**From:** Gordon Watson <gordon.watson@lochlomond-trossachs.org>
**Sent:** Friday, February 5, 2021 9:45 AM
**To:** Baillie J (Jackie), MSP <Jackie.Baillie.msp@parliament.scot>
**Cc:** Stuart Mearns <stuart.mearns@lochlomond-trossachs.org>
**Subject:** RE: Nick Kempe, reg Ross Priory

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Dear Jackie,

**Re Nick Kempe – Ross Priory**

I am writing in response to your email of the 22 December in respect of the concerns that Mr Nick Kempe’s has raised with you. These concern the National Park Authority’s handling of the planning application by the Hunter Foundation for a Leadership Centre at Ross Priory.

Firstly, you will be aware that this planning application was approved by the Park Authority’s Planning & Access Committee at its November meeting. The links to the relevant information in respect of this application and the Environmental Impact Assessment (EIA) Screening are as follows:

·       The Officer’s Report to the Planning Committee: [https://www.lochlomond-trossachs.org/planning-access-committee-virtual-meeting-23rd-november-2020/](https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.lochlomond-trossachs.org%2Fplanning-access-committee-virtual-meeting-23rd-november-2020%2F&data=04%7C01%7CJackie.Baillie.msp%40parliament.scot%7C7de9ad1c02944564af6a08d8c9babdaa%7Cd603c99ccfdd4292926800db0d0cf081%7C1%7C0%7C637481151189256644%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=tk8bB1lTk2CeUOKx8X3SJDyLYAjMMzYh%2F0sJni%2B5hu4%3D&reserved=0)

·       The Screening Opinion and EIA correspondence are contained on the planning application file (enter 2020/0055/DET into the search facility):  [https://eplanning.lochlomond-trossachs.org/OnlinePlanning/search.do?action=simple&searchType=Application](https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Feplanning.lochlomond-trossachs.org%2FOnlinePlanning%2Fsearch.do%3Faction%3Dsimple%26searchType%3DApplication&data=04%7C01%7CJackie.Baillie.msp%40parliament.scot%7C7de9ad1c02944564af6a08d8c9babdaa%7Cd603c99ccfdd4292926800db0d0cf081%7C1%7C0%7C637481151189256644%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=qAOR0jGskrejbo6HUKHUnVBNApKsCHYY7JvZyrVyTYo%3D&reserved=0)

At this meeting the Committee heard from some of those who were opposed to the application and from the applicant. The Committee received a comprehensive Officer’s report. Committee Members asked questions of Officers and those for and against in coming to their decision. This was a carefully considered application. Turning to the specific points raised by Mr Kempe, I have responded to each below:

*Mr Kempe advises me that the National Park had known for weeks that people in the local community were extremely concerned about the lack of any Environmental Impact Assessment (EIA) and that the local Community Council were not advised of their right to seek a formal opinion from Scottish Ministers.*

Concerns and comments on the application were submitted, and available to view publically on our planning portal. The Officer’s report included consideration of the comments received, including those in relation to the environmental sensitivity and the application of the EIA regulations. Not all applications require an EIA, and this was the Authority’s considered conclusion in respect of this case following advice for our internal specialists. The Authority’s own planning policies ensure a robust assessment of the application.

The relevant EIA regulations provide the ability for requests to be made to Scottish Ministers for a Screening Opinion in certain circumstances, which I presume is what Mr Kempe is referring to. The request that has been made by a third party in respect of this case is still under consideration by Ministers. There has been some media reports that the application has been ‘called in’ by Ministers, which is incorrect. Should Ministers consider an EIA should be undertaken, the application would be back to be determined by the Authority once the EIA has been undertaken.

It is not appropriate for a planning authority to proactively advise either applicants, those in objection or in support of an application on all legal rights or recourse. We must remain impartial and independent in our determination and handling of applications. We will always assist all interested parties where we can and as appropriate. For example, we received a number of queries in respect of this case and Officer’s made time to help answer these queries and questions as they always do. This included individuals from the local community.

*He further advises that Board Members then failed to ask the two community representatives who raised questions about the EIA process at the Planning Committee meeting whether they had considered exercising their right to ask for their own Screening Opinion from Scottish Ministers.*

As above, it would also not have been appropriate for Board Members to make such a statement or suggestion.

*Mr Kempe is extremely concerned that the National Park do not advise local communities of their rights and the neutrality of the planning process.*

It is disappointing to read of these concerns. It must be recognised that the Park Authority in undertaking its statutory planning functions must remain impartial and independent of all interested parties when determining planning applications. It cannot advise or advocate on a particular course of action.

To help guide communities and others through the planning process we provide a range of information on our website and case officers regularly answer queries from members of the public and communities on planning processes and policies. Training is also offered to Community Councils from time to time.

I trust the above is helpful in clarifying.

Best regards

Gordon

**Gordon Watson**

**Chief Executive**

**Loch Lomond & The Trossachs National Park**