

[REDACTED]

12 November 2017

Dear Ms Sturgeon / Kevin Stewart / John McNairney

Notice of Intention

DPEA Ref: [REDACTED] - DPEA case reference for proposed Film Studio / Power Station at Old Pentland

With reference to my letter dated 4 October 2017 to Cabinet Secretaries, Kevin Stewart and John McNairney regarding note of intention for the above dated 3 April 2017. I would ask whether the Scottish Government has carried out developer background and financial checks prior to issuing a Notice of Intention of a 'nationally important' mixed used development including power station and film studio. Planning matters do not explicitly require consideration of such matters however Scottish Minister themselves chose to pull in this application as a matter of 'national importance'. As such one can assume a stake should be placed on the financial likelihood of such a 'nationally important' mixed development taking place as well as the background of those expected to deliver the proposal. Note this is within the context of this application being opposed by local residents, the local community council, the local authority as well as the designed Reporter who advised this appeal should be rejected.



Site B – Unstable landfill site

I would like to provide some additional background to the development application for [REDACTED] regulated by the **Crofters Holdings (Scotland) Act 1886 and the Small Landholders (Scotland) Act 1911**.

1. Appendix 1 - letter dated 21 Feb 2000 highlights a previous crude attempt by the landowners, [REDACTED]. The letter states, "Our purpose in writing to you is to ask that you [REDACTED] within which to do so." [REDACTED]
2. Appendix 2 - letter dated 23 May 2001 shows [REDACTED] as a Trustee of Pentland Estate, again Pentland Estate being the landowners of No. 1 and No. 2 Smallholdings, Old Pentland (Site A). [REDACTED] of Clippens Development Ltd. and has signed missives with Pentland Estate to purchase Sites A and B.
3. Appendix 3 – basis of Site matrix which highlights falsifications about the Old Pentland site which resulted in it being the 'preferred' location. **I continue to question what this site is actually for also why it was deemed necessary to falsify data for the Old Pentland site to 'make' it the preferred setting.**

With Scottish Ministers stepping in to make a decision on the mixed-use development and having issued a Note of Intention to grant said planning in principle, **I would ask has a scrutiny check been undertaken regarding the background of the purchaser / developer?** Given Scottish Ministers took the step to intervene based on the 'national importance' of this planning application was a basic validation check carried out to ensure the robustness of the proposals financial viability.

A basic check on Companies House highlights the below:

Clippens Development Limited – Company No: 276494 **Date of Incorporation:** 25 November 2004
[REDACTED] **Status:** Active
Nature of Business: 41100 - Development of building projects
Company Type: Private Limited Company (Dormant Company)
Accounts for a dormant company: Balance sheet as at 30 November 2016 - **Cash at bank and in hand £1**

PSL Land Ltd – Company No: SC491629

Date of Incorporation: 19 November 2014

Company Type: Private Limited Company

Status: Active

Next Accounts Due: 31 August 2017 – **OVERDUE**

Last Accounts made up to 30 November 2015: **(£164,779)**

Nature of Business: 68100 - Buying and selling of own real estate

Note: [REDACTED] (Director of Clippens Development Limited) [REDACTED]
[REDACTED]

Link to Biofuelwatch media release:

www.biofuelwatch.org.uk/wp-content/uploads/PSL-PR-1.pdf

[REDACTED] The primary supporting documentation for this application is the Note of Intention issued by Scottish Ministers and now directly affect the case for eviction. I have raised concern on numerous occasions regarding the inconsistency of the applicant and appellant in this case. Letter dated 9 January 2017 clearly highlights the legally unrelated entities of Pentland Studios Ltd, the applicant who submitted the original pre documentation and application for PPP dated 5 May 2015 to Midlothian Council and PSL Land Ltd, the appellant who submitted appeal documentation to DPEA on 3 December 2015. Under **Section 47(2) of the Town and Country planning (Scotland) Act 1997** only Pentland Studios Ltd should legally have the ability to appeal the above application. While Scottish Ministers seem to have a different interpretation of this act it is clear *only* the person lodging the application has the right to appeal the decision.

Further the response to this letter received from the Scottish Government stated,

“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.”

I cannot be any more clear in stating the fail of Scottish Ministers to stick to the specific conditions within Section 47(2) of the Town and Country planning (Scotland) Act 1997 has directly and unequivocally allowed the landowner to begin legal proceeding for my eviction.

I am sorely disappointment and disgusted that the Scottish Government have gone against the decision of ‘professional’ reporter, Midlothian Council, Community Council and local residents who all advised this proposal by refused. [REDACTED] and totally unacceptable moreso taking into consideration the many questionable discrepancies within this appeal / documentation. At no time has [REDACTED]

[REDACTED] eing regulated by the Crofters Holdings (Scotland) Act 1886 and the Small Landholders (Scotland) Act 1911.

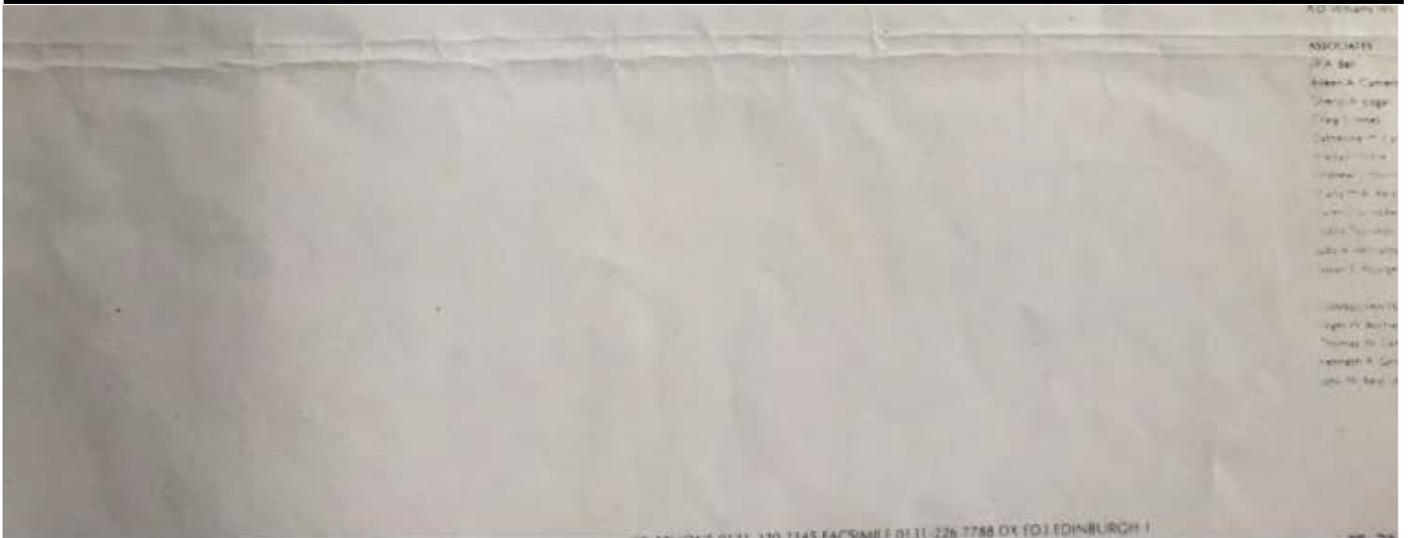
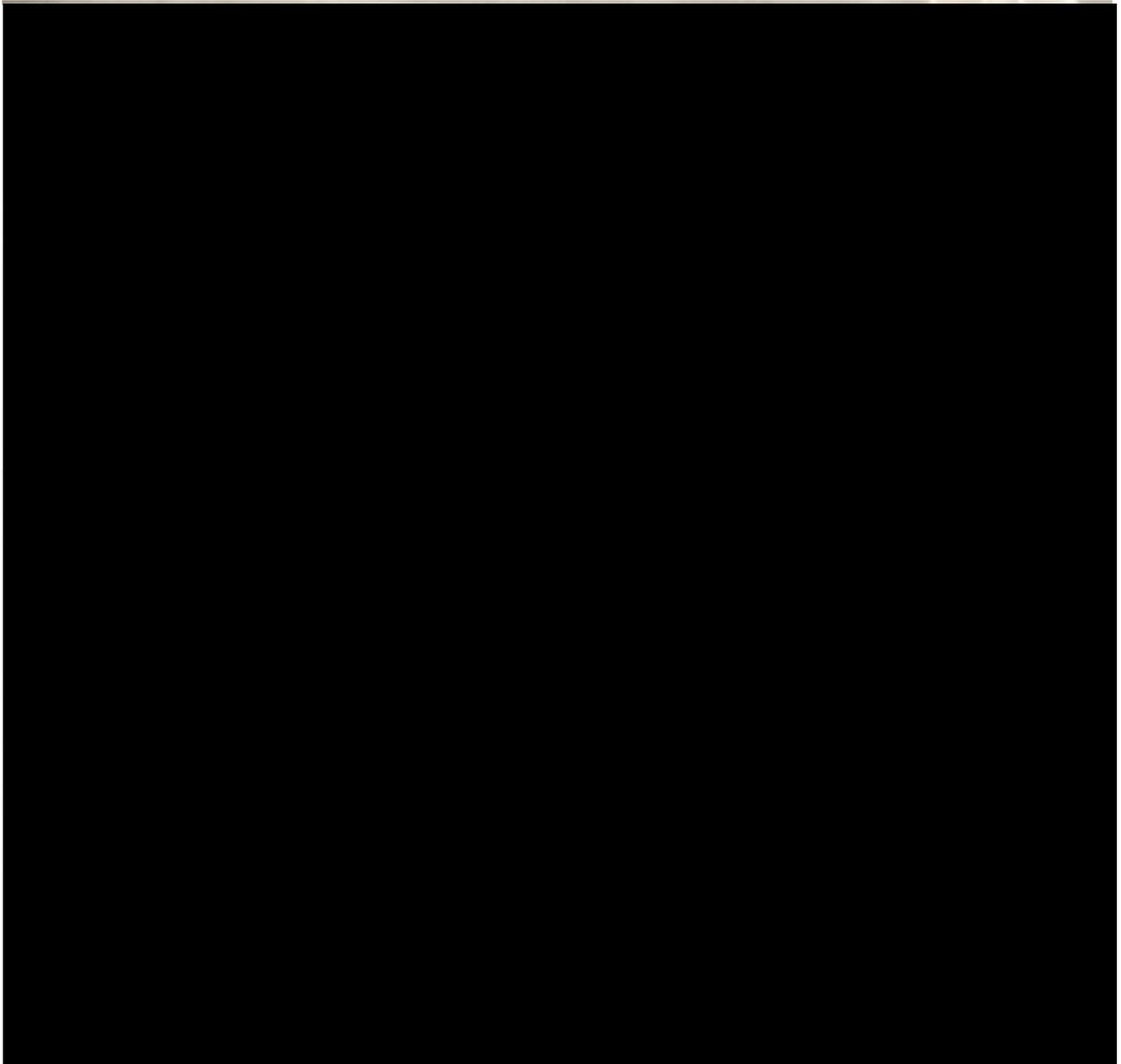
‘Scottish Ministers are minded to grant planning permission in principle for this proposed development, subject to conditions and the completion of a planning obligation . . .’ It is deplorable that Scottish Government is ‘minded to grant planning permission in principle’ when Scottish Government cannot guarantee that the control of the land and therefore development of proposal will ever be delivered.

This is a national disgrace.

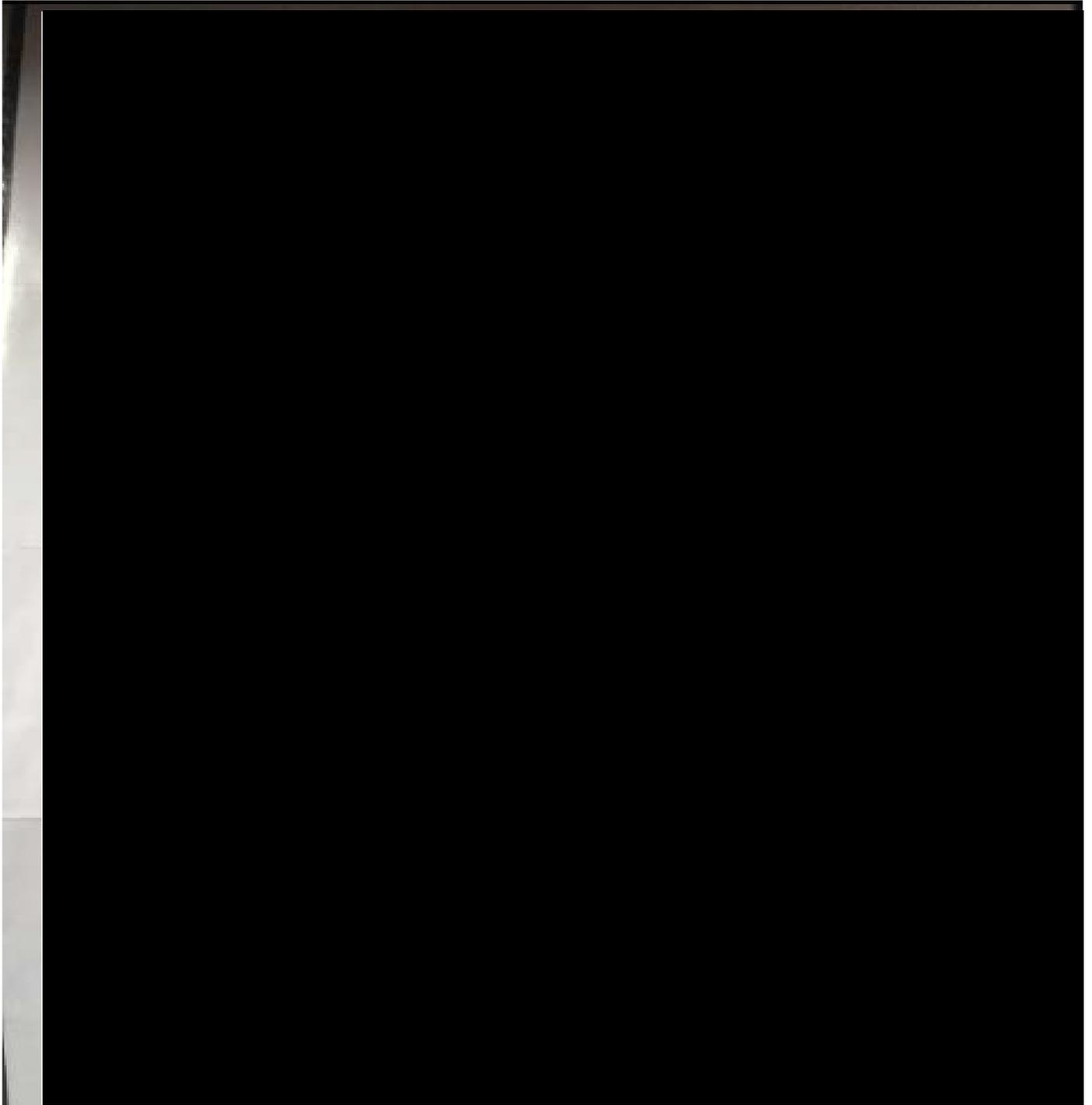
Yours

[REDACTED]

Appendix 1



Appendix 2



Appendix 3

Only acceptable sites from 27 sites identified			
	Site Selection Criteria		
1	TRANSPORT LINKS Road Rail Airport Other	A720 4.9 miles (Eskbank) 10 miles (Edinburgh Airport) Buses every 30 mins	M73 0.5 miles (Gartcosh) 17.3 miles (Glasgow Airport) Train every 60 mins
2	SITE AREA Acreage Availability	23.18 Ha – <i>wrong acreage</i> <i>Immediate – although references smallholder in situ under Section 19</i>	12 Ha Within 1 year
3	ENV STATUS Ground Report Ecology Existing Environmental Contingent Liability	Available from WSP Bats, Badgers (Betails from WSP) <i>Class C Agricultural - inaccurate</i> <i>Shale Mine on part of Backlot area – former excavated sand pit, latterly landfill site, having never been analysed due to health and safety concerns</i>	Available from Scottish Enterprise Available from Scottish Enterprise Available from Scottish Enterprise Ex-Steelworks
4	UTILITIES Power Water Sewage Gas	<i>Connection available from Torness - ??</i> Use of rainwater storage & good potable supply available <i>Present connection to be upgraded – septic tanks</i> <i>Existing high pressure gas line on site req. upgrade – 2 miles away</i>	Good connection availability Good connection availability Good connection availability Good connection availability
5	PLANNING STATUS Project Designation Timescale to Consent	<i>Early release of proposed green belt - brown and grey site</i> <i>12 months – currently 3 years</i>	Industrial use 12 months
6	POPULATION 2011 Census (Country) People / SQ.km Nearest City Adult Population Qualification Level	83,187 235 476,626 (Edinburgh) 45 to 85+ Above Average	337,727 719 593,245 (Glasgow) 30 to 74 yo Very Low
7	SITE TOPOGRAPHY	Very Good. Use of natural landfalls to provide cover for height of large stages and security from public viewing	Level site. High visibility from M8
8	ARTESAN SUPPORT Construction Creative Media	Excellent Very Good. Refer to Edinburgh Media info Very Good	Excellent Very Good Very Good
9	COMPLEMENTARY FACILITIES Historical Visitor Attraction Cultural Visitor Attraction	Protection of existing graveyard recommended Edinburgh Castle	Bothwell Castle Strathclyde Park
10	SITE PERCEPTION Media Creative Political Notional Local Productions	Excellent Excellent Supportive Supportive Excellent	Poor Poor Supportive Supportive Excellent
11	INTEREST & ASSISTANCE National Local	None available through state aid None available through state aid	None available through state aid None available through state aid
12	FILM PRODUCTION HISTORY	Very good around Edinburgh City area	None available
13	FINANCIAL Site Deliverance Initiative National Local Taxation Capital Tax Allowances RSA / European Aid Funding	None available None available None available Better than national average Better than national average None available Positive	None available None available None available Better than national average Better than national average None available Positive
14	RISK ANALYSIS Construction Real Estate	Acceptable Minimal	Acceptable Minimal
15	SENSITIVITY Studio Creative People	Very Good Excellent Very Good	Very Good Excellent Very Good
16	EDUCATION Local Area / Region	ABC1 Average	C2DE Below Average
17	QUALITY OF LIFE	Average	Below Average
18	SOCIAL / ECONOMIC Newspaper Readership No of Investors Car Ownership Property Ownership	Average Below Average Average Above Average	Below Average Almost None Almost None Average
19	PUBLIC RELATIONS	Existing small holder agreement to recile will require high support to the land owner	<i>Poor – Allocation of new Police Forensic HQ & probable new Scottish Fire Brigade HQ on this site</i>
20	MISCELLANEOUS	The complete masterplan including academy, student accommodation, data center and energy centre will be provided by this location Site Accepted by Pinewood - ????	<i>Site already identified for Police & Fire Brigade HQs</i> Site Rejected by Pinewood

Section 7 – fails to mention high visibility of proposed A701 realignment which would bisect the [redacted] site

Section 19 – Categorically untrue statement - Scottish Enterprise advise “This site was **not** that which has been developed by Police Scotland.”

Section 20 - https://www.whatdotheyknow.com/request/pinewood_deal?unfold=1#incoming-820452

Highlights why Pinewood declined Pacific Quay, Glasgow including:

- **Govan Road would bisect the development, which Pinewood considered unacceptable.**

Cabinet Secretary for Culture, Tourism and
External Affairs
Fiona Hyslop MSP



Scottish Government
Riaghaltas na h-Alba
gov.scot

T: 0300 244 4000
E: scottish.ministers@gov.scot

Mr Joe FitzPatrick MSP
The Scottish Parliament
EDINBURGH
EH99 1SP

Your ref:
Our ref: 2017/0017163
May 2017

Thank you for your letter of 9 May in which you request further information on behalf of your constituent [redacted] specifically regarding why Edinburgh was chosen and whether Dundee was considered as a location for the Pentland studio proposal.

I should clarify that the Scottish Government is not procuring a film studio, but is working in partnership with Scottish Enterprise and Creative Scotland to support private sector investors interested in pursuing studio infrastructure projects that comply with state aid rules.

It is therefore a developer's choice where they think a studio would be best located and for them to ensure the appropriate planning permission is in place for any development.

I hope that this is of assistance.

FIONA HYSLOP

Subject: Pentland Studios Development

From:

[Redacted]

To: cabseccea@scotland.gov.uk<mailto:cabseccea@scotland.gov.uk>

Cc:

[Redacted]

Content-Type: multipart/alternative; boundary=089e0149c02e88fcb2052432f6d8

Hello Fiona, [Redacted] and team.

I've been made aware that the Pentland Studios development is under immediate threat of discontinuing.

?250 Million investment is ready to be injected into the development and there is already [private] interest from two major digital film/tv studios who are looking to establish a physical presence (I'm at liberty to say who these are at the moment).

It is envisioned that the Studios will create around 900 highly skilled jobs in the area with salaries of around ?50,000 or above.

The problem: Midlothian Council are wanting to retain an option to build a road which would run through the middle of the Studio site. It's important to point out that there are no solid plans for this road - it's a "just in case" scenario the Council would like to keep as an option.

The result: the Council are dragging their feet on a planning meeting scheduled for Nov 17th, with a perception they will delay even further. Should this happen the investors (including a Chinese billionaire) will move on and the project will be compromised beyond any chance of success.

It goes without saying that it would be advantageous for Scotland to have such a Studio facility. It should also be highlighted that the Pentland Studio development currently looks to be the one most likely to succeed due to the available investment [ready to go] and the team involved, including one of the architects of the Warner Bros. Studio at Leavesden outside London (where the Harry Potter films were made).

If it would be useful, myself and a colleague can come in to discuss the issues in more detail in the coming days - cognisant of the urgency of the situation - with a view that Government could mediate an equitable solution for all parties.

The developers have already made concessions to allow for any potential roadway to skirt the Studio but it is unclear if this is being considered. Again, time is of the essence to keep the investor cash.

----- Message truncated -----

Rùnaire a' Chaibineit airson Cultar, An Roinn Eòrpa agus Cùisean an taobh a-muigh
Cabinet Secretary for Culture, Europe and External Affairs
Fiona Hyslop BPA/MSP

T/F: 0300 244 4000
E: scottish.ministers@gov.scot



Our ref/Ar faidhle: 2015/0039675
16th December 2015

Thank you for your email received on the 16th of November regarding the development by Pentland Studios Ltd (PSL) at Straiton, Midlothian and I apologise for the delay in responding. I am aware of both the development and the recent issues around planning consent from Midlothian Council.

The Film Studio Delivery Group (FSDG - comprising of Scottish Government, Scottish Enterprise and Creative Scotland) which I established have made absolutely clear our firm commitment to delivering enhanced film studio facilities for Scotland that meet EU State Aid rules and are working very hard to make that happen. There is one proposal currently at a critical stage of consideration but commercial in confidence negotiations mean that I am unable to say further on that at this stage.

I understand that the development at Straiton is a wholly private sector funded proposal to establish a development (which includes a film studio and an energy centre). I want to assure you that the FSDG are aware of the proposal and remain fully supportive of the development's aims and ambitions should they come to fruition.

I understand that a non-determination appeal was submitted to Scottish Government by PSL on the 3rd of December and Ministers have now agreed to recall the current appeal against non-determination of the planning application by Midlothian Council and that the appellant has been informed of this decision.

St Andrew's House, Regent Road, Edinburgh EH1 3DG
Taigh Naomh Anndrais, Rathad Regent, Dùn Èideann EH1 3DG
www.gov.scot



Accordingly, I am unable to meet you to discuss further as this is currently a live appeal.

Kind regards
Fiona Hyslop

FIONA HYSLOP

Rùnaire a' Chaibineit airson Cultar, An Roinn Eòrpa agus Cùisean an taobh a-muigh
Cabinet Secretary for Culture, Europe and External Affairs
Fiona Hyslop BPA/MSP

T/F: 0300 244 4000
E: scottish.ministers@gov.scot

Ms Hannah Bardell MP
House Of Commons
LONDON
SW1A 0AA

Email: hannah.bardell.mp@outbound.caseworkermp.com



Your ref/Ur faidhle: Case Ref: ZA0535
Our ref/Ar faidhle: 2016/0005859

22 February 2016

Dear Hannah

Thank you for your email on the 15th of February enclosing a query from one of your unnamed constituents asking for an update on the possible future and the application that was entered to build a world class film studio in Scotland. Although this application is also not named, I am assuming that it is the planning application by Pentland Studios for a wholly private sector funded development at Straiton in Midlothian which includes a screen studio.

The planning proposal is currently under consideration by a reporter who will make a recommendation to the Ministers in due course. Ministers will subsequently consider the reporter's findings and recommendation before making their decision on the application. As this is a live planning application, Ministers cannot comment on the merits of the proposal.

As you may be aware, I established the Film Studio Delivery Group (FSDG), comprised of officials from the Scottish Government, Scottish Enterprise and Creative Scotland to pursue the delivery of enhanced studio infrastructure for Scotland. The FSDG is determined to do whatever it can, within EU State Aid rules, to deliver enhanced film studio facilities in Scotland. A public-private proposal with the potential to meet this aspiration is currently being considered and we remain open to proposals from other potential investors.

I appreciate the screen sector has been patient about this work, but can assure you that the FSDG is continuing to work incredibly hard, in complex and challenging territory to deliver a positive outcome that satisfies EU State Aid regulations and the requirements of all relevant public and private stakeholders.

I want to assure you and your constituent, that I am committed to ensuring that the screen sector in Scotland is supported by the public sector to grow and develop to ensure it meets its fullest potential. That is why I announced an additional £4.75 m of public sector support in 2015. These new funds were £2m for a Tax Credit Loan facility, a £1m Screen Sector Skills Fund and £1.75m for a Production Growth Fund. These were all developed to ensure that, in addition to Scotland's stunning locations and talented crew, that there are increased incentives for producers both domestic and international to locate and film in Scotland.

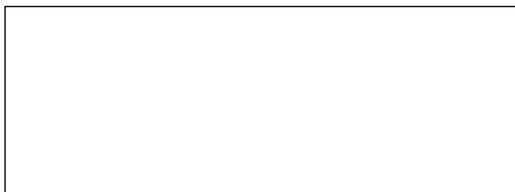
Kind regards

Fiona

FIONA HYSLOP

Cabinet Secretary for Culture, Europe and External Affairs
Fiona Hyslop BPA/MSP

T/F: 0300 244 4000
E: scottish.ministers@gov.scot



Our ref: 2016/0006735

23 March 2016



Thank you for your email of 19 February to the First Minister, Nicola Sturgeon enclosing the open response to the EET Committee on 10 February from [redacted]

[redacted] I have been asked to respond and apologise for the delay.

You will be aware that I appeared before the EET Committee on 9 March to give further oral evidence on the studio facility. On the same date, it was announced that Wardpark Studios Ltd were to submit planning permission to expand their site at Cumbernauld and they submitted the application to North Lanarkshire Council on 11 March 2016.

I want to reassure you that I am firmly committed to delivering a national studio facility for Scotland - that is why I established the Film Studio Delivery Group made up of representatives from Scottish Government, Creative Scotland and Scottish Enterprise.

The public sector support for screen in 2014/15 was a record £24.1m and production spend figures were also a record £45.8m for 2014. I also announced a further £4.75m of new support for screen in 2015 to help with production financing and skills development. It is early days but I believe the £1.75m Production Growth Fund over 15/17, announced in September 2015 as part of this additional support, is encouraging large-scale productions to come to Scotland to shoot and has been fully subscribed for 15/16. However, more can and should be done.

That is why I am delighted with the progress that has been made with the Wardpark proposal, which the public sector intend to support, and we expect to be operational by no later than the end of 2017. We are unable to procure a studio facility because of EU State Aid rules, but are reliant on private sector investors to come forward with proposals for enhanced studio infrastructure and the Film Studio Delivery Group are open to, and would welcome, any further proposals.

St Andrew's House, Regent Road, Edinburgh EH1 3DG
Taigh Naomh Anndrais, Rathad Regent, Dùn Èideann EH1 3DG
www.gov.scot



You may be aware that there is a private developer, Pentland Studios Ltd, looking to build on a site in Straiton with a studio facility as part of the development. This is a wholly private led initiative and the public sector has not been approached to provide any support. The planning application for this proposal has been recalled and is currently with Scottish Ministers for Appeal. Therefore, as I am sure you will appreciate, it would not be appropriate for me to comment further at this stage given that the proposal will be the subject of a decision by Ministers later this year.

However, I hope this information has been helpful.

Kind regards
Fiona Hyslop

FIONA HYSLOP

From:

Sent: 19 February 2016 11:04

To: Hyslop F (Fiona), MSP

Subject: Film Studio

Dear Fiona

I am almost bemused about Scotland's lack of progress in securing a proper film studio. I have followed the story way back before the Scottish Parliament when Sean Connery was stymied by green belt legislation in Edinburgh many years ago, although RBS was later successful in byuilding its offices at Gogarburn. It seems Government quangos don't seem to think it is that important and are content for Northern Ireland, Wales and just about anywhere else to leave Scotland behind.

We need a film studio. You have worked hard to secure one without breaching EU regulations on public funding but with no obvious progress to date. And then, like a miracle, a private company submits plans to build a fully developed studio without the need for public funding. We should be dancing in the streets. The problem seemed to have been solved.

But instead of rejoicing, Midlothian Council turns it down! The Scottish Government must over-ride that decision.

With regard to concerns over the green belt, that legislation was designed with the Home Counties in mind back in the 1940s. At its best, it meant ribbon development was forbidden and ordinary folk could continue to get the tram to the last stop on the line and then walk into the countryside. The world has changed enormously since these days. Now people can access the country at a distance from their homes. Our capital city has to be allowed to grow. There will be plenty of Pentlands National Park not impacted by the proposed studio. We live in a democracy, and I am sure the great majority of folk will find a film studio a lot more interesting than preserving some sterilised land next to a retail park and just south of the bypass.

What profit is there in preserving the countryside around our towns and cities, if it diminishes economic growth and our young people are no longer here to enjoy it but end up living in the south of England, where the jobs are? (I was appalled at Stirling Council frustrating Judy Murray's plans. It makes the local fuss over Andy Murray seem quite hypocritical.)

This is a test of whether we are serious in developing the Scottish economy to a level at which it can sustain our public expenditure.

Best wishes

This message has been received from an external party and has been swept for the presence of computer viruses.

Cabinet Secretary for Culture, Europe and External Affairs
Fiona Hyslop MSP

T/F: 0300 244 4000
E: scottish.ministers@gov.scot



Our ref: 2016/0006804

25 March 2016



Thank you for your email dated 19 February on a film studio for Scotland and I apologise for the delay in responding.

You will be aware that I appeared before the EET Committee on 9 March to give further oral evidence on the studio facility. On the same date, it was announced that Wardpark Studios Ltd were to submit planning permission to expand their site at Cumbernauld and they submitted the application to North Lanarkshire Council on 11 March 2016.

I want to reassure you that I am firmly committed to delivering a national studio facility for Scotland - that is why I established the Film Studio Delivery Group made up of representatives from Scottish Government, Creative Scotland and Scottish Enterprise.

The public sector support for screen in 2014/15 was a record £24.1m and production spend figures were also a record £45.8m for 2014. I also announced a further £4.75m of new support for screen in 2015 to help with production financing and skills development. It is early days but I believe the £1.75m Production Growth Fund over 15/17, announced in September 2015 as part of this additional support, is encouraging large-scale productions to come to Scotland to shoot and has been fully subscribed for 15/16. However, more can and should be done.

That is why I am very pleased with the progress that has been made with the Wardpark proposal, which the public sector intend to support, and we expect to be operational by no later than the end of 2017. We are unable to procure a studio facility because of EU State Aid rules, but are reliant on private sector investors to come forward with proposals for enhanced studio infrastructure and the Film Studio Delivery Group are open to, and would welcome, any further proposals.

St Andrew's House, Regent Road, Edinburgh EH1 3DG
Taigh Naomh Anndrais, Rathad Regent, Dùn Èideann EH1 3DG
www.gov.scot



In terms of the proposal for Midlothian, you are aware that there is a private developer, Pentland Studios Ltd, looking to build on a site in Straiton with a studio facility as part of the development. This is a wholly private led initiative and the public sector has not been approached to provide any support. The planning application for this proposal has been recalled and is currently with the Scottish Ministers for Appeal. Therefore, as I am sure you will appreciate, it would not be appropriate for me to comment further at this stage given that the proposal will be the subject of a decision by Ministers later this year.

However, I hope this information has been helpful.

Kind regards,

Fiona

FIONA HYSLOP

Buidheann-stiùiridh Cultair, an Roinn Eòrpa agus Cùisean an Taoibh a-Muigh
Culture, Europe and External Affairs Directorate
Roinn a' Chultair agus Àrainneachd Eachdraidheil
Culture and Historic Environment Division



T:
E:

Ur faidhle/Your ref :
Ar faidhle/Our ref :2015/0043013
7 January 2016

Thank you for your email dated 10 December 2015 addressed to Fiona Hyslop, MSP, Cabinet Secretary for Culture, Europe and External Affairs on the proposed Pentland Film Studio. I have been asked to respond.

I am aware of the development at Straiton and the recent issues around planning consent by Midlothian Council. The Film Studio Delivery Group (FSDG – comprising Scottish Government, Creative Scotland and Scottish Enterprise) have made absolutely clear our firm commitment to delivering enhanced film studio facilities for Scotland that meet EC State Aid rules and are working very hard to make that happen.

I understand that the development at Straiton is a wholly private sector funded proposal to establish a development (which includes a film studio and an energy centre). I want to assure you that the FSDG are aware of the proposal and remain fully supportive of its aims and ambitions should they come to fruition.

I understand that a non-determination appeal was submitted to Scottish Government by Pentland Studios Ltd on 3 December 2015 and Ministers have now agreed to recall the current appeal against non-determination of the planning application by Midlothian Council and the appellant has been informed.

As this is currently a live appeal, I am unable to comment further.

Cidhe Bhictòria, Dùn Èideann EH6 6QQ
Victoria Quay, Edinburgh EH6 6QQ
www.gov.scot



T:
E:

Your ref:
Our ref: 2017/0034350
03 November 2017

Dear

Thank for your email to Ms Hyslop regarding Scotland's Film Industry and the Pentland Studio site. Please accept my apologies for the delay in responding to you. I am responding on behalf of Scottish Government.

Scottish Ministers intention to grant planning permission in principle for the Pentland Film Studio development was made on the 3 April 2017, subject to conditions and a planning obligation. The next steps involve the conclusion of the planning obligation before Ministers can formally grant permission for the proposal.

The Scottish Government is committed to supporting Scotland's screen sector to achieve its potential and is ambitious to see it grow in a way that is sustainable, inclusive and promotes wider economic growth.

In the Programme for Government we made a commitment to double investment for film and TV to £20m next year, to continue support for Gaelic TV production through MG Alba, and to create a dedicated Screen Unit to encourage further growth in the film and TV sector. We have also given financial support to the National Film and Television School's plans to establish a base in Scotland.

We have also consistently argued for the BBC and other broadcasters to increase their support for the creative industries, most recently in our responses to consultations on the BBC and Channel 4 where we urged that these broadcasters are set higher quotas for the amount of network TV programming they make in Scotland.

Production spend on film and TV in Scotland increased by more than 30% last year to a record high. The figures, released by Creative Scotland, show that production spend in 2016 reached £69.4 million – the highest figures since records began, and a £16.7 million increase on 2015. Since 2007, spend has increased more than 200% from £23 million.

The Production Growth Fund is administered by Creative Scotland using funds from Scottish Government and the National Lottery to incentivise production in Scotland, encouraging the use of Scottish facilities and crew. The fund has so far generated £17.5m for the economy, a return of £10 for every £1 awarded.

In addition, Creative Scotland's Screen Commission actively promote all areas of Scotland as filming locations and I include a link to further information here:
<http://www.creativescotlandlocations.com/>

I hope that this is of assistance.

Kind regards



To: Cabinet Secretary for Culture, Europe and External Affairs

Subject: FW: Pentland Film Studio bid

From: [redacted]

Sent: 10 December 2015 12:45

To: Hyslop F (Fiona), MSP

Subject: Pentland Film Studio bid

Dear Ms Hyslop,

I am writing to you in support of the Pentland Film Studios planning bid. [redacted]

[redacted] I am not your constituent but would ask that you hear me out (I've also written to Deidre Brock and [redacted])

[redacted]

You are no doubt aware that Scotland's film industry have been clamouring for a studio complex for years, decades even. Hollywood producers came and went, and told us that they would love to shoot their films and TV series in Scotland but were put off by our lack of facilities. Most famously, we lost out on HBO's Game of Thrones which went to Northern Ireland instead. It is not enough for US productions like World War Z and Cloud Atlas to sustain a national film industry (especially if they bring their own crew). It is not enough for the likes of Danny Boyle to come up and make Trainspotting 2. There is far more to Scottish filmmaking than that, or the works of Ken Loach and Paul Laverty (no disrespect to Mssrs Boyle and Loach). We have to be able to produce and distribute our own films that appeal to a national and global audience, and a national film studio would make that goal immeasurably easier.

[redacted]

In concrete terms, the Pentland Film Studio is estimated to create 900 jobs in the area of Midlothian and Edinburgh at large. That's nothing to be sniffed at. I was at the meeting on Thursday 3 December where Jim O'Donnell and Norman Reid laid out their vision for the studio, the Academy for Napier University students, the data centre and the hotel to be used for studio staff and guests, and students. They explicitly stated that they have every intention of alleviating green belt and environmental concerns. Further, it would be a privately owned studio and therefore cost the Council or the Scottish Government not a single penny. There is a market for Scottish films both in Scotland and abroad, and the economic benefits of a studio could be very substantial, both for the local economy in Midlothian and Scotland at large. I certainly think that it'd benefit the area and the country more than Stratton Car Park or fast food chains like Burger King (though they undeniably have their uses). You can help end the stalemate and help hundreds, thousands of filmmakers and create a self-sustaining, blossoming creative industry. Please lend us your support and urge your colleagues in Midlothian to throw their support behind this bid. Let's not wait until after the Holyrood elections in May. Let's be proactive and get the ball rolling now.

(PS.: As an Independence supporter, I'd also argue that the success of a film studio would help our argument that Scotland can indeed prosper on its own, and it'd do wonders in fighting the cringe that some of our fellow Scots are still under after decades of being told by the UK Govt and media that we are too small, too poor and

too stupid).

I look forward to hearing from you.

Yours sincerely,

Fiona.Hyslop.msp@scottish.parliament.uk<mailto:Fiona.Hyslop.msp@scottish.parliament.uk>

Cc: First Minister;

Subject: Film Studio at Old Pentland

Evening,

Please find my major concerns regarding the proposed film studio application, which is now with Scottish Government awaiting a decision. I would appreciate it if you could read my letter with gives a full impact of what this application would do to small community, the eviction of a landholder who has no intention of surrendering his landhold which his family have had for 100, also the many discrepancies within the planning application. Which include no data available to analyse at Site B, Backlot 02 (disused landfill site) as personnel would not enter this area on health and safety grounds (photo within letter shows why) key legal information that remains missing, inaccurate information which on many occasions not enough information being available to complete the decision making process. I would question how Scottish Government ministers can make decisions on flawed, inaccurate and missing information?

I am not saying no to a film studio what I am saying no to is the unnecessary decimating of prime agricultural land within the greenbelt and no to the eviction of hard working farmers, moreso when more appropriate sites have been identified.

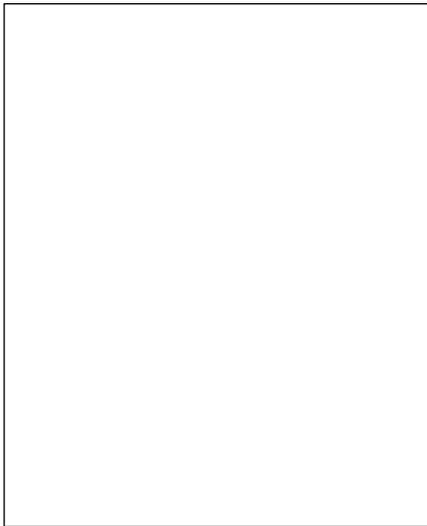
I wholly concur with Midlothian Councils report of handling representation which is on the DPEA webpage and their recommendation to refused this application. The developer highlights concerns at the onset of their application regarding the feasibility and uncertainty of completion of the project stating 'The amount of land lost to the road would mean that 'Phase 2' could not be built, thus putting into jeopardy starting development on 'Phase 1' of the proposals, without the prospect of completing the

development?

I would appreciate it if you could read my concerns and look to highlight these to Alex Neil, MSP on my behalf.

Thank you in advance.

Regards



25 February 2016

Alison Johnstone, MSP

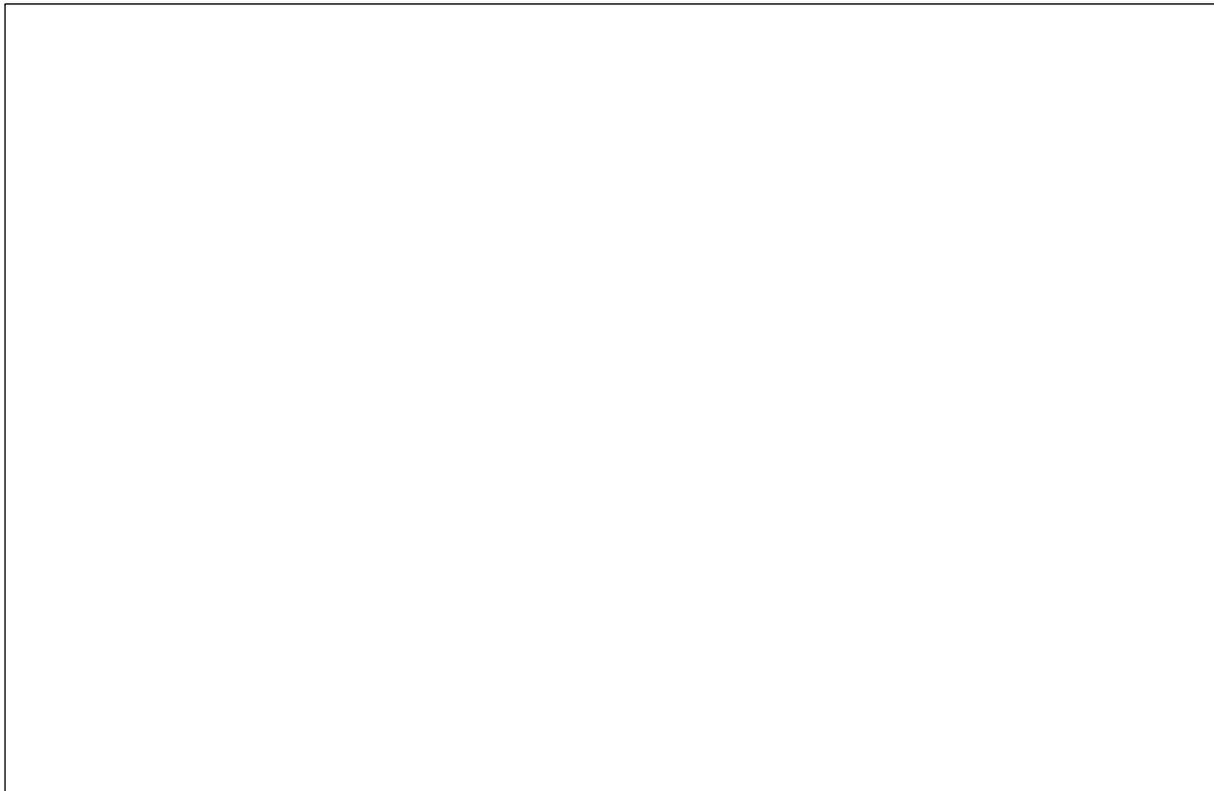
Dear Alison Johnstone, MSP

TITLE: PPA-290-2032 (Planning Permission Appeal) / 15/00364/PPP (Midlothian Council) ? Film Studio at Old Pentland

I am writing to you as my local MSP to support [redacted] community of Old Pentland and Damhead. I am seeking your support by lobbying Alex Neil to recognize the seriousness of the above appeal for a film studio at Old Pentland which could have a devastating impact on the possible eviction of [redacted] community and the destructive impact on prime agricultural land. The Scottish Ministers have determined to make the decision on the planning applications following the completion of a report by David Buyla.

Firstly I wholly concur with the recommendations within the Report of Handling which was submitted by Midlothian Council, which after full consideration concludes that the recommendation is that planning permission is refused and the appeal is dismissed.

There is a vast number of discrepancies, including incomplete / missing information, inaccurate information with legally required documentation not been aligned to the Environmental Studies.



If Scottish Ministers approve this application they will be responsible for the possible



Grade 2 and 3 agricultural land make up less than 8% of Scotland's food producing land and once these soils are destroyed there is no going back.

I would advise that my original objection letter sent to Midlothian Council on 19 June 2015 (within the advertised timescales) outlined the inappropriateness of the location for this development and remains as my primary objections to the proposed development. With regard to my original objection I have highlighted 3 key areas major issues and missing documentation undermining the validity and transparency of the process. I would question how further decision can be made based on ? the lack of ? such key information.

Mining Risk Assessment:

The letter sent from The Coal Authority dated 7 April 2015 states, "agreed risk-based approach to development management in Development High Risk Areas, the past coal mining activities within the site should be fully considered as part of the Environmental Statement (ES); this should take the form of a risk assessment . . . Coal Authority is therefore pleased to note that the Environmental Impact Assessment Scoping Report submitted acknowledges at Section 10 the need to consider ground conditions and subsequent commitment to produce an Environmental Desk Study to be included as part of the ES."

Despite both Midlothian Council and the developer being fully aware this key documentation must be fully considered as an integral part of the ES, the Mining Risk Assessment had not been requested at the time of completing the ES report. This report was only requested after a member of the public highlighted the omission to Midlothian council. The Mining Risk Assessment was uploaded onto the Midlothian Council portal on 11 June 2015 a full 5 weeks after the validation of this application. The exclusion of the Mining Risk Assessment in the ES undermines the validity and transparency of the exercise and should be reconsidered with this key risk factor fully examined and integrated into the proposal.

Flood Risk Assessment:

The Flood Risk Assessment submitted is incomplete resulting in a failure to address the risk of flooding to parts of the site. Undermining the ability of the assessment to establish the risk to the site in full. This further undermines the validity and standing of the ES undertaken on the proposed development, in conjunction with the above point.

As the Scottish Government is keenly aware and committed to tackling we are increasingly witnessing the effects of climate change with flooding increasing in frequency and severity at this location. [redacted] mitigates the outcome of severe weather to be replaced with concrete buildings has arguably not been fully explored in the development proposal.

Misleading classification submitted within planning application: Within the Planning Application the development was wholly classed as Class 5 despite many parts of the proposal clearly falling outside the requisite usage of such classification for instance the data centre (4) film campus (10) hotel including gym and spa (11) and studio tour (1/3). I would question the differing criteria requirements for various classifications - This classification is fully misleading, unacceptable and should be rectified.

Additional information:

1. It has been reported that 28 sites have been assessed prior to this site being selected. Yet no evidence has been produced to validate this information or the

criteria set. Based on what information has this site be selected as more appropriate than the 27 other sites examined.

2. There remains a lack of clarity regarding the backlots, specifically the 'opening times' as well as noise and light implications.

3. Letter from Keppie to Midlothian Council regarding the A701 Relief Road dated 31 July 2015 states, 'the increased acoustic performance requirement and subsequent construction solutions will add to the overall energy consumption of the Studio (both during construction and operation) . . . These increased costs would be reflected in the charge out rates that the Studio will have to apply; thus reducing its market competitiveness when compared to the alternative offers at Warner Studio at Leaversden and Pinewood Studios.'

'Therefore the potential increase in traffic volume and the environmental impact thereof in such close proximity to the site, could lead to the proposal being aborted if the currently proposed A701 Relief Road remains in its proposed location.'

' . . will have a severe impact on the studio development through:

- o The considerable potential for cost escalation in achieving the required building performance as to make the viability of the whole scheme questionable
- o Increased constructions costs which will increase the required return on capital invested; thus leading to a reduction in the proposed Studio's competitive edge, and potentially removing the viability of the Studio development
- o The masterplanning of the development will be less fluid with less connectivity reducing the attraction of both the Studio as a venue and of the integral commercial elements which rely on the connectivity for success
- o There considerable potential for the increase in costs in achieving the required building performance which makes the overall viability of the scheme questionable.'

The developer has made clear there is considerable doubt and risk as to whether the film studio project is economically viable thus bringing the entire proposal into serious question. Given such lack of clarity it seems highly imprudent to rush through such a major development with such potential to drastically fail in delivering its 'unique' contribution of 'national importance'.

4. Moreover, the developer reports in their Supporting Planning Statement dated 1 May 2015 that 'The amount of land lost to the road would mean that 'Phase 2' could not be built, thus putting into jeopardy starting development on 'Phase 1' of the proposals, without the prospect of completing the development' Documentation dated 18 November 2015 from Keppie highlights that the PSL Land Ltd continues to object to the realignment of the A701 however, they are now willing to compromise

and allow the road to go through the land. It requires to be highlighted that the updated map submitted by Keppie 18 November 2015 does not actually incorporate the 60ft+ land required to be allocated for the road to go through.

Further the land allocated as Backlot 01 has not shown both options for the proposed A701, which could remove between 40% - 75% of Backlot 01, with a further reduction of Backlot 01 to accommodate the 'earth station' this would potentially reduce Backlot 01 area to approx. 20% of the original site being available. Backlot 02 (Site B) is a disused landfill site, no survey work of any kind has been carried out (on health & safety grounds) to ascertain what contaminants are below / above the ground, picture b highlights why. I would question how a judgement can be made on the validity of this application when no data is available to make an informed decision.

5. Further documentation calling the viability of the project into question can be found in the Supporting Planning Statement dated 1 May 2015 stating, 'The backlots require to be sound protected for outdoor filming and the noise from the road would form an unacceptable background.' Given the potential realigned A701 bisecting Backlot 01, we have the current A701 within close proximity of Backlot 02. Adjacent to Backlot 02 we have the Old Pentland Road which accommodates a heavy flow of traffic including HGVs from 2 large established local business who operate in the area.

6. Polluting biomass and gas Power Station larger than the proposed hotel and a massive 'Earth Station' satellite dish (0.05 Ha footprint, equating with an approx 22m diameter dish). Neither have been properly included in the planning application, and there has been no mention of the chimney, cooling towers, the pollution levels, noise, and the environmental and health impacts these will have on the local community and wildlife etc). I would question the validity of this application when insufficient key data is not available to make an informed decision, further which department would have decision making powers on Power Stations?

7. No decommissioning plan for the site, waste centre or CHP plant has been presented although this is a legal requirement. Again it bring into question the validity of this planning applications, how can decisions be made when legally required documentation remains absent? Legally required information has not been presented therefore, decisions cannot be made on absent documentation. This application should be refused on this item alone.

8. Given the reporter is to advise on the suitability to the location for the proposed development I would like to submit three photographs with regard to the unsuitability due to (a) flooding risk and (b) instability on the disused landfill site (Site B).

a. Recent surface water at No. 1 Smallholding, flow of water onto Pentland Road

b. Backlot 02 (Site B) - Unstable ground, sign below covers

9. Proposed development is currently in direct contradiction to a raft of policies and legislation.

10. If Scotland aspires to continue leading in Climate Targets, sustainability and resilience it needs to start looking to how it operates on the ground, starting with preserving good agricultural land. If private developers are enabled by our government to manoeuvre the little man out of the way then what is the purpose of community resilience, community planning and empowerment and what has become of planning democracy. Our government must stop siding with the developers and start preserving and supporting land based industry, agriculture, green space and our communities.

I would also lodge my concern with regard to the Scottish Government intervening in this proposed development. Site B is located within an area dedicated to the Midlothian Development Plan which is a long term consultation between Midlothian Council, local communities and other stakeholders. The finalisation date as agreed is Summer 2016, as the Scottish Government is well aware. Thus Midlothian Council is constrained in offering any solution to the development at the present. For the Scottish Government to intervene in this case given the extensive consultation with local residents only serves to undermine the voice of the Scottish people in matters that affect their local communities and vision for their future. I would ask the reporter to allow Midlothian Council to proceed with the MLDP without interference from central government to ensure development has the mandate of the local people and a strategic vision for the future of the area.

Moreover, in allowing time for completion of the MLDP, thereby allowing Midlothian Council to create a strategic masterplan for the whole area there is potential for alternative sites to be considered for the proposed development. For instance, the Shawfair area of Midlothian is located within the MLDP which is being strategically developed, close to Queen Margaret University, the A1, A720 city bypass, as well as a new high school proposed as a center for excellence for Creative Industries. If Edinburgh is truly the preferred area for this proposed development an alternative site could well be located without the need to evict a landholder, eradicate prime agricultural land within the Green Belt as well as retaining the peace and tranquility of the natural landscape that Scotland is privileged to possess.

While I can recognise there may be need for a film studio in Scotland I cannot understand why this would be located in Midlothian given Glasgow is known for its academic excellence, concentrated specialised skill sets and excellent infrastructure in this field. To dilute such a specialised field could potentially undermine Scotland's success in this area.

My key objections remain that:

- ? The failure to fully integrate key documentation into the ES undermines the validity and weight that can be placed upon it given the partially considered form.
- ? Lack of clarity around noise and realignment of the A701 calling the viability of the entire project into question.
- ? Need to allow Midlothian Council time to complete the MLDP setting out a strategic vision for the area's future ? of which part of the development is located.

It is very clear from the information available from the developers that this is not an appropriate site for this development and that the loss of prime agricultural land and the impact this will have on Scotland's capital city Edinburgh's Greenbelt would be devastating. Further the impact this will have on the local community, their sustainable vision and the biodiversity of Edinburgh's surrounding green space which is enjoyed by thousands weekly will be very damaging and irreversible. Saving our agricultural and food production land from concrete is of National Importance and the proposed site at Old Pentland is not an appropriate site for the proposed development.

[redacted]
including the obliteration of prime agricultural land, more so when suitable sites have been identified. I ask that you highlight these major and relevant concerns to Alex Neil as MSP and the Cabinet Secretary for Social Justice, Communities and Pensioners? Rights and who will be making the determination of the possible eviction of [redacted]

Yours

[redacted] on behalf of Minister for Environment, Climate Change and

Sent: 29 February 2016 09:03
To: Ministerial Correspondence Unit
Subject: FW: Film Studio at Old Pentland
Attachments: 2016-02-29 MSP LTR OF OBJECTION TO FILM STUDIO AT OLD PENTLAND JAMES TELFER - FINAL.docx; JANE FOX CONSULTANCY OBJECTION LETTER FINAL 2015-06-19.pdf

Categories: Sarah, Blue Category

For MACCS please

Thanks

[redacted]

From: [redacted]
Sent: 29 February 2016 06:30
To: david@davidmundell.com; richard.lochhead.msp@scottish.parliament.uk; Minister for Environment, Climate Change and Land Reform; ruth.davidson.msp@scottish.parliament.uk; Fiona.Hyslop.msp@scottish.parliament.uk
Cc: First Minister; [redacted]
Subject: Re: Film Studio at Old Pentland

Morning

Please find my major concerns regarding the proposed film studio application, which is now with Scottish Government awaiting a decision. I would appreciate it if you could read my letter with gives a full impact of what this application would do to [redacted] community, the eviction of a landholder [redacted] also the many discrepancies within the planning application. Which include no data available to analyse at Site B, Backlot 02 (disused landfill site) as personnel would not enter this area on health and safety grounds (photo within letter shows why) key legal information that remains missing, inaccurate information which on many occasions not enough information being available to complete the decision making process. I would question how Scottish Government ministers can make decisions on flawed, inaccurate and missing information?

[redacted]

I am not saying no to a film studio what I am saying no to is the unnecessary decimation of **prime agricultural land** within the greenbelt and no to the eviction of hard working farmers, moreso when more appropriate sites have been identified.

I wholly concur with Midlothian Councils report of handling representation which is on the DPEA webpage and their recommendation to **refused** this application. The developer highlights concerns at the onset of their application regarding the feasibility and uncertainty of completion of the project stating **"The amount of land lost to the road would mean that 'Phase 2' could not be built, thus putting into jeopardy starting development on 'Phase 1' of the proposals, without the prospect of completing the development"**

I would appreciate it if you could read my letter (attached) which I have sent onto my MSP's and MP highlighting my concerns so that you are fully aware of this situation prior to any recommendation being made. I have also attached my original letter of objection which highlights the many planning policies this application is contravening.

To evict anyone from their home is inappropriate to evict someone on flawed, missing (including legal) and inaccurate information is immoral and unacceptable. Decisions should be made at a local level and Midlothian Council have recommended that this application be **refused**.

Thank you in advance.



This email was scanned by the Government Secure Intranet anti-virus service supplied by Vodafone in partnership with Symantec. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisations IT Helpdesk.
Communications via the GSI may be automatically logged, monitored and/or recorded for legal purposes.

.....
This email has been received from an external party and
has been swept for the presence of computer viruses.
.....

Colin Beattie, MSP

Dear Colin Beattie, MSP

TITLE: PPA-290-2032 (Planning Permission Appeal) / 15/00364/PPP (Midlothian Council) – Film Studio at Old Pentland

I am writing to you as my local MSP to support my local community of Old Pentland and Damhead. In seeking your support lobbying Alex Neil to recognize the seriousness of the above appeal for a film studio at Old Pentland which would have a devastating impact on our community, decimate prime agricultural land and [redacted] The Scottish Ministers have determined to make the decision on the above planning applications following the completion of a report by David Buyla.

Firstly I wholly concur with the recommendations within the Report of Handling which was submitted by Midlothian Council. After full consideration concluding the recommendation that planning permission should be **refused and the appeal is dismissed.**

There is a vast number of discrepancies, including incomplete / missing information, inaccurate information with legally required documentation not been aligned to the Environmental Study. Moreover, when alternative sites are available which is not prime agricultural land.

I would advise that my original objection letter sent to Midlothian Council on 19 June 2015 (within the advertised timescales) outlined the inappropriateness of the location for this development and remains my primary objections to the proposed development. Letter dated 17 February 2016 from [redacted] covers Mining Risk Assessment, Flood Risk Assessment and Business Classification

Additional information:

1. Supporting Planning Statement dated 1 May 2015 from Keppie states (on Midlothian Council portal – 15/00364/ppp), **“The amount of land lost to the road would mean that ‘Phase 2’ could not be built, thus putting into jeopardy starting development on ‘Phase 1’ of the proposals, without the prospect of completing the development”** Documentation dated 18 November 2015 from Keppie highlights that the PSL Land Ltd continues to object to the realignment of the A701 however, they are now willing to compromise and allow the road to go through the land. It requires to be highlighted that the updated map submitted by Keppie 18 November 2015 does not actually incorporate the 60ft+ land required to be allocated for the road to go through. This would led to the conclusion that Phase 2 will not be built also putting into jeopardy starting development on Phase 1. It is alarming that this application has been allowed to progress, more alarmingly Scottish Ministers are in a position to approve this flawed application when the developer has stated **‘Phase 2 could not be built’.**

Further the land allocated as Backlot 01 has not shown both options for the proposed A701, which could remove between 40% – 75% of Backlot 01, with a further reduction of Backlot 01 to accommodate the 'earth station' this would potentially reduce Backlot 01 area to approximately 20% of the original site being made available. Backlot 02 (Site B) is a disused landfill site, no survey work of any kind has been carried out due to health & safety issues to ascertain what contaminants are below and above the ground, picture b highlights why. **I would question how a judgement can be made on the validity of this application when no data is available to make an informed decision.**

2. Letter from Keppie to Midlothian Council regarding the A701 Relief Road dated 31 July 2015 states, "the increased acoustic performance requirement and subsequent construction solutions will add to the overall energy consumption of the Studio (both during construction and operation) . . . These increased costs would be reflected in the charge out rates that the Studio will have to apply; **thus reducing its market competitiveness** when compared to the alternative offers at Warner Studio at Leaversden and Pinewood Studios."

"Therefore the potential increase in traffic volume and the environmental impact thereof in such close proximity to the site, could lead to the proposal being aborted if the currently proposed A701 Relief Road remains in its proposed location."

". . . will have a severe impact on the studio development through:

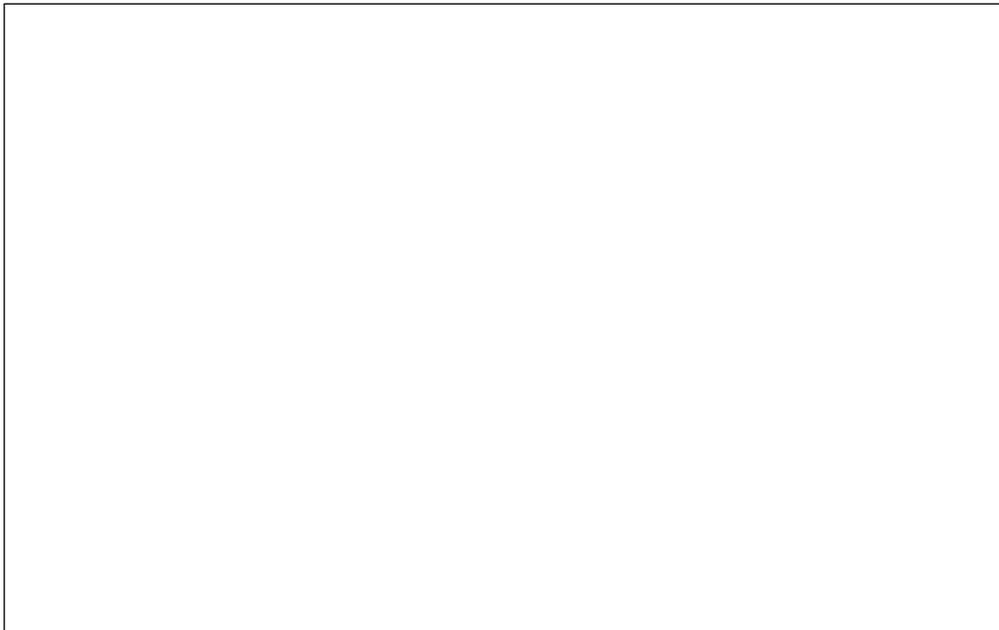
- o *The considerable potential for cost escalation in achieving the required building performance as to make the viability of the whole scheme questionable*
- o *Increased constructions costs which will increase the required return on capital invested; thus leading to a reduction in the proposed Studio's competitive edge, and potentially removing the viability of the Studio development*
- o *The masterplanning of the development will be less fluid with less connectivity reducing the attraction of both the Studio as a venue and of the integral commercial elements which rely on the connectivity for success*
- o *There considerable potential for the increase in costs in achieving the required building performance which makes the overall viability of the scheme questionable."*

The developer has made clear there is considerable doubt and risk as to whether the film studio project is economically viable thus bringing the entire proposal into serious question. Given such lack of clarity it seems highly imprudent to rush through such a major development with such potential to drastically fail in delivering its 'unique' contribution of 'national importance'.

3. Further documentation calling the viability of the project into question can be found in the Supporting Planning Statement dated 1 May 2015 stating, "The backlots require to be sound protected for outdoor filming and the noise from the road would form an unacceptable background." Given the potential realigned A701 bisecting Backlot 01, [redacted] A701 within close proximity of Backlot 02. Adjacent to Backlot 02 [redacted] Old Pentland Road which accommodates a heavy flow of traffic including HGVs from 2 large established local business who operate in the area.
4. Polluting biomass and Gas Power Station larger than the proposed hotel and a massive 'Earth Station' satellite dish (0.05 Ha footprint, equating with an approx 22m diameter dish). Neither have been properly included in the planning application, and there has been no mention of the chimney, cooling towers, the pollution levels, noise, and the environmental and health impacts these will have on the local community and wildlife etc). **I would question the validity of this application when insufficient key data is not available to make an informed decision, further which department would have decision making powers on Power Stations?**
5. No decommissioning plan for the site, waste centre or CHP plant has been presented although this is a legal requirement. **Again it bring into question the validity of this planning applications, how can decisions be made when legally required documentation remains absent?** Legally required information has not been presented therefore, decisions cannot be made on absent documentation. This application should be refused on this item alone.
6. It has been reported that 28 sites have been assessed prior to this site being selected. Yet no evidence has been produced to validate this information or the criteria set. Based on what information has this site been selected as more appropriate than the 27 other sites examined.
7. There remains a lack of clarity regarding the backlots, specifically the 'opening times' as well as noise and light implications.

8. Given the Reporter is to advise on the suitability to the location for the proposed development I would like to submit three photographs with regard to the unsuitability due to (a) flooding risk and (b) instability on the disused landfill site (Site B).

As the Scottish Government is keenly aware and committed to tackling we are increasingly witnessing the effects of climate change with flooding increasing in frequency and severity at this location. **The risk of removing farmed land which mitigates the outcome of severe weather to be replaced with concrete buildings has arguably not been fully explored in the development proposal.**



9. Proposed development is currently in direct contradiction to a raft of policies and legislation.
10. If Scotland aspires to continue leading in Climate Targets, sustainability and resilience it needs to start looking to how it operates on the ground, starting with preserving good agricultural land. Specifically private developers manoeuvring agricultural land out of the hands of farmers undermining community resilience, community planning and empowerment. Our government must ensure they are preserving and supporting land based industry, agriculture, green space and our communities.
11. This application is premature and is not part of the draft Local Development Plan.

I would also lodge my concern with regard to the Scottish Government intervening in this proposed development. Site B is located within an area dedicated to the Midlothian Development Plan which is a long term consultation between Midlothian Council, local communities and other stakeholders. The finalisation date as agreed is Summer 2016, as the Scottish Government is well aware. Thus Midlothian Council is constrained in offering any solution to the development at the present. For the Scottish Government to intervene in this case given the extensive consultation with local residents only serves to undermine the voice of the Scottish people in matters that affect their local communities and vision for their future. I would ask the Reporter to allow Midlothian Council to proceed with the MLDP without interference from central government to ensure development has the mandate of the local people and a strategic vision for the future of the area.

Moreover, in allowing time for completion of the MLDP, thereby allowing Midlothian Council to create a strategic masterplan for the whole area there is potential for alternative sites to be considered for the proposed development. For instance, the Shawfair area of Midlothian is located within the MLDP which is to be strategically developed, close to Queen Margaret University, the A1, A720 city bypass, as well as a new high school proposed as a center for excellence for Creative Industries. If Edinburgh is the

preferred area for this proposed development an alternative site could well be located without the need to evict a landholder, eradicate prime agricultural land within the Green Belt as well as retaining the peace and tranquility of the natural landscape that Scotland is privileged to possess.

While I can recognise there may be need for a film studio in Scotland I cannot understand why this would be located in Midlothian given Glasgow is known for its academic excellence, concentrated specialised skill sets and excellent infrastructure in this field. To dilute such a specialised field could potentially undermine Scotland's success in this area.

My key objections remain that:

- The failure to fully integrate key documentation into the ES undermines the validity and weight that can be placed upon it given the partially considered form.
- Lack of clarity around noise and realignment of the A701 calling the viability of the entire project into question.
- Need to allow Midlothian Council time to complete the MLDP setting out a strategic vision for the area's future – of which part of the development is located.

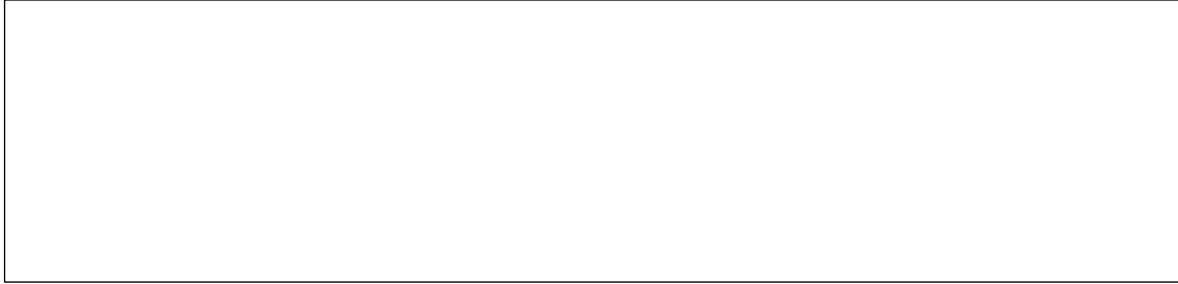
It is very clear from the information available from the developers that this is not an appropriate site for this development and that the loss of agricultural land and the impact this will have on Scotland's capital city Edinburgh's Greenbelt would be devastating. Further the impact this will have on the local community, their sustainable vision, food belt initiatives and the biodiversity of Edinburgh's surrounding green space which is enjoyed by thousands weekly will be very damaging and irreversible. Saving our prime agricultural and food producing land from concrete is of national importance and the proposed site at Old Pentland is not an appropriate site for the proposed development.

This proposal is a major development which is significantly contrary to the development plan. Midlothian Council should have been in a position to hold a pre determination hearing, to interested parties, to comply with Regulation 27 of the Town and Country planning (Development Management Procedure) (Scotland) Regulations 2014.

Midlothian Council's Handling of Report which is available on the DPEA advises *'The Council would have given consideration to re advertising the application in relation to the submission of further environmental information during the application consideration. The Council were awaiting clarification in relation to noise relating to the backlot areas prior to making the assessment of all of the further information submitted during the planning application process and following the initial advertisement of the application and whether this required a further advertisement in relation to Regulation 24 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011.'* In accordance with the Town and Country Planning Environmental Impact Assessment (Scotland) Regulations 2011 this application should not be determined until full information is submitted, including a revised ES and NTS that fully integrates the findings of the Coal Report with a review of the overall ES including drainage issues. Further in accordance with the Regulations re-notification / consultation is required with all neighbours, the public and Community Council, including site and press notices, giving a further 21 days to submit representations. Failure to determine the application within a competent ES and Non-Technical Summary would conflict with the EIA Regulations and would open up any planning decision to a risk of judicial review.

Midlothian Council has indicated within the PARF that they would expect the Reporter to *'Holding of one or more hearing sessions (i.e. round table discussions) on specific matters'* further indicating appropriate public venue for any events to take place. **I would question is it the Reporters intention to adhere to the above Regulations to allow interested parties their democratic right of voice? A recent email from [redacted] advises that it is up to the Reporter if discussions take place surely Regulations are set up to be followed and adhered to allowing a transparent including a democratic process to take place.**





I ask you to consider all of this and for you to raise the necessary questions and lobby Alex Neil as MSP and the Cabinet Secretary for Social Justice, Communities and Pensioners' Rights who will be determining this appeal.

Yours



From:

Sent: 23 February 2017 08:13

To: Adam G (George), MSP; Adamson C (Clare), MSP; Allan A (Alasdair), MSP; Arthur T (Tom), MSP; Baillie J (Jackie), MSP; Baker C (Claire), MSP; Balfour J (Jeremy), MSP; Beamish C (Claudia), MSP; Beattie C (Colin), MSP; Bibby N (Neil), MSP; Bowman B (Bill), MSP; Briggs M (Miles), MSP; Brown KJ (Keith), MSP; Burnett A (Alexander), MSP; Cameron D (Donald), MSP; Campbell AE (Aileen), MSP; Carlaw J (Jackson), MSP; Carson F (Finlay), MSP; Chapman P (Peter), MSP; Coffey W (Willie), MSP; Cole-Hamilton A (Alex), MSP; Constance A (Angela), MSP; Corry M (Maurice), MSP; Crawford B (Bruce), MSP; Cunningham R (Roseanna), MSP; Davidson R (Ruth), MSP; Denham A (Ash), MSP; Dey G (Graeme), MSP; Doris B (Bob), MSP; Dornan J (James), MSP; Dugdale K (Kezia), MSP; Evans M (Mairi), MSP; Ewing A (Annabelle), MSP; Ewing F (Fergus), MSP; Fabiani L (Linda), MSP; Fee M (Mary), MSP; Findlay N (Neil), MSP; Finnie J (John), MSP; FitzPatrick J (Joe), MSP; Forbes K (Kate), MSP; Fraser M (Murdo), MSP; Freeman J (Jeane), MSP; Gibson K (Kenneth), MSP; Gilruth J (Jenny), MSP; Golden M (Maurice), MSP; Grahame C (Christine), MSP; Grant R (Rhoda), MSP; Gray I (Iain), MSP; Greene J (Jamie), MSP; Greer R (Ross), MSP; Griffin M (Mark), MSP; Harper E (Emma), MSP; Hamilton R (Rachael), MSP; Harris A (Alison), MSP; Harvie P (Patrick), MSP; Haughey C (Clare), MSP; Hepburn J (Jamie), MSP; Hyslop F (Fiona), MSP; Johnson D (Daniel), MSP; Johnstone A (Alison), MSP; Kelly J (James), MSP; Kerr L (Liam), MSP; Kidd B (Bill), MSP; Lamont J (Johann), MSP; Lamont JR (John), MSP; Lennon M (Monica), MSP; Leonard R (Richard), MSP; Lindhurst G (Gordon), MSP; Lochhead R (Richard), MSP; Lockhart D (Dean), MSP; Lyle R (Richard), MSP; MacDonald A (Angus), MSP; MacDonald G (Gordon), MSP; Macdonald L (Lewis), MSP; MacGregor F (Fulton), MSP; Macintosh K (Ken), MSP; Mackay D (Derek), MSP; Mackay R (Rona), MSP; Macpherson B (Ben), MSP; Maguire R (Ruth), MSP; Marra J (Jenny), MSP; Martin G (Gillian), MSP; Mason J (John), MSP; Matheson M (Michael), MSP; McAlpine J (Joan), MSP; McArthur L (Liam), MSP; McDonald M (Mark), MSP; McKee I (Ivan), MSP; McKelvie C (Christina), MSP; McMillan SM (Stuart), MSP; McNeill P (Pauline) Private account; Mitchell M (Margaret), MSP; Mountain E (Edward), MSP; Mundell O (Oliver), MSP; Neil A (Alex), MSP; Paterson G (Gil), MSP; Rennie W (Willie), MSP; Robison S (Shona), MSP; Ross D (Douglas), MSP; Ross G (Gail), MSP; Rowley A (Alex), MSP; Rumbles M (Mike), MSP; Ruskell M (Mark), MSP; Russell MW (Michael), MSP; Sarwar A (Anas), MSP; Scott J (John), MSP; Scott T (Tavish), MSP; Simpson G (Graham), MSP; Smith EA (Elaine), MSP; Smith E (Elizabeth), MSP; Smyth C (Colin), MSP; Somerville S (Shirley-Anne), MSP; Stevenson S (Stewart), MSP; Stewart A (Alexander), MSP; Stewart D (David) MSP; Stewart K (Kevin), MSP; Sturgeon N (Nicola), MSP; Swinney J (John), MSP; Thomson R (Ross), MSP; Todd M (Maree), MSP; Tomkins A (Adam), MSP; Torrance D (David), MSP; Watt M (Maureen), MSP; Wells A (Annie), MSP; Wheelhouse P (Paul), MSP; White S (Sandra), MSP; Whittle B (Brian), MSP; Wightman A (Andy), MSP; Yousaf H (Humza), MSP

Subject: INFORMATION - CURRENT APPEAL WITH SCOTTISH MINISTERS - FILM STUDIO AND POWER STATION, OLD PENTLAND

I appreciate that the above appeal is currently with Scottish Ministers awaiting a decision regarding a power station and film studio proposal at Old Pentland. I am writing to all MSP's to ensure you are all fully aware of the facts in this case and the potential ramifications of the decision being made.

These smallholdings are regulated by the Crofters Holdings (Scotland) Act 1886 and the Small Landholders (Scotland) Act 1911. Under this act the

. Please note that

Site A is prime agricultural land while Site B (30% of the proposed development) is a disused and unstable former landfill site which at no time has been part of the submitted Environmental Impact Assessment due to health and safety concerns in assessing the land. It is beyond belief that a proposed development of 'national importance' to Scotland can be made while 1/3 of site poses serious safety and environmental concerns without any examination.

Further a number of falsifications in the selection matrix made Old Pentland the preferred site, see full information in my attached objection dated 19 September 2016:

? Claim there is a high pressure gas supply on site. Categorically untrue, a connector is around 2 miles away from this location with no financial and planning available in connecting to the off-site existing supply.

? Claim Site A has 'immediate' availability. Categorically untrue, this would involve with the landowner having already signed a documented as stated in Deloitte Report dated 29 July 2015, ?Purchase Missives although concluded, are conditional upon securing the Planning Permission in Principle (PPP) and the current owner providing vacant possession.? Given my repeated statements

.
? Gartcosh site, the other most appropriate site, per selection matrix regarded as identified by Police & Fire Brigade HQ. Categorically untrue, Scottish Enterprise has confirmed this was not the site which has been developed by Police Scotland but rather is an adjacent site. Thus, the rejection of Gartcosh no longer stands.

it is hugely concerning to find that the Film Studio

Delivery Group (FSDG) has already rejected this proposal in a letter to the developer dated 4 February 2015 as the proposal did not meet the criteria for a national studio on the following points:

1. Query on the option to buy some of the site, an overlap which concluded that the project submitted could not promise to deliver the proposal.
2. Questionability on financial funding and investment.

Further a recent media release by Biofuelwatch has warned that company directors behind this proposal have been involved in multiple company bankruptcies:

<http://www.biofuelwatch.org.uk/wp-content/uploads/PSL-PR-1.pdf>

A further media release by Biofuelwatch highlights the discrepancies regarding the large, polluting biomass power station as part of this appeal and has not been subjected to public consultation: <http://www.biofuelwatch.org.uk/wpcontent/uploads/Pentland-biomass-plant-briefing.pdf>

I would confirm that a formal complaint regarding the DPEA handling of this case in particular the Power Station discrepancies is currently with Scottish Government - Stage 2 Investigation.

Scotland's film and creative industries surely deserve better than this proposal, with serious underlying flaws, an attached power station and financially dubious company directors with no history or credibility in delivering film or creative spaces. I believe the Scotland Government should nurture and invest in those film studio sites already operating in Scotland while continuing to look at alternative proposals which deliver the quality and robust backing a national important development should be grounded in.

There are a number of film studios recently having been developed in Scotland to

name but a few:

? Wardpark, Cumbernauld: Scottish Government approved public funding to support significant expansion of additional soundstages, production office and a backlot.

? Film Services Ltd, Livingston: studio complex open in March 2016 with 3 soundstages, post production studio complex and a 60 foot green screen.

? Pyramids Business Park, Bathgate (former Motorola plant): available warehousing recently used for Trainspotting 2.

Moreover, many alternative proposals have been suggested all being brown field or development sites:

? Palamis Buidling, Leith: rejected by PSL Land Ltd as not a new build, however Creative Scotland are currently marketing this venue for a potential film studio site. Edinburgh North and Leith SNP MP Deirdre Brock gave her backing to the idea of converting the Pelamis building stating ?Leith is the perfect place and Pelamis is the perfect spot to make this happen.?

? Guardhouse Productions, Heriot Watt University: proposal currently on the table meets or exceeds Scotland?s directives for film studios, including the size and scope, the educational pieces and by bringing in a direct line to Hollywood.

? Shawfair, Midlothian: Cllr Ian Baxter stated, ?Shawfair has all the infrastructure links, location and surrounding amenities to accommodate a world-class film production studio. An added bonus will be the pool of young creative talent on the doorstep.?

This is about a planning application being inappropriate for the location (Site A). The proposed development would have a detrimental visual impact on this rural setting and surrounding area, including a destructive impact on the character of this close rural community and would result in irreversible damage to the environment and loss of wildlife habitat would transpire. The scale and form of the development would not be sympathetic to its rural location and would detract from the character, visual amenity and environmental quality of the area.

I wholly concur with the recommendations within the Report of Handling which was submitted by Midlothian Council, which after full consideration concludes that the recommendation is that planning permission is refused and the appeal is dismissed.

Yours faithfully

*

The Scottish Parliament: Making a positive difference to the lives of the people of Scotland

P?rlamaid na h-Alba: A? toirt deagh bhuaidh air beatha sluagh na h-Alba

www.parliament.scot<<http://www.parliament.scot>> :

facebook.com/scottishparliament<<http://facebook.com/scottishparliament>> :

twitter.com/scotparl<<http://twitter.com/ScotParl>>

The information in this email may be confidential. If you think you have received this email in error please delete it and do not share its contents.

From: [redacted]
Sent: 17 September 2017 11:49:21
To: scottish.ministers@gov.scot
Subject:

Dear Ms Hyslop,

Scotland needs to grow it's involvement in the Film Industry and I wonder if you could provide comment & an update on what is happening with the Pentland site specifically & in Scotland in general.

[redacted]

Many thanks

[redacted]

Sent from Mail<<https://go.microsoft.com/fwlink/?LinkId=550986>> for Windows 10

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

This email has been received from an external party and
has been swept for the presence of computer viruses.
