

## The decision to approve the Hunter Foundation development at Ross Priory

### Description

Last Monday the Loch Lomond and Trossachs National Park Authority Planning Committee approved the Hunter Foundation (THF)'s proposals ([see here](#)) and ([here](#)) for a 'Global Leadership' (and wedding) Centre on the shore of Loch Lomond unanimously. While the meeting was webcast live, unlike other public authorities our National Parks do not make recordings of their meetings available for the public to view afterwards. Had they done so, I would have recommended viewing so that people could see for themselves just how seriously the LLTNPA is failing as a Planning Authority.

### How far did Board Members consider this application impartially?

LLTNPA Board Members have consistently refused to engage with the public on planning applications, claiming that planning is a semi-judicial process and that they have a duty to take decisions objectively on the basis of what are known as 'material considerations', i.e. planning policies and areas allocated for development in their Local Development Plan (LDP). The fear is that contact with the public could influence them unduly. One might, however, have expected them to have subjected this particular application to rigorous critical scrutiny, given that it was not on land allocated for development and, as officers admitted, did not easily fit with the LLTNPA's policies.

Following the officer's presentation, which basically consisted of slides taken out of the Committee Report ([see here](#)), no-one questioned whether their interpretation of LLTNPA policies was correct or justified. There were a couple of semi-attempts at critical questioning. Claire Chapman, the vice-Convenor of the Committee, asked whether there were issues with the Committee Report being completed before the consultation was over? The response was 'no', with the officer justifying this on the grounds that the LLTNPA had extended the statutory time period for consultation by a week and the report was completed after the statutory timescale. (Unfortunately, the public weren't told). In any case, officers asserted, the 25 or so comments in the last week had raised no new points.

David McCowan got closest to the core issues when he queried the proportion of days that the new venue would be used for weddings (up to 100 per year), as opposed to global leadership. He also asked why the listed buildings next door were not included in the plans. The response was that leadership happens during the week, weddings at weekend and the listed buildings are very difficult, because of the Flood Plain. But that is all okay because The Hunter Foundation has now agreed to give £150k to prop them up while no-one can think of what else to do them. The Planning system seems to stack up new problems, not sort existing ones (like derelict land and empty buildings crying out for leadership centres).

After this, however, any semblance of objectivity from other Board Members collapsed. Chris Spray opined that The Hunter Foundation's proposal to connect the development and Ross Priory to the sewerage works at Gartocharn would be an environmental improvement. Officers had previously

described this (in their scoping opinion about the need for an Environment Impact Assessment), as having a *minor beneficial effect*. On Professor Spray's argument it seems that development could be justified in any remote rural location, so long as the developer was prepared to connect existing buildings to the sewerage network. Chris Spray then asked officers if the development might not bring an ecological enhancement through tree planting? He failed to ask what the impact of covering 1.22 hectares of shoreline with buildings might be. (A very good answer was later provided by Peter Page, who described swallows and martins feeding along the shoreline and orchids creeping west).

No Board Member then questioned Sir Tom Hunter on whether his two arguments for this planning application, that Scotland could do with more leadership training and a high quality natural environment was necessary for this to be successful, were material considerations that justified development on *this* site. While Sir Tom Hunter was welcomed by Committee Convener, Bob Darracott as *Tom*, he then addressed the Chair of Kilmarnock Community Council as Mr MacLellan. Both Gavin MacLellan and Peter Page from the local community were then, in contrast to *Tom*, subjected to a barrage of critical questions after their presentations, many of them irrelevant.

Willie Nisbet, the locally elected ward member, challenged how anyone could describe this section of the shore of Loch Lomond as undeveloped because of the Scottish Water pumping station (1km to the east). The implication is that Mr Nisbet believes that because of that one development, the rest of the shoreline doesn't matter. He also asked the Community Council what would happen if Ross Priory was unable to continue, implying that the Global Leadership Centre was essential to its future. An unbiased questioner would first have asked Sir Tom Hunter just how much he would actually contribute to the restoration of the run-down Ross Priory and its neglected grounds? The application contains no commitments in that regard and no Estate Business Plan, as required by the LLTNPA's policies, has been produced.

Stirling Councillor Graham Lambie questioned the Gavin MacLellan on the representativeness of the Community Council's views alleging that 1100 people lived in the local area. Mr MacLellan pointed out to Mr Lambie his figures were wrong, the numbers are half that, and appeared to be have been taken from the developer who had raised this same point to try and discredit the Community Council whose decision has been taken democratically. So why was Mr Lambie querying the local community rather than questioning Sir Tom Hunter about the letter lodged on his behalf? A quick look at the submissions from the local community about the application would have shown that all were in the form of objections.

Ronnie Erskine, who is also chair of the LLTNPA's Audit Committee, stated he had been trying to understand how the proposed development fitted with the principles of Scotland's National Planning Framework. He then referred to principles which appear to promote development, without making any reference to principles that limit or prevent development in certain areas, for example the outcomes on a Natural and Resilient Place: *Natural and cultural assets are respected, they are improving in condition and represent a sustainable economic, environmental and social resource for the nation.*

And so it went on.

## The advice from LLTNPA officers

Officers, when forced to deal with questions, responded with assertions which in almost every case were left unchallenged by Board Members.

Alistair McKie, the legal clerk to the Committee, responded to a question of whether the development was compatible with Scotland's commitment to net zero carbon emissions by 2045, by saying he had read the Climate Change Act and "it was", full stop. I am tempted to say "lord help us".

When forced to explain the position of other Public Authorities, which objectors had pointed out were not as favourable as officers had implied in their report, the Director of Planning, Stuart Mearns, replied to the effect that the LLTNPA was powerless to reject a planning application unless other public authorities objected. That is nonsense. NatureScot, for example, has effectively stopped commenting on planning applications so, if Mr Mearns' argument was right, this would mean the LLTNPA could no longer refuse any application on landscape or wildlife grounds despite its statutory duty to put conservation first. Mr Mearns completely failed to mention the main consideration, which is that the Local Development Plan is there to direct where development is appropriate and where not. It is up to the Planning Authority, and no-one else, to determine this but the LLTNPA appears to have abdicated all responsibility.

## The planning process

Officers' explanation for the lack of any Environmental Impact Assessment (EIA) was interesting. Basically they accepted that an EIA would have been required if it had been proposed to release treated sewerage waste in the loch but, because they had persuaded the Hunter Foundation to connect the sewerage to the mains, none was required. This undermines the Scottish Government's recommended best practice which is that EIAs are conducted *prior* to Planning Applications being submitted. In effect the LLTNPA colluded with THF to ensure an EIA was not needed.

Parkswatch has obtained a copy of the LLTNPA's response to an FOI request for the formal pre-application advice ([see here](#)) and related email correspondence ([see here](#)) which was referred to in the meeting. The documents have still not been published on the LLTNPA's website and some of the emails have been heavily redacted. What comes across from reading them is that instead of stating clearly that the LDP contained a presumption against developments in places like Ross Priory, the planners seem to have gone out of their way to encourage the development. The very first email thanks planners for their "thoughts and advice" and they appear to have devoted the next 18 months to making this development happen. To understand why, look no further than the planning fee of £10,827. Unless planners encourage applications, they risk losing their jobs. It's not their fault individually, the whole system is rotten.

Having encouraged the application, it appears LLTNPA officers did then try and influence the proposal, sometimes successfully, sometimes not. The fundamental tension was that Sir Tom Hunter wanted a lochside location to "get the new accommodation as close to the water as possible to fulfil the vision" whereas officers had:

Some concern regarding the overall scale of development proposed and density. Opportunities to reduce the scale of the leadership centre should be explored as it would be an imposing building on a prominent lochside location. Similarly, a reduction in number of accommodation pods and reduction in number of pods per grouping to reduce massing should be investigated. Dependent on site constraints (flooding, native woodland, golf course) opportunities could also be explored to re-locate some of the accommodation pods or spread them out further to reduce the visual impact of the development.

Clearly officers failed to persuade Sir Tom to relocate some of the accommodation elsewhere but, having encouraged him to make an application, left themselves in a very weak position.

The pre-application advice also reveals that initially LLTNPA officers saw the proposed development as an opportunity to invest in Ross Priory:

Ross Priory is an important listed building within the National Park and the opportunity to preserve the building and secure its future must be central to the proposal and is key to the proposal receiving policy support. In addition, as the business plan should cover the whole estate, the opportunity should be taken to enhance the overall amenity of the estate including the former stable building and pigsty and boat yards on the shore of the Loch.

The package that was approved by the Planning Committee contains no proposals to preserve the A-listed building. The emails suggest that a business plan may have been submitted to the LLTNPA, which could show how much profit Strathclyde University expected make from being able to use the new buildings for 100 days of the year, but this has not been made public. The question as to how far, if at all, this development could meet the need for investment in Ross Priory itself remains unanswered. Sacrificing this section of loch shore therefore may have contributed almost nothing to the preservation of Ross Priory, a problem that it is likely to come back to bite the LLTNPA in future.

## What needs to happen

I feel some sympathy for front-line planning staff in this case. They work in a rotten system, designed to facilitate development. It is in need of fundamental reform. In order to oppose developments such as this frontline staff would need support from their own senior management and from the LLTNPA Board. Instead, what they get is a Board falling over itself to try and approve developments and one that appears incapable of showing any leadership (unlike the Cairngorms National Park Authority Board that has overturned decisions by officers which it believes conflict with its LDP). It is time that local people who are concerned about the relentless development pressures in their areas to considered putting up candidates who are prepared to make a stand for election to the National Park Authority.

In terms of redress, the biased decision-making in this case illustrates just why we need a Third Party Right of Appeal for local communities against planning decisions. Free legal advice for local communities to help challenge unfair planning processes for example in this case the lack of an EIA would also help.

Meantime, all those concerned about the relentless attrition of land within our National Parks could usefully start campaigning for the creation of no development zones. These would be areas where, as

Planning Authorities, they would be under an obligation to say "no" to any developer. Included in such zones should be the remaining undeveloped sections of loch shore within the Loch Lomond and Trossachs National Park

No person should have a right to buy a view for their exclusive use, as Sir Tom Hunter has done. Were Sir Tom to recognise that and take his development elsewhere, that really would be global leadership. Time perhaps to campaign for teachers, and other targets of his courses, to boycott his foundation?

### **Category**

1. Loch Lomond and Trossachs

### **Tags**

1. climate change
2. Freedom of Information
3. Governance
4. landscape
5. LLTNPA
6. NatureScot
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