

The LLTNPA's failure to conduct an Environmental Impact Assessment at Ross Priory

Description

National park authority's decision to allow Loch Lomond development is a disgrace

I COULD not agree more with Sally Page, whose letter (December 9) condemns the Loch Lomond and Trossachs National Park Authority for its shameful decision to authorise development next to Ross Priory on the hitherto-unspoiled southern shore of Loch Lomond. The governing authority of Scotland's first national park, as Ms Page reminds us, should be bound by the Sandford Principle: where a conflict of interests exists, nature takes precedence over Mammon.

Alas, Mammon clearly rules at the park authority. This is not the first such decision to be taken with scant regard for founding principles, nor is it the first to have had more than a whiff of the rubber stamp about it.

Quite apart from the visual blight of this development on the world-famous scenery of Loch Lomond, and leaving aside the woeful disregard for environmental impact assessments, site visits and comprehensive evaluation of the likely effects on wildlife, I am left wondering why it is that the Tom Hunter Foundation feels – and the planners clearly agree – that only this particular location will



An artists impression of the proposed development beside Ross Priory

do for a Global Leadership Centre?

Surely it can't be anything to do with the world-class views, the potential for water sports on the doorstep, the exclusive nature of the location? There are many brownfield sites in and around Glasgow that could benefit from an economic kick-start on the back of such a venture – why not choose one of those? The Tom

Hunter Foundation should look to its philanthropic credentials and move its Global Leadership Centre elsewhere.

Jane Meek, Blanefield.

AS part of the £1 billion pound campus transformation, Strathclyde University is constructing a new teaching and learning centre and student union

which will overlook Rottenrow Gardens, and surrounding area improved to create a more accessible campus for students.

Surely it would make sense for Sir Tom Hunter to take advantage of this fact and move his leadership centre rather than disturb the wildlife and biodiversity of one of the most beautiful spots in Scotland. **Anita Anderson, Gartocharn.**

IT comes as no surprise and probably to many, that the Trump golf course has ruined the Site of Special Scientific Interest (SSSI) Foveran Links ("Issue of the Trump course row over dunes", The Herald, 10). It should be the case that any development designed and approved by the SSSI is not unduly affected. It is then it is monitored by the developer made to ensure that planning permission is not turned down? Hopefully, the ministers and council bear this in mind when addressing the proposed course at Coul in South Ayrshire. **Niall McTeague, Giffnock.**

Amid the public outcry about the Loch Lomond and Trossachs National Park Authority's approval of the Hunter Foundation development at Ross Priory, the Scottish Government's Planning and Environmental Appeals Division has opened a case ([see here](#)) on whether an Environmental Impact Assessment should have been conducted. Until that is decided, the LLTNPA's decision has effectively been suspended.

After the LLTNPA Planning Committee's approval of the proposed development on 23rd November ([see here](#))

, I wondered why a decision notice had not appeared on their planning portal . Normally the LLTNPA issues decisions within a day or so and, in planning law, once a decision notice is issued, there is very little scope for the Scottish Government to intervene. The answer appeared on the planning portal on 3rd December ([see here](#)). Local Councillor Sally Page had formally requested the Scottish Minister responsible for planning, Kevin Stewart, for what is known as a Screening Direction, an opinion as to whether an Environment Impact Assessment is required. Cllr Page's letter is very powerful and I append extracts of the key points below.



Cllr Page also wrote to the Herald

Just how Councillor Page managed to get the LLTNPA to delay issuing their Decision Notice for a week is unclear (see postscript). But this last minute rush should never have happened. The LLTNPA had known for weeks that people in the local community were extremely concerned about the lack of any Environmental Impact Assessment and it could have advised the local Community Council of their right to seek a formal opinion from Scottish Ministers. It failed to do so and instead rushed out its own Screening Opinion.

LLTNPA 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. Perhaps Board Members didn't know about this right? I certainly didn't, and nor I believe did members of the local community or they would have acted much earlier. But it beggars belief that the Director of Planning and the Chief Executive of the LLTNPA, Gordon Watson, a former planner, didn't know. So why didn't they advise the local community about their rights or Board Members about this?

What the outcome will be of the request for a Screening Opinion is unclear. While Scottish Ministers have the power to require an EIA, it appears they also have a discretionary power to ignore the EIA regulations:

“Scottish Ministers may make a direction under Regulation 6(6) exempting a particular project in accordance with article 2(4) of the Directive, where in their opinion, compliance with the Regulations would have an adverse effect on the purpose of the proposed development”.

Were that to happen at Ross Priory it would fuel the suspicion that the Scottish Government, who provided c£2 million to the Hunter Foundation in 2018-19, has been behind the development of the shores of Loch Lomond from the start:

Restricted income increased to £2.0m (2018: £0.6m) reflecting the increased support from the Scottish Government for co-investment with the Foundation in the Social Innovation Partnership (SIP) and The Innovation Fund. A balance of £0.5m of funds is held in respect of these programmes at the balance sheet date and will be utilised in 2019/20.

Extract from The Hunter Foundation Accounts till March 2019

Indeed, one wonders if Scottish Government backing might partly explain the planning shambles? That, however, should not excuse the failures of the LLTNPA in this case.

After the debacles at Ross Priory, Flamingo Land ([see here](#)), Luss ([see here](#)), Tarbet ([see here](#)) and Ardlui ([see here](#)), it is surely time that there was an independent review into how the planning system in the National Park operates. Meantime I hope that the local community campaign against The Hunter Foundation's proposed development continues to gather national and international support.

Postscript

Since writing this post, both Kilmarrock Community Council and Cllr Page have informed me that they had written to the Planning Minister in the summer. KCC had had no reply while Cllr Page has told me she was referred back to the LLTNPA. The Scottish Government was aware, therefore, of the issues before the Committee Meeting but for some reason, as yet unknown, only decided to take action after it.

Extracts from Cllr Page's letter about the LLTNPA's scoping opinion

- 1. In the opening section of the EIA screening document the Schedule 2 classification is incorrect in stating that this is a Column 1 Description 10 item, namely Urban development projects, including the construction of shopping centres and car parks, sport stadiums, leisure centres and multiplex cinemas. The Schedule 2 classification closest to this proposal is Column 1 Description 12, Tourism and Leisure, Holiday Villages and Hotel Complexes outside urban areas and associated developments. This incorrect classification is a serious error in the screening process.*
- 2. Section 2 of the screening document indicates a minor gain from the redirection of sewage to the water treatment works at Gartocharn. It fails to acknowledge that the water treatment works discharge into Loch Lomond, thereby contributing to an increase in phosphate and nitrate discharges into the loch where water quality is already a cause for concern.*
- 3. With reference to point 6.2 in the LLTNP planning authority's screening template, this section was inadequately assessed. Item 6.2 is detailed as Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, e.g. for breeding, nesting,*

foraging, resting, over-wintering, or migration, be affected by the project? This is not fulfilled by the habitat survey conducted by Stuart Spray in 2019 for the applicant that opens with: The stated terms of reference for the habitat survey, as provided by the Kettle Collective to the surveyor, were "identifying any species and/or habitats of conservation concern within the footprint of a proposed development site at Ross Priory". This clearly indicates that the surveyor was instructed not to consider areas around the site as referenced in the LLTNP screening document template. This means that it failed to identify significant local features and occurrences that are material to the screening process and will undoubtedly be impacted by the development.

- 4. Item 9.2 of the screening document incorrectly states that there are no routes nearby that are susceptible to traffic congestion. This fails to identify that the route to the site from Balloch is via the A811 and a single-track road known as Ross Loan, on which the Gartocharn Primary School is situated. It is well known locally that there is traffic congestion every day at drop-off and collection times. It would be unfeasible for construction traffic to pass on the single-track road at these times and a permanent safety hazard for children once the proposed conference centre is operational.*
- 5. Item 10, Land Use, omits to consider the fact that once this development starts, public access to the shoreline will be prevented. This project will permanently exclude walkers from accessing the whole area of the development.*

In summary, the screening process lacks critical thinking and failed to evaluate the true situation. Spelling errors in the screening document suggest it was completed in a hurried fashion"

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