

Kinnaird A (Andy)

From: Kinnaird A (Andy)
Sent: 10 October 2005 16:35
To: Deputy Minister for Communities
Cc: First Minister; Deputy First Minister & Minister for Enterprise; Minister for Communities; Minister for Education and Young People; Minister for Finance and Public Service Reform; Deputy Minister for Education and Young People; Deputy Minister for Finance Public Service Reform and Parly Business; PS/Perm Sec; PS/DD; PS/Solicitor; Mackinnon JG (Jim); Barraclough T (Tim); McCulloch JM (James)(SEIRU); Williamson T (Tom) (Planning); Lyall GA (George); Firth I (Ian); Murray LMA (Lyndsey); Reeves CM (Colin); Stuart GA (Graeme); Rosie A (Sandy); Press Communities; Campbell D (Douglas) (Special Adviser); Ghibaldan S (Sam); Colwell A (Adrian); Evans N (Nick)
Subject: RE: Planning applications: Stirling schools PPP

Deputy Minister for Communities

Planning applications: Stirling schools PPP

1. You requested further information on the potential for some of these planning applications to be cleared, on the basis that they raise less significant planning issues than the others.
2. In my submission dated 9 September, we identified three such applications:
 - New Dunblane High School
 - New Stirling High School
 - Housing development on site of existing St Modan's High School
3. However, there are still issues involved in these proposals, most significantly in relation to Stirling Council's handling of the applications, that led us to conclude that these planning applications should be called in. For the reasons set out in my earlier submission, we consider that the other five applications raise particular planning issues of such significance that they ought to be called in and determined by Scottish Ministers.
4. Further comments about the planning issues involved in the three proposals noted above and the reasons why it might be acceptable to clear them are given in the following paragraphs.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Planning Division's Consideration

16. In addition to setting out arguments for not calling in any of these applications, you also asked that we outline any down side to clearing them.

17. Firstly, it is important to recognise that our suggestion that some of these proposals could be cleared back to Stirling Council does not convey a message that they should be granted planning permission. It is merely that the land use planning issues (taken alone) may not be of such national significance as to merit intervention by Scottish Ministers.

18. Planning authorities must notify Ministers, in certain circumstances, where they have a financial or other interest in development proceeding. This requirement, in itself, reflects that any abuse of their position by planning authorities is a matter of national significance. And in our recent White Paper, we reinforced that view. Our concerns about Stirling Council's handling of all of the planning applications notified to Ministers relating to this PPP scheme are set out in Annex I of my earlier submission. While on purely land use planning merits, there might be a case to clear one or more of the three applications noted above, Stirling Council's procedural failings apply as much to these proposals as they do to the other five. With this in mind, people who have objected to these three proposals and complained about the Council's handling of the applications would find it difficult to understand why we would call in some of the applications on the basis of the Council's conduct, but not call in these ones.

19. There are inextricable links between each pair of applications (i.e. new school and related housing proposal) that make it very difficult to consider the merits of one without taking into account the other. For example, the new Dunblane school might be considered to have little overall impact on the area on its own, but with the associated housing development it becomes a significant redevelopment of the area.

Conclusions

20. For the reasons set out above, you might consider that it would be appropriate, in planning terms alone, to clear some of these applications back to Stirling Council. However, we find it difficult to focus solely on the land use planning issues due to procedural irregularities and Stirling Council's obvious interest in the developments proceeding. In particular, the Council's insistence that the civic gain from delivering new schools outweighs all other considerations in all cases is of great concern, as is the questionable argument that the cross-funding arrangement should carry significant weight in supporting a planning decision to grant consent.

21. While we appreciate the benefits in delivering new school premises, our recommendation has to remain that all eight planning applications should be called in for determination by Scottish Ministers. I hope that this appraisal of the arguments for and against clearing some of the applications back to Stirling Council is helpful.

Andy Kinnaird

Scottish Executive Development Department

Planning Division 1

Tel. 0131 244 7079

www.scotland.gov.uk/Topics/Planning-Building/Planning

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

From: Deputy Minister for Communities

Sent: 28 September 2005 11:28

To: Kinnaird A (Andy)

Cc: First Minister; Deputy First Minister & Minister for Enterprise; Minister for Communities; Minister for Education and Young People; Minister for Finance and Public Service Reform; Deputy Minister for Education and Young People; Deputy Minister for Finance Public Service Reform and Parly Business; PS/Perm Sec; PS/DD; PS/Solicitor; Mackinnon JG (Jim); Barraclough T (Tim); McCulloch JM (James)(SEIRU); Williamson T (Tom) (Planning); Lyall GA (George); Firth I (Ian); Murray LMA (Lyndsey); Reeves CM (Colin); Stuart GA

(Graeme); Rosie A (Sandy); Press Communities; Campbell D (Douglas) (Special Adviser); Ghibaldan S (Sam); Colwell A (Adrian)
Subject: RE: Planning applications: Stirling schools PPP

Andy

Copy to: As above

Planning applications: Stirling schools PPP

Ms Lamont has read your minute of 09 September and notes that some of the proposals raise less significant planning issues than others and therefore that there might be a case for calling in some and clearing others. Could you expand on your comments about which applications might be able to be cleared, explaining why you think this is possible, but also outlining any downside to this course of action.

Whilst Ms Lamont fully appreciates the difficulties and sensitivities with these proposals, she is also aware of the community benefit that does come with such a significant change to the schools estate. The Minister is very keen that we thoroughly explore all options before reaching a decision.

Thank you.

Lynne McDougall
PS/Deputy Minister for Communities
28 September 2005

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

From: Kinnaird A (Andy)

Sent: 09 September 2005 14:03

To: Deputy Minister for Communities

Cc: First Minister; Deputy First Minister & Minister for Enterprise; Minister for Communities; Minister for Education and Young People; Minister for Finance and Public Service Reform; Deputy Minister for Education and Young People; Deputy Minister for Finance Public Service Reform and Parly Business; PS/Perm Sec; PS/DD; PS/Solicitor; Mackinnon JG (Jim); Barraclough T (Tim); McCulloch JM (James) (SEIRU); Williamson T (Tom) (Planning); Lyall GA (George); Firth I (Ian); Murray LMA (Lyndsey); Reeves CM (Colin); Stuart GA (Graeme); Rosie A (Sandy); Press Communities; Campbell D (Douglas) (Special Adviser); Ghibaldan S (Sam); Colwell A (Adrian)

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Deputy Minister for Communities

Please see the attached submission regarding planning applications for new high schools and associated housing developments in Stirling. Annex J will follow by hard copy (top only).

<< File: Stirling schools PPP.doc >>

Andy Kinnaird

Scottish Executive Development Department

Planning Division 1

Tel. 0131 244 7079

www.scotland.gov.uk/Topics/Planning-Building/Planning

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