

64846 Outdoor Café Installation at St Mary's Cathedral

This request follows my request of 13 May 2026, your reference 62013. In responding to that request, you released the material held for the concluded 2025 case, 25/00569/ECOU, but withheld the communications held for 26/00277/ECOU under regulation 10(5)(d), on the basis that they formed part of an on-going investigation. Your response stated that the balance of the public interest arguments was likely to change following the conclusion of the enforcement process.

Both enforcement cases have now concluded. 26/00277/ECOU was closed following the decision of 5 June 2026. 26/00388/ECOU was closed on 18 September 2026, as recorded on the planning portal. The condition your response identified for the release of this material has therefore been met.

For the period 1 March 2026 to the date of this request, in relation to the outdoor café installation at St Mary's Cathedral, Palmerston Place, Edinburgh, and in relation to enforcement cases 26/00277/ECOU and 26/00388/ECOU, please provide:

All correspondence between the Council and the operator of the installation, including emails, letters, and any written record of telephone or in-person discussions.

E-mail correspondence in relation to 26/00277/ECOU and 26/00388/ECOU is attached. There is no detailed record of telephone or in-person discussion beyond Site Visit Notes (screenshots also attached).

All correspondence between the Council and St Mary's Cathedral, or anyone acting on its behalf, including emails, letters, and any written record of telephone or in-person discussions.

There is no such correspondence.

All internal emails, case notes, file notes, and instant messages between Council officers relating to the planning status, assessment, monitoring, renumbering, reassignment, or closure of either case. This includes in particular:

- a. The exchanges leading to the officer's acknowledgement on 12 June 2026 that the material change of use assessment had not been undertaken.

There are no formal records held.

- b. The discussion between the case officer and his line manager referred to in his email to me of 15 June 2026, in which it was confirmed that the case could be re-opened and investigated by another officer.

E-mail correspondence between the Case Officer for 26/00277/ECOU and the Team Manager are attached.

- c. Any record of the decision to close 26/00277/ECOU and open 26/00388/ECOU rather than re-open the original reference, including who took that decision, on what date, and for what reason.

Case 26/00277/ECOU was closed on 5 June 2026. The decision to open a fresh investigation (26/00388/ECOU) was agreed by the Enforcement Team Manager on 11 June

2026, based on follow-up correspondence between the Case Officer for 26/00277/ECOU and the enquirer (e-mails are attached).

In general, where an Enforcement Case has been closed and fresh or further evidence has been provided in relation to the matter investigated which suggests there may be merit in revisiting the decision, it is normal practice to carry out a further investigation under a new case reference, even where there is no change in investigating officer. The exception may be in relation to cases where there is a live Enforcement Notice in force.

- d. Any record of the decision to reassign the enquiry, and of the handover to the replacement officer.

E-mail correspondence between the enquirer, the Case Officer for 26/00277/ECOU and the Enforcement Team Manager agreeing the approach to open a new investigation with an alternative Case Officer is attached (as per A3c above).

The e-mail allocating a new case, 26/00388/ECOU, to a new Investigating Officer is attached.

There are no other records held in relation to the handover.

- e. Any record of cover or alternative case ownership arranged during the replacement officer's absence.

There are no such records. Cases are not reallocated or covered during periods of annual leave.

Any record of a site visit made in connection with either case, including notes, photographs, and the date and author of each.

Screenshots are attached with records/notes of the site visit.

Site visit photographs are attached. Photographs for case 26/00277/ECOU were taken by Brian Fleming on 15 May 2026. Photographs for 26/00388/ECOU were taken by David Allan on 25 June 2026.

Any internal assessment, draft assessment, or officer note addressing whether planning permission was required, whether a material change of use had occurred, or whether enforcement action would be expedient.

An investigation report which includes an assessment of whether Planning Permission was required and whether enforcement action would be expedient is publicly available on the Council's Planning Portal at:

<https://citydev-portal.edinburgh.gov.uk/idxpa-web/search.do?action=simple&searchType=Application>

Select 'Enforcements' then enter case references, 26/00277/ECOU and 26/00388/ECOU.

Case 26/00388/ECOU was also discussed verbally at casework drop-in meetings. A screenshot of the meeting note is attached.

Any record of the basis on which it was concluded that the land remained under the control of the Cathedral, and the source of that information.

There are no such formal records held. Under case 26/00388/ECOU, this was discussed on site with the café operator.

Any record of information provided to the Council as to the intended opening date, operating hours, seating capacity, or duration of the 2026 operation, and the source of that information.

There are no such formal records held. Under case 26/00388/ECOU, the duration of the 2026 operation was discussed on site with the operator who stated their intention to cease operations in September 2026, with the date being dependent on weather/viability of operation. A screenshot of the site visit note is attached.

The case management audit trail for 26/00388/ECOU, including all status changes, the identity of the officer who closed the case, the date and time of closure, and any authorisation recorded for that closure.

A screenshot of the case log is attached. There were no other status changes.

A screenshot of the authorisation to close the case, including details of officer and date, time of closure is not recorded.

Any internal performance monitoring, overdue case report, or management review referring to 26/00388/ECOU.

There are no such records held. The case was closed within the three-month service standard timeframe.

Third party personal information has been redacted from the documents provided in compliance with the Data Protection Act 2018.