



To: Joyce Learmonth
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cc: Ian Johnson, Head of Planning
Ian.Johnson@midlothian.gov.uk

Your ref: 15/00364/PP
Our ref: CIN-MLN-001
3 April 2017

Dear Ms Learmonth,

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE FOR A MIXED USE
DEVELOPMENT COMPRISING; FILM AND TV STUDIO INCLUDING BACKLOT
COMPLEX, MIXED EMPLOYMENT USES RETAIL/OFFICE/COMMERCIAL; HOTEL; GAS
AND HEAT POWER PLANT/ENERGY CENTRE; FILM STUDIO AND STUDENT
ACCOMMODATION; STUDIO TOUR BUILDING; EARTH STATION ANTENNA AND
ASSOCIATED INFRASTRUCTURE INCLUDING CAR PARKING; SUDS FEATURES AND
LANDSCAPING ON LAND TO THE NORTH & SOUTH OF PENTLAND/DAMHEAD ROAD,
STRAITON, MIDLOTHIAN (PLANNING AUTHORITY REF: 15/00364/PPP)**

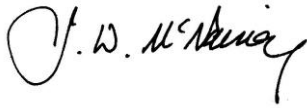
The above application for planning permission in principle was made to the planning authority, Midlothian Council in May 2015. As a result of the planning authority not having giving notice of their decision on the application an appeal was made to the Scottish Ministers under section 47(2) of the Town and Country Planning (Scotland) Act 1997 ("the Act") in December 2015. Under the Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) (Scotland) Regulations 2010 as amended, the appeal came into a class to be determined by a person appointed by Scottish Ministers, rather than by Scottish Ministers themselves. However, in exercise of the powers under paragraph 3(1) of Schedule 4 to the Town and Country Planning (Scotland) Act 1997, Scottish Ministers directed, on 10 December 2015, that they would determine the appeal case themselves. This was because Scottish Ministers recognised the potential economic and cultural benefits associated with the proposal to be an issue of national importance.

Concerns have since been raised that due to a discrepancy between the identities of the applicant and the appellant the appeal under section 47(2) of the Act was not properly made and that the case therefore would remain to be dealt with by the planning authority. It is not considered that any such discrepancy has undermined the substantive consideration of the application or has given rise to any unfairness to any parties to the process. However, in order to remove any doubt that the Scottish Ministers do not have the necessary jurisdiction



to consider the case, the Scottish Ministers have decided to require the application to be referred to them for determination. The Scottish Ministers accordingly give a direction under section 46 of the Act. A direction under section 46 operates to refer a case to the Scottish Ministers for determination instead of being dealt with by the planning authority.

The Scottish Ministers have given this Direction recognising the potential economic and cultural benefits associated with the proposal to be an issue of national importance.



John Mc Nairney
CHIEF PLANNER

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE FOR A MIXED USE DEVELOPMENT COMPRISING; FILM AND TV STUDIO INCLUDING BACKLOT COMPLEX, MIXED EMPLOYMENT USES RETAIL/OFFICE/COMMERCIAL; HOTEL; GAS AND HEAT POWER PLANT/ENERGY CENTRE; FILM STUDIO AND STUDENT ACCOMMODATION; STUDIO TOUR BUILDING; EARTH STATION ANTENNA AND ASSOCIATED INFRASTRUCTURE INCLUDING CAR PARKING;SUDS FEATURES AND LANDSCAPING ON LAND TO THE NORTH & SOUTH OF PENTLAND/DAMHEAD ROAD, STRAITON, MIDLOTHIAN

APPLICATION NUMBER: 15/00364/PPP

The Scottish Ministers, in exercise of the powers conferred on them by Section 46(1) of the Town and Country Planning (Scotland) Act 1997, and of all other powers enabling them in that behalf, hereby direct that Midlothian Council refer to them for determination the above application for Planning Permission in Principle under the Town and Country Planning (Scotland) Act 1997 for the proposed mixed use development comprising; film and TV studio including backlot complex, mixed employment uses retail/office/commercial, hotel; gas and heat power plant/energy centre; film studio and student accommodation; studio tour building; earth station antenna and associated infrastructure including car parking; suds features and landscaping on land to the North and South of Pentland/Damhead Road, Straiton, Midlothian.

This Direction is given recognising the potential economic and cultural benefits associated with the proposal to be an issue of national importance.

This Direction may be cited as the Town and Country Planning (15/00364/PPP) (Reference of Application) (Midlothian Council) (Planning permission in principle for a mixed use development comprising; film and TV studio including backlot complex, mixed employment uses retail/office/commercial, hotel; gas and heat power plant/energy centre; film studio and student accommodation; studio tour building; earth station antenna and associated infrastructure including car parking; suds features and landscaping on land to the North and South of Pentland/Damhead Road, Straiton, Midlothian) Direction 2017.

John McNairney
CHIEF PLANNER

Scottish Government
Directorate for Local Government and Communities
Planning and Architecture Division
Planning Decisions
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3 April 2017