

{Redacted}

From: {Redacted}
Sent: 02 December 2020 17:32
To: {Redacted} ,
Subject: Response to correspondence PPA-320-2143 Former Cleland Hospital

Dear {Redacted}

Thank you for your email below in respect of an appeal at Cleland Hospital, Bellside, Cleland.

In terms of your particular concerns, as you likely know, once a decision in an appeal has been issued, that decision is final (subject to any court of session challenge) and DPEA have no further jurisdiction in the matter. The responsibility for ensuring that the terms of the reporter's decision are adhered to returns to the local authority, in this case North Lanarkshire Council. The conditions attached to any permission enable the council to satisfactorily determine the suitability of the proposed site operation and to monitor and enforce these, as appropriate. There are a wide range of enforcement powers in planning legislation and planning authorities have discretion to determine what power, or combination of powers, to use in any particular situation. I note you have contacted the local authority and hopefully they will refer back to you shortly if they have not already.

I am sorry I could not help you further but trust this clarifies matters.

Kind regards

{Redacted}
{Redacted}

***Please note that DPEA have moved office with effect from Monday 16 November.**

The new address is *Planning and Environmental Appeals Division, Scottish Government, Ground Floor, Hadrian House, Callendar Business Park, Callendar Road, Falkirk FK1 1XR - All telephone numbers and e-mail addresses will remain the same.

{Redacted}

and Environmental Appeals Division | 4 The Courtyard | Callendar Business Park | Falkirk | FK1 1XR | T: [REDACTED]

Website: WWW.dpea.scotland.gov.uk



From: {Redacted} [REDACTED]
Sent: 13 November 2020 12:30
To: {Redacted}
Subject: Fwd: PPA-320-2143 - Former Cleland Hospital

Hello { { .edac
RRed}

I am writing to the DPEA as I have some concerns around adherence to the conditions outlined on the approval for planning permission on the above site.

Please see my email sent to North Lanarkshire Council who have not responded to my request.

The concern is that works are underway at the site and my question is around what recourse there is if the developer is not adhering to any conditions outlined by the Reporter.

Please see attached a picture of works on site as of 5th November.

Regards,



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From: {Redacted}

Sent: Thursday, November 5, 2020 5:50:17 PM

To: {Redacted}

Subject: PPA-320-2143 - Former Cleland Hospital

Dear K{Red
acte

Given works have commenced at the site above I would be grateful if you would confirm if the developer has provided the detailed remediation strategy as described in the conditions by the Scottish Government Reporter? If not, has an exception been provided by the Planning Dept. of NLC?

3. Before any works of any description start on the application site, unless otherwise agreed in writing with the planning authority, a detailed remediation strategy setting out the remediation and mitigation measures required to address the contamination/gassing issues identified in the Geotechnical Report shall be submitted to and approved in writing by of the said authority. Such remediation measures shall (unless otherwise agreed) include capping layer, barrier pipes and vapour membranes in foundations sufficient to mitigate against risks from hydrocarbons present in the soil.

4. The remediation works approved in relation to condition 3 above shall be carried out in accordance with an implementation timetable, which shall be agreed in writing with the planning authority before any works start on site. No individual dwelling shall be occupied until a certificate (signed by a Chartered Environmental Engineer) has been submitted to the planning authority confirming that any applicable remediation works have been carried out in accordance with the agreed remediation strategy.

Reason for conditions 3 & 4: To ensure the implementation of appropriate mitigation measures to address ground contamination and stability issues, in the interests of the amenity and wellbeing of future residents.

Regards,

{Redacted}

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For more information please visit <http://www.symanteccloud.com>

{Redacted}

From: {Redacted}
Sent: 20 August 2020 11:03
To: {Redacted}
Subject: Re: PPA-320-2143 General Letter

Thanks for your reply {Redacted}

Our wee objectors group know we've been defeated.
Big corporations usually get their way. On hindsight we probably were delusional to even try to stop the plans/destruction.

My {Redacted} comes first, hopefully as I've mentioned, the contaminants feet from her bedroom, are not the cause of her condition. Fairhurst are getting back today with information to put my mind at ease with this.

I'd like to thank you for your efficiency and timely correspondence throughout this process, I only wish it was a happier ending for our group.

Best wishes

{Redacted}

On Thu, 20 Aug 2020 at 10:39, {Redacted} wrote:

Dear {Redacted}

Thank you for your e-mail of 18 August 2020.

I am sorry to read about your {Redacted} and note your concerns regarding contaminants. I

am afraid because the case remains live, it would not be appropriate for the DPEA, to make comment on its particular planning merits.

However, it is a matter you may wish to continue pursuing with the council's environmental health department. If it may help the contact I have for the council

for this appeal is {Redacted} who can be e-mailed at {Redacted}

It may be helpful to explain a

reporter must, by law, determine an appeal in accordance with the development plan for the area affected taking account all material considerations. There

is no defined list of what is, and what is not a material consideration, however they can cover a wide range and can include (but are not restricted to) Scottish Government policy, advice and circulars, the views of statutory and other consultees, the environmental

impact of the proposal, legitimate public concern or support expressed on relevant planning matters as well as traffic impact, flooding impact and the adequacy of infrastructure.

Reporters' come to their conclusions on the basis of the information submitted and where applicable their observations from site inspections. At paragraph 18 of the notice of

intention, the reporter discusses the submissions made on contaminants and notes that he is satisfied that the necessary remedial works can be achieved through planning conditions which include conditions 1, 3 and 4.

As you know the reporter has deferred his final decision for a period of up to 12 weeks to enable the relevant planning obligation to be completed

and submitted. After this period or following the completion and registration of the planning obligation, as appropriate, the reporter will consider whether to grant or refuse planning permission for the proposed development. As previously noted anyone aggrieved

by the reporter's (final) decision, once issued, may make an application to the Court of Session, on a point of law, within 6 weeks of the date of that decision.

I am sorry I cannot be of further help on this matter.

Regards

{Redacted}

Scottish Government | Planning and Environmental Appeals Division (DPEA) | 4 The Courtyard | Callendar Business Park | Callendar Road | FALKIRK | FK1 1XR

Main office Tel: [REDACTED]

Main office Email:

DPEA@gov.scot



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From: {Redacted}

Sent: 18 August 2020 16:56

To: {Redacted}

Subject: Re: PPA-320-2143 General Letter

Hi {Redact
ed}

Thanks again for your email, as always, your communication is appreciated.

Just to let you know, I've been trying to get in touch with Fairhurst to give me information on the contaminants at the site. Nobody's got back to me. {Redacted} from NLC environmental dept did though, and said he would try to get

some answers for me.

{not within scope}

{not within scope}

Not so in this case.

Anyway, I want to be able to discount the contaminants that are feet away from her bedroom.

The coalboard when previously asked about the ground conditions, told me to speak to the planning dept, and promptly ended the conversation!

I will continue to try and speak to Fairhurst regarding the contaminants, to rule out their findings from their probes.

Regards

{redacted}

{redacted}

{redacted}

{redacted}

{redacted}

On Tue, 18 Aug 2020 at 15:27, {redacted} :

Dear {redacted}

Thank you for your e-mail of 31 July 2020 about the above appeal.

I am sorry to hear of your dissatisfaction in this matter and I note what you write. However, I am afraid that because the

final decision in this

appeal has not yet been issued, and the case remains live, it would not be appropriate for the DPEA, to make comment on its particular planning merits or on the reporter's conclusions. I can only advise that the reporter carefully weighed all the information

submitted as part of the appeal, including the appellant's grounds of appeal, the authority response, the appellant's comments on authority response and all the letters submitted by parties to the proposal before coming to his conclusions.

As you know the reporter has deferred his final decision for a period of up to 12 weeks to enable the relevant planning

obligation to be completed

and submitted. At that time the reporter will consider whether to grant or refuse planning permission for the proposed development. I can only try to reassure you that within his notice, the reporter details a number of conditions that will be attached to

the planning permission (if granted) which are imposed in order to regulate the development of the land in question.

I am sorry I could not give you a more favourable response but trust this clarifies the position.

I can confirm that, once the final decision has been made, 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. The Court of Session is the only authority that can ask for the reporter's decision to be reconsidered. An appeal must be made within six weeks of the date of the appeal decision.

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 further information on challenging decisions made by DPEA please see

<https://www.gov.scot/publications/challenging-planning-decisions-guidance/>.

We collect information if you take part in the planning process, use DPEA websites, send correspondence to DPEA or attend

a webcast. To find out more about what information

is collected, how the information is used and managed please read the

[DPEA's privacy notice](#) -

<https://beta.gov.scot/publications/planning-and-environmental-appeals-division-privacy-notice/>

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}

Regards

{redacted}

Scottish Government | Planning and Environmental Appeals Division (DPEA) | 4 The Courtyard | Callendar

Business Park | Callendar Road | FALKIRK | FK1 1XR

Main office Tel {redacted}

Main office Email:

DPEA@gov.scot



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From:
r
{redacted}

Sent: 31 July 2020 15:08

To: {redacted}

Subject: Re: PPA-320-2143 General Letter

Hi {redacted}

Appreciate your email.

We are still hoping Persimmon don't go ahead and shoehorn houses into this lovely site.

Regards

{redacted}

On Fri, 31 Jul 2020 at 14:30, DPEA {redacted}

wrote:

{redacted}

Please find attached a document related to the case: PPA-320-2143 - 86 Detached, Semi-Detached And Terraced Dwellinghouses And Associated Infrastructure

Regards,

{redacted}



[Case Publication Website](#)

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{r

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--

{redacted}

{redacted}
{redacted}

{redacted}

{redacted}

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--

{redacted}

{redacted}

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--
{redacted}

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{redacted}

From: {redacted}
Sent: 19 August 2020 23:04
To: {redacted}
Subject: Persimmon - Cleland Hospital site

Good evening {redacted}

Points to be noted at Thursdays Planning Committee meeting, as an overturn of the decision made Jan 30th will have consequences that would remain a concern.

I left a voicemail with some information this afternoon regarding our meeting on Friday with {redacted}

Spoke with Fairhurst today regarding contaminants in soil, will be getting feedback tomorrow (Thursday) hopefully. Would like assurance on the levels.

Also, felt an article published today by {redacted}, deputy editor of the Wishaw Press was a little premature since the final decision has not yet been issued.

Regards

{redacted}

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{redacted}

)

From: {redacted}
Sent: 02 July 2020 17:08
To: {redacted}
Subject: Re: PPA-320-2143 Notice Of Intention Issued

Hi S<sup>{redact
ed}</sup>

Wondering if the Notice of Intention could be explained in layman's terms please.
Taking it that Persimmon has won their appeal, but I'm not clear on the justifications. (as are my fellow objectors)

Simple clarification would be appreciated as we are reading it from different viewpoints.
If we are to be disappointed, we would want to understand the reasons why.

I await your or {redacted} .

Thank you

{redacted}

On Thu, 2 Jul 2020 at 15:15, DPEA^{redacted} :

{redacted}

Please find attached a document related to the case: PPA-320-2143 - 86 Detached, Semi-Detached And Terraced Dwellinghouses And Associated Infrastructure

Regards,

{redacted}



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{redacted}

From: {redacted}
Sent: 01 April 2020 13:57
To: {redacted}
Subject: RE: FW: Re: PPA-400-2097 Appeal Decision - Appeal allowed/allowed in part

Dear {redacted}

Thank you for your further email. If it may assist to explain a little more fully the respective roles of the planning authority and of DPEA. Primary responsibility for delivery of the planning service in Scotland lies with the 32 local authorities and two national park authorities. The role of the DPEA is as an impartial, decision making body, who determine certain appeals against decisions made by planning authorities and other bodies across Scotland. Once those decisions have been made the jurisdiction returns to the planning authority.

As you will likely know, the right to seek an appeal or review against a decision taken by a planning authority is an important element of the planning system. Whilst DPEA may issue decisions that overturn that of a planning authority, they may also agree with the authority's decision and do not always overturn decisions on appeal. Each case is considered on its individual merits.

I do understand your frustration, and can only add that planning has a critical balancing role to play when competing interests emerge in the consideration of future development. It is essential to recognise that planning issues, by their very nature, will often bring differing interests into opposition and disagreement and the resolution of those issues one way or another will inevitably disappoint some parties. Planning cannot be expected to satisfy all interests all of the time. It should however enable speedy decision making in ways which are transparent and demonstrably fair. Reporters come to their conclusions on the basis of the information submitted and where applicable their observations from site inspections. Their decision notices clearly set out, the determining issues in each case and responses to issues raised, identifying impacts from the various proposals but addressing those where they arise

I trust this clarifies the position.

Kind regards

{redacted}

From: {redacted}

Sent: 31 March 2020 10:08

To: {redacted}

/allowed in part

Good morning {redact} thanks for the information.

You tell me that 'once a decision is made, the responsibility for ensuring that the terms of the reporter's decision are adhered to, returns to the local authority, in this case West Lothian Council.'

This seems to be at odds with what is contained in the Appeal Decision Notice where it clearly states '**grant planning permission in principal subject to the 14 conditions listed at the end of this decision notice**'.

Does your office not check this?

Do you really leave this to the local authority?

Sounds like an abdication of duty to me.

Comments please.

Thanks

{redact} in the meantime keep safe in these unusual times.

Regards

{redacted}

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

From: Mandv. {redacted}

To: {redacted}

Sent: Monday, 30 Mar, 2020 At 10:34

Subject: FW: Re: PPA-400-2097 Appeal Decision - Appeal allowed/allowed in part

Dear {redacted}

Thank you for your e-mail of 27 March, to my colleague {redacted}, in respect of the above case.

In terms of the main thrust of your correspondence I am afraid DPEA have no power to extend the deadline in respect of a court of session challenge. As I understand it, if you challenge a decision on a planning appeal it must be made to the Court of Session within 42 days (6 weeks) of the date of the decision – this period cannot be extended. Chapter 41 of the Court of Session Rules applies to these appeals: <http://www.scotcourts.gov.uk/docs/default-source/rules-and-practice/rules-of-court/court-of-session/chap41.pdf>. However, this is of course a matter for the courts and it would be open to you to contact the Court of Session directly and ask them about their procedures in light of recent events surrounding coronavirus. Their telephone number is 0131 444 3300. Further information about the Court of Session and court procedures is also available from the Scottish Courts and Tribunals service at www.scotcourts.gov.uk

In terms of challenging a decision, you may also wish to seek your own legal or professional advice in this matter. I attach our guidance for challenging decisions which I hope you may find helpful. <https://www.gov.scot/publications/challenging-planning-decisions-guidance/>
If you would like advice on how to find a solicitor contact: The Law Society of Scotland: <http://www.lawsco.org.uk/for-the-public/> The Faculty of Advocates has a Free Legal Services Unit that may be able to help: http://www.advocates.org.uk/FLSUwebsite/index_flsu.html
If you need advice about making an appeal to the Court of Session you could contact PAS (Planning Aid for Scotland) An independent charity which helps people engage in the planning system. It provides free, impartial advice on planning for individuals and community groups.
Telephone: 0845 603 7602
E-mail: office@pas.org.uk
Web: www.pas.org.uk

In terms of your initial paragraph, I attach a copy of the section 75 agreement for your convenience. Please note that the Section 75 agreement is a legal document prepared by the council, the appellant and the land owner. The DPEA are not directly involved in its preparation although we are provided with a copy. I would therefore suggest that you should direct any detailed concerns regarding its content to the council.

In terms of your remaining queries, as you may already be aware, once a decision had been made in an appeal, that decision is final (subject only to review by the Court Session). We cannot reconsider a reporter's decision, or their reasoning in reaching that decision once that decision has been issued. For this reason it would not be appropriate for the reporter, or DPEA, to comment on, or debate the merits of the proposal. What I can say is that , once a decision is made, the responsibility for ensuring that the terms of the reporter's decision are adhered to, returns to the local authority, in this case West Lothian Council. You may therefore wish to contact West Lothian Council directly should you have any concerns about the development as it progresses or the conditions attached to the permission, or about the method by which the conditions will be imposed, For ease the contact details we held for the council, during the appeal are detailed

below :

{redacted}

I am sorry I could not give you a more favourable response but trust this clarifies the position. If you remain unhappy and wish to make a complaint you should write to our Head of Performance and Administration, Mr {redacted} , at the following {redacted}

Kind regards

{redacted}

and {redacted}

Website: WWW.dpea.scotland.gov.uk



From: {redacted}

Sent: 27 March 2020 10:34

To: {redacted}

Subject: Fwd: Re: PPA-400-2097 Appeal Decision - Appeal allowed/allowed in part

Hi {redacted} hope this e mail finds you well.

Your letter states that we have a right to appeal to the Court of Session within six weeks of the date of the appeal decision. As a consequence however of the coronavirus, our group has not been able to congregate nor discuss this to any extent and as a result we have not been able to come to a conclusion as to whether or not to proceed with an appeal. In the circumstances I would ask that the six week deadline be lifted until the future is clearer. Kindly confirm.

Further to my e-mail below, we have now compiled a series of questions. So in the spirit of your final paragraph, I wonder if you can give me some further information/clarity.

- 1) Relating to the Appeal Decision Notice 26th February, Reasoning para 2/3, the signed section 75 agreement addressing 'all the matters referred to on the notice of intention'. Where exactly is this document, it doesn't appear on the DPEA website when I last looked. We would like to examine the detail of this (for example provision of a sports pitch & contribution, also artwork).
- 2) Relating to conditions, I am curious to understand how the entrance can work without an incursion onto the land owned by the residents of Sandilands Gardens. I have studied the land title and measured the distance from the road B708 as 34.5m. I cannot see how this conveniently fits in when you take into account the visibility splays (and bus stops/pedestrian traffic island/footpaths). As a group we will not accept any incursion, tree felling or signage on residents' land. Also we need to have an understanding how the 'new road' integrates with the existing Sandilands Gardens (refer to Conditions 1a and Design requirements 2iv & v.). Residents at Sandilands Gardens are awaiting legal input regarding this.
- 3) Should the development proceed we would not wish the site compound and access points to be opposite No 1 Sandilands Gardens. Currently access has been gained by using the gate/entrance at No 1 Sandilands Gardens and a mess has been left behind to such an extent that the resident of No1 had to clear up. We would not wish this entrance to be used by a convoy of lorries building equipment, workers etc. We would want this to be taken into account (conditions 1 - refer also to Noise, Vibration, Construction Waste and Wheel Cleaning).
- 4) We note that there is to be a pre-construction habitat survey. In the event that this development proceeds, we would like to have some input regarding the ecological issues. Referring to the masterplan Revision J, we feel that the bridge over the stream (on the right hand side) be moved further to the left. We feel this would be beneficial to the sustainability of the water voles/otters. We welcome the 20 metre buffer area between the watercourse and any development in order to protect the habitat for vole and otter. The boardwalk also on the right hand side for information would have been under water a week or so ago and we would suggest this needs to be factored into it's construction. Would refer you to the Little Boghead Nature Reserve facebook page for a picture at sunset a week or so ago over this area - who would buy a house here eh! (refer to conditions k, design requirements 2 i, xi). Also it appears to my eye that the landscaped areas that surround the proposed development will in effect be like an extension to Little Boghead Nature Reserve which is tended by volunteers. I note that details of maintenance arrangements of open spaces (including grass areas in Sandilands Gardens opposite numbers 1,2,3 currently paid for by the residents) are to be established (conditions c). We would like to see details of these arrangements.
- 5) The footpath that exists on the right hand side of the masterplan on the border between the proposed development and Little Boghead Nature reserve has been 'washed away' due to the continual flooding of the field. I trust the intention is to repair the path and to bring it up to a standard in order to be described as a 'safe walkway' with lighting for children to walk to and from local schools.(Conditions a)
- 6) Tree felling - is there to be a bat study as part of the pre construction habitat survey. Bats have been located in the woodlands at Sibbalds Brae and the avenue up Sandilands Gardens. (conditions d).

{redacted} I look forward to hearing from you on the points above.

Keep safe.

{redacted}

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

From: {redacted}

>

To: {redacted}

Subject: Re: PPA-400-2097 Appeal Decision - Appeal allowed/allowed in part

Hi {redacted}

The contents of your letter directs me to making a judicial review through the court of session with the necessary legal input and incurred expenses.

Is there any reason technical or other that you have not directed me to the Scottish Public Service Ombudsman?

I would appreciate knowing.

Regards {redacted}

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

From: "DPEA" {redacted}

To: {redacted}

Sent: Wednesday, 26 Feb, 2020 At 09:45

Subject: PPA-400-2097 Appeal Decision - Appeal allowed/allowed in part

{redacted}

Please find attached a document related to the case: PPA-400-2097 - Planning Permission In Principle For Residential Development With Access, Landscaping, Suds And Associated Infrastructure

Regards.

{redacted}

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{redacted}

)

From: {redacted}
Sent: 15 April 2020 16:07
To: {redacted}
Attachments: FW: PPA-400-2097 Post decision
Decision Notice - dated 26 February 2020.pdf

Dear {redacted}

Thank you for your email of 10 March 2020 about the appeal PPA-400-2097, regarding land to the South of Sibbalds Brae and West of Falside Crescent, Bathgate.

Whilst I note your comments regarding 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. If it may help to explain by way of background in the first instance that once a decision had been made in an appeal, that decision is final (subject only to review by the Court Session). This means that DPEA cannot reconsider a reporter's decision, or their reasoning in reaching that decision once that decision has been issued, nor can we make comment on its particular planning merits. What I can say is that, the responsibility for ensuring that the terms of the reporter's decision are adhered to, returns to the local authority, in this case West Lothian Council. For your information I also attach a copy of the decision notice where the reporter explains the extent and scope of her reasoning within the decision notice.

We collect information if you take part in the planning process, use DPEA websites, send correspondence to DPEA or attend a webcast. To find out more about what information is collected, how the information is used and managed please read the DPEA's privacy notice - <https://beta.gov.scot/publications/planning-and-environmental-appeals-division-privacy-notice/>

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 hope this is of assistance.

{redacted}

Development Plan Officer
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: 10 March 2020 23:15
To: {redacted}
Subject: Re: PPA-400-2097 Appeal Decision - Appeal allowed/allowed in part

Hi {redacted},
Can you please tell me the reason that planning permission has now been given? Are all reasons this was declined no longer relevant? What changed from all previous refusals.
Look forward to hearing from you.

{redact
-.."

Get [Outlook for Android](#)

From: DPEA {redacted}
Sent: Wednesday, February 26, 2020 9:45:34 AM
To: {redacted}
Subject: PPA-400-2097 Appeal Decision - Appeal allowed/allowed in part

{redacted}

Please find attached a document related to the case: PPA-400-2097 - Planning Permission In Principle For Residential Development With Access, Landscaping, Suds And Associated Infrastructure

Regards,

{redacted}



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{redacted}

)

From: {redacted})
Sent: 15 April 2020 15:01
To: {redacted}
Subject: FW: PPA-400-2097 Appeal Decision - Appeal allowed/allowed in part

Dear {redacted}

Thank you for your email of 28 February 2020 about the appeal PPA-400-2097, regarding land to the South of Sibbalds Brae and West of Falside Crescent, Bathgate. Apologies for the delay in replying.

If it may help to explain by way of background in the first instance that once a decision had been made in an appeal, that decision is final (subject only to review by the Court Session). This means that DPEA cannot reconsider a reporter's decision, or their reasoning in reaching that decision once that decision has been issued, nor can we make comment on its particular planning merits. What I can say is that, the responsibility for ensuring that the terms of the reporter's decision are adhered to, returns to the local authority, in this case West Lothian Council.

In terms of your particular query, and as detailed in the reporter's decision at paragraph 3, the council submitted a copy of a signed section 75 agreement which addresses all the matters referred to in the notice of intention relating to the provision of affordable housing and ; the payment of contributions towards education infrastructure and public art, cemetery provision and open space. The section 75 agreement is a legal document prepared by the council, the appellant and the land owner. The DPEA are not directly involved in its preparation although we are provided with a copy. I would therefore suggest that you contact West Lothian Council to discuss its content. Likewise if you have any concerns about progress of the development, or the attached conditions, the council should also be able to assist. .

For ease the contact details we held for the council, during the appeal are detailed below :

{redacted}

I hope this helps somewhat however if you remain unhappy and wish to make a complaint you should write to our Head of Performance and Administration, {redacted}, at the following {redacted} t.

I hope this is of assistance.

{redacted}

Development Plan Officer
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: 28 February 2020 20:09
To: {redacted}
Subject: Re: PPA-400-2097 Appeal Decision - Appeal allowed/allowed in part

Good evening {redacted}

Thank you for the update.

Could you please provide details of the person who will be able to provide us with some further information on the specifics surrounding the Community Benefits. Statements such as "Education, cemeteries and arts" are not very measurable or specific to allow the community to monitor.

I will report back to residents on your reply.

Thank you and best wishes

{redacted}

my iPad

> On 26 Feb 2020, at 09:46, DPEA {redacted}
>
> {redacted}
>

wrote:

> Please find attached a document related to the case: PPA-400-2097 -
> Planning Permission In Principle For Residential Development With
> Access, Landscaping, Suds And Associated Infrastructure

>
> Regards,

>
> {redacted}

>
> [SG_master_logo_RGB.jpg]

> Case Publication

> Website<<http://www.dpea.scotland.gov.uk/CaseSearch.aspx?T=1>>

>
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> <PPA-400-2097 - Decision notice_666013.pdf>

> <PPA-400-2097_20200226_0915_56.docx>

> <SG_master_logo_RGB.jpg>

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{redacted}

From: {redacted}
Sent: 09 April 2020 14:16
To: {redacted}
Subject: RE: RE: FW: Planning Permission Appeal, your ref: PPA-400-2097

Dear {reed
dacte

Further to our e-mail exchange below.

I note your concern regarding any damage caused by the developer to either the wood or access road. After taking instruction on this matter I can confirm that the potential damage to your land or property are civil matters which are not addressed by the planning system. As such the planning permission is not expected (or able) to put in place any measures to resolve such issues if they were to occur. Any questions you have on this are therefore best directed to a solicitor as DPEA staff are not able to provide legal advice.

Any concerns you have regarding this planning permission should now be directed to the planning authority as the DPEA will not be involved in the detailed design of the development or the subsequent implementation of the permission.

I hope this helps.

Kind regards

{redacted}

Planning and Environmental Appeals Division (DPEA)
Scottish Government,
Callendar Business Park, Callendar Road,
{redacted}



From: {redacted}
Sent: 03 April 2020 13:35

To: {redacted}

Subject: RE: RE: FW: Planning Permission Appeal, your ref: PPA-400-2097

{redacted} can you confirm that if damage is done to either our woodlands or say our access road caused by that the developer/builders appointed that they will be liable to make good. Should this not be an explicit instruction and if so where is it covered in the 14 conditions referred to in the appeal decision. If it isn't covered is this an omission?

Regards {redacted}

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

From: {redacted}

To: {redacted}

Sent: Friday, 3 Apr, 2020 At 11:03

Subject: RE: RE: FW: Planning Permission Appeal, your ref: PPA-400-2097

Thanks J {redacted}

I didn't appreciate that {redacted} had responded. Thanks for letting me know.

Cheers

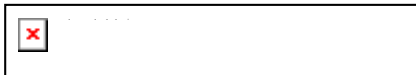
{redacted}

Planning and Environmental Appeals Division (DPEA)
Scottish Government,

Callendar Business Park, Callendar Road,

FALKIRK, FK1 1XR
{redacted}

www.dpea.scotland.gov.uk



From: {redacted}
Sent: 03 April 2020 10:48
To: {redacted}
Subject: RE: RE: FW: Planning Permission Appeal, your ref: PPA-400-2097

{redacted} I received an e mail from your colleague {redacted} who responded on behalf of {redacted} . I will forward these on to you for your info.

Cheers J{redacted}

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

From: {redacted}

Sent: Friday, 3 Apr, 2020 At 10:40

Subject: RE: RE: FW: Planning Permission Appeal, your ref: PPA-400-2097

Hi {redacted}

Many thanks for your e-mail below. I will respond fully to the e-mail you sent to {redacted} due course. With regard to the timeframe for the court of session, as far as I know, as this is a statutory timeframe detailed within legislation so they may not be any scope to postpone the deadline for the Court of Session appeals, however I will seek confirmation from colleagues and get back to you.

Many thanks

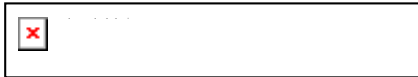
{redacted}

Planning and Environmental Appeals Division (DPEA)
Scottish Government,

Callendar Business Park, Callendar Road,

FALKIRK, FK1 1XR
{redacted}

W: www.dpea.scotland.gov.uk



From: {redacted} >

Sent: 27 March 2020 15:51

To: {redacted}

: PPA-400-2097

Hi {redacted} you for your reply.

Copy of my e mails to {redacted} at WLC and to {redacted} of Barton Willmore are now fine by me. However there has been no response relating to the concerns raised back on the 17th January and I don't suppose you have had a response either.

I also note the names of {redacted} and {redacted} of Hallam thanks.

Scott, earlier today I replied to {redacted} relating to her letter of 26th February and I rather think this will end up on your desk. There is a list of issues but most importantly the only right we have to challenge the decision is to do so via the Court Of Session. There is a six week deadline but unfortunately our group meetings had been cancelled due to coronavirus so no decision was able to be made with regard to a challenge. In my e mail to C^{redacted} I have requested that this deadline be lifted until things improve which seems reasonable.

Also I may take the opportunity to engage with {redacted} regarding process and outcomes....

Scott during this period stay safe!

Regards {redacted}
acte

----- Original Message -----
{redacted}

Sent: Monday, 23 Mar, 2020 At 16:32

Subject: RE: RE: FW: Planning Permission Appeal, your ref: PPA-400-2097

Dear J {redacted}
acte

Many thanks for your e-mail below. Apologises for not responding sooner.

As requested I attach for your reference (<http://www.dpea.scotland.gov.uk/Document.aspx?id=656008>;
<http://www.dpea.scotland.gov.uk/Document.aspx?id=656011>) which relate to my letters to both Barton Willmore which forwarded on your earlier e-mail.

In terms of your request for details of parties within the appellant's organisation itself, if it may help to clarify, as you know the DPEA publishes most/all information as part of the appeals process, and from which you should be able to ascertain information in respect of parties to the appeal. In particular I can see from the website, document BW 025, amongst others, (<http://www.dpea.scotland.gov.uk/Document.aspx?id=583742>) contains published information about parties to the appeal including those from Hallam Land Management.

I trust this is of assistance.

For your reference, I also include a link to our complaints procedure - <https://www.gov.scot/publications/planning-and-environmental-appeals-complaints-policy/>. Please note that the SPSO cannot change the reporter's, only investigate complaints about our administration of the appeal. The only way to challenge the terms of the decision is to the Court of Session.

I hope this is of some help.

Kind regards

{redacted} **zie**

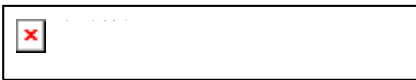
Planning and Environmental Appeals Division (DPEA)
Scottish Government,

Callendar Business Park, Callendar Road,

FALKIRK, FK1 1XR

{redacted}

: www.dpea.scotland.gov.uk



From: {redacted}

Sent: 05 March 2020 17:18

To: {redacted}

Subject: RE: RE: FW: Planning Permission Appeal, your ref: PPA-400-2097

{redacted} thanks for this. I am now received a communication from {redacted} in which she states that the reporters decision is final and that the reporter states that -

'I allow the appeal and grant planning permission in principle subject to the 14 conditions listed at the end of this decision notice.'

However {redacted} I again refer to the fact that you forwarded my e mails to the local authority and to the appellant. I do want to see these as I requested. I am curious to see the content and also a name of the person within the organisation of the appellant who is responsible for this development. This may be useful as things evolve. If you feel reluctant to do this I would ask that you release this to me under freedom of information.

Regards {redacted}

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

From: {redacted}

Sent: Monday, 10 Feb, 2020 At 10:37

Subject: RE: RE: FW: Planning Permission Appeal, your ref: PPA-400-2097

Dear J {redacted}

Many thanks for your further recent e-mails of the 20 January and the 22 January.

I have very little to add beyond the advice I gave you in my email of 20th December. Although the final decision has still to be issued we have passed the point where you are able to comment on the case or indeed present new evidence. Furthermore no provision exists for you to request the reporter to re-examine any particular aspect of the case. So although I have passed your emails to the reporter no further action is required in connection with these.

The reporter did confirm however that the potential for water vole and other protected species to be present at the site is set out in the evidence presented at appeal. The council proposed conditions to address these matters. The final form of these conditions appears in the Notice of Intention. Condition 1 (k) indicates that pre-construction habitat surveys and mitigation works are required at the detailed design stage. The results of these are expected to inform the final form of the development and how it is carried out. Furthermore condition 2 xi) requires a 20 metre buffer to be provided along the watercourse for the purpose of protecting water vole and otter habitat.

The reporter also notes that according to your email of 6 January the 'abbatoir' site is included in the Housing Land Audit from 2018 (published in 2019). On that basis any potential pupils arising from this development would be accounted for in the 2018 School Roll Forecasts (published June 2019) which formed part of the evidence presented by the council.

I can confirm that the only email passed to the appellant and the council was that raising the matter of the land ownership or property rights issue. These were sent with the intention of drawing the matter to their attention in case it had a bearing on the legal agreement.

Finally, whilst I fully appreciate that you may likely to continue to be dissatisfied with my response, I can only reiterate that in coming to her conclusions the reporter fully considered all the evidence submitted, by all parties and she explains the extent and scope of her reasoning in this respect within her notice of intention.

In this light I am afraid that I can there is simply nothing further I can advise other than has been advised already in our various correspondences and confirm that this now brings our correspondence on the notice of intention to a close.

If you remain unhappy and wish to make a complaint you should do so by contacting our Head of Performance and Administration, [REDACTED]

I am sorry I could not give you a more favourable response but trust this clarifies the final position.

Kind regards

{redacted}

Casework Team Leader

{redacted}

W: www.dpea.scotland.gov.uk

From: {redacted}

Sent: 22 January 2020 09:24

To: {redacted}

Subject: Fwd: RE: FW: Planning Permission Appeal, your ref: PPA-400-2097

{not within scope of request}

{redacted}

{not within scope of request}

----- Original Message -----
{not within scope of request}

{not within scope of request}

{not within scope of request}

{not within scope of request}

{not within scope of request}

{not within scope of request}

{not within scope of request}

{not within scope of request}

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