

WEST DUNBARTONSHIRE COUNCIL**Report by Planning, Building Standards and Environmental Health Manager****Planning Committee: 21 September 2022**

Subject: Duntiglennan Fields, Duntocher, Clydebank – Supreme Court decision**1. Purpose**

- 1.1** To advise the Committee of the outcome of an application for permission to appeal to the Supreme Court in relation to a decision to grant planning permission for residential development at Duntiglennan Fields, Duntocher, Clydebank.

2. Recommendations

- 2.1** It is recommended that the Committee note the Supreme Court decision, which means that the Planning Permission in Principle for residential development at Duntiglennan Fields remains granted.

3. Background

- 3.1** In October 2020, the Council made an appeal to the Court of Session against the Scottish Government Reporter's decision in September 2020 (ref. PPA-160-2030) to grant planning permission for residential development at Duntiglennan Fields. A hearing was held in July 2021 and an Opinion of the Court of Session was issued in October 2021, which dismissed the Council's appeal.

4. Main Issues

- 4.1** The Council sought permission from the Court of Session to appeal its decision at the Supreme Court. This was refused so the Council applied for permission to appeal directly to the Supreme Court. In a decision dated 8 August 2022, the Supreme Court ordered that: (1) the appeal be refused as it did not raise an arguable point of law of general public importance; and (2) the Appellant (West Dunbartonshire Council) pay the Respondents' costs.
- 4.2** This decision means that the Council has exhausted legal routes to appeal the granting of Planning Permission in Principle for residential development

on Duntiglennan Fields, therefore planning permission for application DC19/203 remains granted.

- 4.3 The Council has received an Application for Matters Specified in Conditions in relation to this Planning Permission in Principle for Duntiglennan Fields (DC22/049/MSC). This is for 99 houses. A report in relation to this application will be brought to a future Committee for determination. Determining matters will be focussed on matters such as layout, design and other technical considerations, as the principle for residential development on the site is now settled.
- 4.4 As there is an extant Planning Permission in Principle for residential development on Duntiglennan Fields, the site is now recognised as part of the housing land supply for West Dunbartonshire and will be included in the 2022 Housing Land Audit.

5. People Implications

- 5.1 There are no people implications associated with this report.

6. Financial and Procurement Implications

- 6.1 The Supreme Court decision indicates that the Council will be responsible to pay the Respondent's costs. At the time of writing this report, the Council has not received notification of what these costs will be.

7. Risk Analysis

- 7.1 There are no risks associated with this report.

8. Equalities Impact Assessment (EIA)

- 8.1 There are no equalities issues associated with this report.

9. Environmental Sustainability

- 9.1 The environmental impact of the development is assessed through the planning application.

10. Consultation

- 10.1 No consultation is required in relation to this matter.

11. Strategic Assessment

- 11.1 This report has no direct impact on the Council's strategic priorities.

Pamela Clifford

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Date: 21st September 2022

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Appendix: 1. Location plan of Duntiglennan Fields, Duntocher
2. Supreme Court decision, 8 August 2022

Background Papers: Opinion of Court of Session, 5 October 2021
Report to West Dunbartonshire Council, 27 October, 2021

Wards Affected: Ward 4 (Kilpatrick)