's safety and way of life.

I am writing today as a constituent and supporter to ask for that assistance: For some time a proposed residential development of Pitmedden has been going through several iterations of planning consent and consultations. The terms of, which, are causing my family and my neighbours [the community] great concern. Please be aware that we are NOT opposing the development and that we are not NIMBY's. We recognise that need for development and that Pitmedden is part of Aberdeenshire Council's master development plan. However, through several rounds of planning consultation the community has opposed the traffic management plan attached to the development. Aberdeenshire Council has supported us on this and on two occasions it's planning committee has unanimously declined planning applications based on the traffic management plan and it's inherent safety deficiencies.

While we were delighted that the developer has been asked to resubmit with an alternative traffic management plan, that they appeared to be pursuing, as per protocol they have appealed to the Scottish Reporter who has sadly overturned the Council decisions and granted the appeal.

As a resident of {Redacted} and your office in Oldmeldrum you may know the junction: where Tarves Road and Ingleside meet, immediately next to the village shop and directly opposite Pitmedden Primary School. The development plan is to permanently open Ingleside to make a 4 way junction with Tarves Road and the school. I hope from this simple explanation and local knowledge you can understand our concern?

In 2001 Aberdeenshire Council closed Ingleside a part of the planning consent to its construction. This was due to safety concerns and to protect the village amenities. Since then Tarves Road has only become busier and more of a concern. A significant key point to the Scottish Reporter {Redacted}) decision is the lack of record of this event or its reasoning. As a QHSE professional for the last 30 years in both industry and as a regulator, I am simply appalled at this logic. Despite significant anecdotal evidence from Councillors of the time (and still serving the community),

no action has been taken to verify this, either through record retrieval or investigation with the councillors. When combined with the developers own traffic management risk assessment that outlines unresolved deficiencies in the plan, this decision to grant the appeal defies belief. Due to the lack of record, the anecdotal evidence and the risk assessment, this are the very reasons why an appeal should have been denied. Protection is the fundamental of Scottish H&S legislation, through the hierarchy of control the first point is elimination – remove the risk. The report, while extensive, is also scant on the detail under what conditions the visit to the location was made and given that the refusal to allow a member of the council, community council or member of the community to accompany the visit or make commentary we cannot in good conscience accept the findings.

Should we be correct and someone is hurt, or worse, that a child dies in an RTC; I doubt that the Scottish Reporter or the developer will stand before us and apologise for their mistakes. However, we want to do everything in our power to avoid those events and *we need your help*.

I have taken much of your time with this email and the attachment will take even more. However, I urge you, plead with you, please lobby our case with the Minister to have the Scottish Reporter decision overturned and uphold the decision(s) of Aberdeenshire Council.

Thank you kindly, once again, for your time and service. I look forward to hearing from you soon and should you require anything further please do not hesitate to contact me.

Yours Sincerely,

{Redacted}

Pitmedden

Sent from [Mail](#) for Windows 10

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{Redacted}

From: {Redacted}
To: R 16 October 2020 11:45
Subject: {Redacted},
RE: PPA-110-2392 Appeal Decision - Appeal allowed/allowed in part

Dear {Redacted}

Thank you for your e-mail of 7 October 2020 regarding the appeal PPA-100-2006, Land adjacent to East Lodge, Stonehaven, AB39 3QA.

While I acknowledge that the reporter's decision will be disappointing, I am afraid that once a decision has been made in an appeal, that decision is final subject only to review by the Court of Session. We cannot reconsider a reporter's decision, or their reasoning in reaching that decision, once that decision has been issued, nor can we debate its particular merits. As such, I am afraid that it would therefore not be appropriate for me, or the reporter, to comment on the matters you mention.

I can only advise 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 7 July 2020. What I can say is that the issues dealt with in the reporter's decision notice were taken from the council's reasons for refusal, which formed the basis of the appeal, and this is set out clearly in the notice.

However you may wish to know 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 with a deadline of 18 November 2020. 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.

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Finally, if you are dissatisfied with the administration service provided by this office during the appeal process and wish to discuss this further, then please contact {Redacted}, the Head of Performance and Administration, Planning & Environmental Appeals, 4 The Courtyard, Callendar Business Park, Falkirk, FK1 1XR or email {Redacted}

I trust this clarifies our position.

{Redacted}

The Scottish Government
Planning and Environmental Appeals Division
4 The Courtyard
Callendar Business Park
Falkirk
FK1 1XR

{Redacted}

{Redacted}

www.scotland.gov.uk/Topics/Built-Environment/planning/decisions-appeals/Appeals/dpea

From: {Redacted}

Sent: 07 October 2020 10:33

To: {Redacted}

Subject: Re: PPA-110-2392 Appeal Decision - Appeal allowed/allowed in part

Morning {R Re
ed-ee

I'm in shock at this atrocious decision made, there is no health and safety factor in the whole report for our children , grandchildren or ourselves .
I will be following this up with an appeal to the link you provided.

To go against 5 councilors in Stonehaven who all agreed that the road was not acceptable , beggars belief .

Regards

{Redacted}

Sent from my iPhone

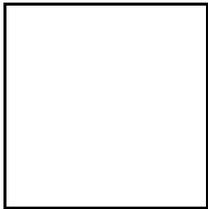
On 7 Oct 2020, at 09:45, DPEA {Redacted}

Sir/Madam,

Please find attached a document related to the case: PPA-110-2392 - East Lodge Link Road Infrastructure

Regards,

{Redacted}



[Case Publication Website](#)

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<Decision Notice - dated 7 October 2020_713477.pdf>

<Expenses decision notice - claim from Kirkwood Homes Limited against Aberdeenshire Council - dated 7 October 2020_713478.pdf>

<PPA-110-2392_20201007_0923_2.docx>

<SG_master_logo_RGB.jpg>

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{Redacted}

)

From: {Redacted}
Sent: 16 October 2020 11:29
To: {Redacted}
Subject: FW: PPA-110-2392 Appeal Decision - Appeal allowed/allowed in part

Dear {Redacted}

Thank you for your e-mail of 7 October 2020 regarding the appeal PPA-100-2006, Land adjacent to East Lodge, Stonehaven, AB39 3QA.

While I acknowledge that the reporter's decision will be disappointing, I am afraid that once a decision has been made in an appeal, that decision is final subject only to review by the Court of Session. We cannot reconsider a reporter's decision, or their reasoning in reaching that decision, once that decision has been issued, nor can we debate its particular merits. As such, I am afraid that it would therefore not be appropriate for me, or the reporter, to comment on the matters you mention.

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However you may wish to know 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 with a deadline of 18 November 2020. 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.

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I trust this clarifies our position.

{Redacted}

The Scottish Government
Planning and Environmental Appeals Division
4 The Courtyard
Callendar Business Park
Falkirk
FK1 1XR

{Redacted}

www.scotland.gov.uk/Topics/Built-Environment/planning/decisions-appeals/Appeals/dpea

From: {Redacted}

Sent: 07 October 2020 10:17

To: {Redacted}

Subject: RE: PPA-110-2392 Appeal Decision - Appeal allowed/allowed in part

{Redacted} many thanks for this. I am somewhat confused through as the objections from the family friendly housing estate and East Lodge Drive residents was with refence to the safety of the residents and more importantly the children of the estate and not the trees!!!

The report mentions safety once which is with reference to road safety at the junction.

The “conditions” regarding the approval for the road all relate to protecting the visual amenity of the area rather than protecting the residents of the family friendly housing estate.

Please be advised we are most certainly unhappy with the decision made by the reporter and will be appealing to the Court of Session.

Regards {Redacted}

{Redacted}



Unit 16, Innovation Centre, Aberdeen Energy Park, Exploration Drive, Aberdeen, AB23 8GX.



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A blue banner for NAMAKA ASSET MANAGEMENT SYSTEM. On the left is the 'nams' logo in white and blue, with 'NAMAKA ASSET MANAGEMENT SYSTEM' below it. In the center, the text 'THE EVOLUTION OF ASSET MANAGEMENT IS HERE' is displayed in large, bold, white letters. On the right, there is a blue button with the text 'FIND OUT MORE >' in white.

From: DPEA <{Redacted}> >

Sent: 07 October 2020 09:46

To: {Redacted}

Subject: PPA-110-2392 Appeal Decision - Appeal allowed/allowed in part

Sir/Madam,

Please find attached a document related to the case: PPA-110-2392 - East Lodge Link Road Infrastructure

Regards,

{Redacted}



[Case Publication Website](#)

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{Redacted}

From: {Redacted}
Sent: 19 March 2020 14:11
To: {Redacted}
Cc: {Redacted}
Subject: RE: PPA-120-2053 Appeal Decision - Appeal allowed/allowed in part

Dear {Redacted} ,

I acknowledge your e-mail below dated 4th March in which you detail your concerns in relation to the erection of a fence along the North West Site Boundary on land at Ashludie Hospital, Victoria Street, Monifieth.

While I acknowledge your disappointment with 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.

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 9th January 2020.

You raise specific concerns with regard to condition 1, in particular seeking clarification if residents will be allowed any input into the condition, and also inquiring when we consider the fence will be built. It is now the responsibility of the local Planning Authority to ensure that the developer complies with all of the conditions imposed by the reporter in the grant of planning permission, including the submission of the assessment referred to in condition 1. If the developer fails to comply with the conditions, then the local Planning Authority will be able to take whatever action it considers appropriate to ensure that the applicant meets the conditions. Condition 1 relates to the submission of an assessment on the impact of trees which requires to be approved by the Planning Authority. The developer will now have to progress this assessment, and there may be an opportunity for you to liaise with both the developer and the Planning Authority to assist in the early submission of the assessment.

I trust this clarifies our position. However you may wish to know 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 <https://beta.gov.scot/publications/planning-and-environmental-appeals-complaints-policy/>.

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Finally, if you are dissatisfied with the administration service provided by this office during the appeal process and wish to discuss this further, then please contact {Redacted} the Head of Performance and Administration, Planning & Environmental Appeals, 4 The Courtyard, Callendar Business Park, Falkirk, FK1 1XR or email {Redacted}

Kind regards

{Redacted}

Planning and Environmental Appeals Division (DPEA)
Scottish Government,
Callendar Business Park, Callendar Road,
FALKIRK, FK1 1XR

{Redacted}



From: {Redacted}

Sent: 04 March 2020 15:44

To: {Redacted}

Subject: Re: PPA-120-2053 Appeal Decision - Appeal allowed/allowed in part

{Redact

Obviously we are very disappointed with your decision and I disagree with many of the points you've raised but I'm tired now and I guess I'd be wasting my time appealing to the courts. Millar Homes, in cahoots with Angus Planning, have put us through > 5 years of pain & distress and have now succeeded in finally getting their own way. It was always a cost issue and nothing will convince me otherwise - there was never any intention of building the wall and the years of telling us the wall would be started 'soon' prove that. They waited until the last houses were being completed before renegeing on their promises.

Will residents be allowed any input into Condition 1? Nothing will be done until that's sorted out and I don't see any 'start or finish date'. I strongly suspect that Millar Homes will use this to further delay progress - meanwhile, the mandated landscaping (Ashludie side of eastern & southern boundaries) will be put off again 'pending completion of the wall/fence' and I'll be fighting ingress of weeds, noise pollution, fence propping etc for yet another year ie

Condition 1 : Indeterminate start/finish

Condition 2 : 3 months

Condition 3 : 2 months

Outstanding Landscaping Condition : Indeterminate start/finish

Would you care to give us some idea when you expect the new fence to be built and the landscaping completed? Will they install 'Heras fencing' during the 2 months you've allowed them to actually build the fence (noting that I have 2 dogs and grandchildren visiting frequently)? Will they take responsibility for removing the existing fencing and tying in to my southern boundary fence as well as the existing fencing separating the 4 properties? Will they need access to our properties and, assuming so, then will they make appropriate prior arrangements? What security measures will they provide once existing fence down or will I be require to stay home for 2 months? Would you also like to take bets on the amount of damage they cause to the existing trees etc and then claim that it's not their fault?

By the way, it is ridiculous to keep citing the state of the existing fence when we were continually being told that the 'wall' was coming ... no maintenance was therefore 'required' and I can further advise that it was knocked down at least 3 times due to negligent work practices by Millar Homes contractors. There was nothing wrong with the fence before they came on site > 5 years ago and I can assure you that if they hadn't been there then the fence would have been properly maintained.

Finally, can you please advise who the 'Environmental Health Team' are? Their advice to you seems to have been pivotal but I haven't see any formal submission from them.

"I note the environmental health team's assessment that the attenuation qualities of the proposed fence claimed by the appellant are 'fairly accurate'" ... What does that mean and, with respect to noise attenuation, how does it compare to the original double-brick wall condition?

Sorry for ranting but this has been a long and frustrating experience.

Regards

{Redacted}

On 4 Mar 2020, at 08:15, DPEA {Redacted} wrote:

{Redacted}

Please find attached a document related to the case: PPA-120-2053 - Application To Erect A 2M Timber Fence Along The North West Site Boundary Between The Miller Homes Development And The Existing Properties Within 'The Stables'

Regards,

{Redacted}



[Case Publication Website](#)

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<Decision Notice - dated 4 March 2020_667691.pdf><PPA-120-2053_20200304_0802_1.docx><SG_master_logo_RGB.jpg>

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{Redacted}

From: {Redacted}
Sent: 06 April 2020 08:17
To: {Redacted}
Subject: PPA-120-2053 Appeal Decision - Appeal allowed/allowed in part

PPA-120-2053

6 April 2020

Dear {Redacted}

I acknowledge receipt of your e-mail of 19 March, below, in which you detail your concerns in relation to the reporter's decision to allow the appeal against the decision of Angus Council to refuse permission for erection of a fence along the North West Site Boundary on land at Ashludie Hospital, Victoria Street, Monifieth.

While I acknowledge your disappointment with 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.

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 9th January 2020.

I note your comments regarding a previous condition that a wall be erected. The reporter addresses the terms of a previous consent in paragraph 18 of the Decision Notice, finding that the terms of the previous consent does not justify the refusal of the proposal (for the timber fence).

Although the reporter has noted your concerns with regard to the maintenance of the fence, this is outwith the remit of the reporter, and confirm that maintenance matters are for the developer to finalise and action.

I trust this clarifies our position. However you may wish to know 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 <https://beta.gov.scot/publications/planning-and-environmental-appeals-complaints-policy/>.

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Kind regards

{Redacted}

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

{Redacted}



From: {Redacted}
Sent: 19 March 2020 14:44
To: {Redacted}
Subject: Re: PPA-120-2053 Appeal Decision - Appeal allowed/allowed in part

19 March, 2020

{R
ed

I have been in hospital for an operation or I would have responded sooner.

I am , to say the least , extremely disappointed in the outcome of this wall vs. fence saga that Miller Properties not being made to honour the decision of Angus Planning Council .

A wall was specified on two occasions by Angus Planning Council and on both occasions passed unanimously , to satisfy the needs and concerns of residents of The Stables.

There is no reference as to who will maintain the wooden fence although I would expect it to be handled by the factor that Miller Homes has designated for the Ashludie development.

Please verify that this is in fact the cases do company name of the factor.

Regards

{Redacted}

{Redacted}

From: {Redacted}
Sent: 18 February 2020 22:05
To: Scottish Ministers
Subject: DC1 and DC04 mean nothing
Categories: MICASE

Lothian council

Committee also considered [an application to develop a house](#), double garage and associated works on ground adjacent to a house on the outskirts of Ormiston. The applicants sought permission for the new build property to allow family to live beside them to help with long-term care needs. However the proposed development runs contrary to the council's policies to protect against development in the countryside (DC01 and DC04).

While having great sympathy with the applicants and their circumstances, the majority of committee members were unable to support this departure from established planning policy. The applicants have been advised of other options available to them, including building in garden ground or extending their existing property, which would be suitable.

Reporter said go ahead because it wont be seen much as you drive past.

What about policy DC1 and DC04, this gives the go ahead for anybody to build in most gardens in east lothian.

Best regards

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{Redacted}

From: {Redacted} on behalf of Cabinet Secretary for Communities and Local Government
Sent: 27 January 2020 15:31
To: Public Engagement Unit
Subject: FW: Planning permission at Canal
Categories: MICASE

Fo MiCase – follow up to what appears to be original correspondence however I cannot see this in our info.

From: {Redacted}
Sent: 27 January 2020 15:21
To: Cabinet Secretary for Communities and Local Government <CabSecCLG@gov.scot>
Subject: Fw: Planning permission at Canal

Dear Minister

As I had not received a response/acknowledgement to my email below I realised that it may have been sent to the wrong email address. I would have hoped that someone in the constituency would have forwarded the email for me - but not sure if that happened or not. I hope that this is now the correct email address and I look forward to a reply

{Redacted}

From: {Redacted}
Sent: Thursday, January 9, 2020 6:40 PM
To: {Redacted}

Subject: Planning permission at Canal

Dear Minister

I am writing to you about the Scottish Government's decision to overturn Edinburgh Council's decision to refuse permission for Boatels to be moored on the canal.

Presumably the company, Edinburgh Boatel, which is registered in Inverness will profit from this decision?

I note that Karen Heywood states that Scottish Canals - acting on behalf of the Scottish Government -has highlighted that the primary function of the canal is for powered licensed craft for leisure use. Not sure I agree that Boatels rented out for profit quite fall into this category. Many Edinburgh residents are calling on the City Council to cut back on tourism.

I also note that in your capacity as Local Government Minister you previously stated that

“I want people to be much more actively involved in the planning of their areas than ever before, to say what they think and to know they have been listened to.”

I would be grateful if you would advise

- 1 Who actually made the decision to overturn the Local Council's decision? Is it a Committee of civil servants or MSPs or was it an individual?
- 2 Why were the opinions of local residents and stakeholders not listened to (or listened to and ignored)? Almost 300 local residents objected to the mooring of the Boatels.
3. Are there any plans to change the law to allow local communities a right of appeal if planning decisions go against them? At the moment the law seems to be weighted in favour of developers who do have the right of appeal. This strikes me as discriminatory and inherently unfair.

Yours
{Redacted}

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