

Kerr L (Liz)

Subject: FW: PPA-230-2178 and LBA-230-2076 - New Parliament House [CMCK-UK.FID9694974]

From: Henderson D (David) (DPEA)

Sent: 26 August 2016 16:48

To: Mark.McMurray@cms-cmck.com; Ann.FAULDS@cms-cmck.com; Craig.Whelton@burnesspaull.com; Peter.Ferguson@harpermacleod.co.uk; fred.mackintosh@advocates.org.uk; louise.cockburn@dc2planning.co.uk; colin.innes@shepwedd.co.uk; carolnimmo11@gmail.com; g.birse@napier.ac.uk; June_McMillan@edinburghairport.com

Cc: Kerr L (Liz)

Subject: RE: PPA-230-2178 and LBA-230-2076 - New Parliament House [CMCK-UK.FID9694974]

Dear Mr Murray and others as copied

Thanks for your e-mail below.

I can confirm we have sought the City of Edinburgh Council's view on your request but are unlikely to receive this before Monday. If any other party has a view on this request it should be submitted no later than mid-day on Monday

I appreciate that statements are due to be submitted by Wednesday 31 August. In the circumstances we are prepared to extend this date for all parties to Tuesday 6 September.

I hope to be in a position to confirm a decision on the request for a sist below on Monday.

I trust this explains the position.

David

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From: McMurray, Mark [<mailto:Mark.McMurray@cms-cmck.com>]

Sent: 26 August 2016 14:36

To: Kerr L (Liz)

Cc: FAULDS, Ann; Craig.Whelton@burnesspaull.com; Peter Ferguson; Fred Mackintosh; louise.cockburn@dc2planning.co.uk; colin.innes@shepwedd.co.uk; carolnimmo11@gmail.com; g.birse@napier.ac.uk; June_McMillan@edinburghairport.com

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Dear Ms Kerr

I have been instructed by the appellants to request a formal sist of the above appeals for the reasons set out below. I confirm that discussions have taken place with legal representatives of the Council, EWHT, CA and AHSS. A message was left with the legal representative of HES but I'm not in a position to confirm whether a subsequent discussion has since taken place. Those parties, together with Colin Innes, who represents RHSPT (and is currently on holiday) and Mrs Nimmo, who represents RRCTMA and NTBCC, are copied in to this email.

Following the council's refusal of planning permission and listed building consent in December 2015, the applicants exercised their right of appeal to the Scottish Ministers and the appeals were lodged on 17 March 2016, just before the expiry of the statutory 3 month appeal period. During that 3 month period, the applicants also attended meetings with council officers to explore possible design changes to address the reason for refusal, without undermining the viability and economic benefits of the project. Although there has been no agreed outcome from these discussions, the appellants are now in a position to take forward applications for PP/LBC for an alternative project and will therefore serve a POAN late next week or the week commencing 5 September to start the application process. A copy of the POAN will be circulated to all parties for information in due course.

For the avoidance of any doubt, the appellants are NOT abandoning nor withdrawing the current appeal. The difference between the projects relates to the balance between the physical scale of the built development and the economic basis of the development and its operational viability. In the current economic climate, these matters are finely balanced and the appellants' position is that both options are feasible and should be consented.

In relation to the new applications, the POAN will be served with a view to lodging the applications on the expiry of the statutory 12 week period. If the applications are validated by Friday 2 December 2016, there will be a right of appeal on non-determination to the Scottish Ministers by 3 April 2017. My clients expect that the new applications will be referred to the Scottish Ministers for determination.

The appellants therefore request a sist of the inquiry process to enable the applications, after due process, to be referred to the Scottish Ministers and then conjoined with the current appeal for determination.

I would be grateful if you would submit this request to the Reporters for their consideration. I look forward to hearing from you.

Yours sincerely

Mark

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