

Page/RPLC/IK

Town and Country Planning (Scotland) Acts 1997, 2006 and 2019

PROPOSED HUNTER GLOBAL LEADERSHIP CENTRE

ROSS PRIORY, LOCH LOMOND

Loch Lomond and Trossachs National Park Authority (LLTNP) Ref: 2020/0055/DET

OBJECTION

on behalf of

Peter Page, Resident, Gartochan

(third party objector)

Submitted: 22nd April 2020

Ian Kelly MRTPI,

Consultant,

Bearsden

Email: iankellymrtpi@gmail.com

Background

1. This **objection** has been prepared in respect of the proposed Hunter Global Leadership Centre at Ross Priory, Gartochan on the shore of Loch Lomond. The Loch Lomond and Trossachs National Park Authority (LLTNPA) planning application reference is 2020/0055/DET. The objection is submitted on behalf of Mr. Peter Page, a resident of Gartochan. Mr. Page has previously advised the LLTNPA that the objection was being prepared.
2. This objection has been prepared by Ian Kelly MRTPI, an independent Planning Consultant, and a chartered town planner with forty three years' experience in all aspects of land use planning in the public and private sectors, mainly in Scotland, but also involving work south of the Border, and in Europe, mainly in Scandinavia. His relevant project work has included expert witness advice in relation to a very considerable number of major planning applications and that expert advice is his current area of professional specialism.
3. The objection has an approach and structure that reflects the primary concerns about this proposed development. In short those primary concerns are that the LLTNPA, acting as the guardians of the natural heritage of the National Park, should have sought to ensure that a proposal for this development on this precise site should never have got to the planning application stage. In saying that it should be made clear that the objection is driven by the issues that arise from the complete lack of justification for the proposed location rather than there being any objection to the concept of a Leadership Centre as such.

The Proposal

4. The proposal, in very simple terms, is for a conference centre with four associated accommodation pods, all set on a prominent site within the Designated Garden and Designed Landscape of the Grade A Listed Ross Priory and fronting onto Loch Lomond. Notwithstanding the omissions in the supporting documentation for the application (see below), it is not difficult to immediately conclude that this is a highly sensitive National Park location both in terms of the Ross Priory designations and in

terms of the wider natural heritage designations that apply at the southern end of Loch Lomond.

5. The applicant is the Hunter Foundation and the site is owned by Strathclyde University who own the whole of the designated Ross Priory site including the Grade A Listed Ross Priory itself. It is understood that the Foundation and the University have a wide ranging interconnection. That is an important consideration when it comes to the material issue of alternatives.

Pre-Application Advice

6. In assessing the application, and given the overarching concerns as set out above, it was considered important to address the matter of the pre-application advice that was given to the applicants and their advisors by the LLTNPA planning officers.
7. The planning application form for this application gives an officer name and a reference for pre-application advice – PRE/2019/0134. However, when that reference is entered into the LLTNPA planning portal application search there are no records returned. Therefore, the key pre-application advice cannot be properly scrutinised. That is considered to be a significant omission in this case.

The Documentation that Should Have Been Submitted

8. Although the pre-application stage material is not available it is still possible to consider what documentation should have been submitted for this proposed development on such a sensitive site. This is set out below:
 - a. Environmental Impact Assessment Report – there is no doubt that this proposed development on this proposed site is likely to have significant environmental effects and, therefore, there should have been a full EIA-R. Such a document could have properly set out the likely effects on the cultural heritage and the wider natural heritage interests, including the key ornithology interests. Indeed the EIA-R information would be essential in terms of the necessary Appropriate Assessments. Crucially, it would also have been the proper forum for addressing alternatives in terms of the EIA Regulations and

the relevant LDP policies (considered later in this objection). Given the wide ranging links between the University and the Hunter Foundation it is considered reasonable to conclude that the Global Leadership Centre could have been located on any suitable available site and/or in any suitable available building within the wider University campus. Even an existing campus location would not necessarily be mission critical. In accordance with the Regulations the EIA-R section on alternatives could have set out the main reasons for the selection of the proposed site and for the rejection of the reasonable main alternatives. That justification could then have been critically assessed by interested parties. Assuming that the consideration of options, on behalf of the applicants, still alighted on the Ross Priory location, the EIA-R could then have assessed the alternative locations within the overall Ross Priory land holding, including the restoration and use of the Grade C Listed Stables building and the other nearby buildings or the use of Ross Priory itself. Based on the known information there is no obvious reason why this proposed Global Leadership Centre has to be on this precise proposed site and, in the absence of an EIA-R, the applicant's reasoning is simply not available for scrutiny

- b. Landscape and Visual Impact Assessment – irrespective of the above points on the EIA-R there should have been a proper set of photomontage and wireline viewpoint visualisations, from a range of viewpoints, rather than just the annotated photographs. The LVIA consultants involved have undertaken a considerable amount of work, for other clients, on wind farm applications and, therefore, they have the necessary software technology and the relevant skills. These photomontages and wirelines would have been very easy to produce
- c. Planning Statement – again, irrespective of the above points on the EIA-R there should have been a full Planning Statement, identifying the relevant LDP policies and setting out the applicant's assessment of compliance, or otherwise with those policies. The Statement could then have addressed relevant material considerations. In the absence of a Planning Statement the applicant's case in support of the planning application is simply missing

- d. Operational protocol – as the application is understood this proposal is not meant to be capable of being used simply as a holiday centre nor are the elements to be used independently. However, there should have been a separate operational protocol document setting out how it was intended to ensure that the training/leadership building and the accommodation blocks could only be used on a joint basis and for the specified event types. At the moment this important aspect is simply covered as a part of the summarised business case that is included within the Design Statement. However, the approach of a separate document would have allowed the LLTNPA, if it were satisfied with such a document, to ensure that its implementation and operation could be secured by way of a Section 75 agreement that would be legally binding on both the applicants and the landowners. A planning condition, which could be appealed, would not be as effective in controlling this aspect
9. The consideration of the missing documentation, especially given the significance of the material that would have been assessed in that documentation, lends considerable force to the initial submission, made at the conclusions of this objection, that the Park Authority should seek the withdrawal of this application for this site.

Conclusions on Process

10. Having regard to the sensitivity of the planning application site, set within a sensitive and multi-designated location where a range of significant adverse effects are likely to arise, all within a National Park and with an applicant/landowner combination that gives rise to the probability of extensive alternative locations, leads to the clear conclusion that this is an entirely inappropriate site for this Global Leadership Centre proposal. These aspects are all perfectly obvious from even just a preliminary overview and should have led to the LLTNPA giving out a very strong discouragement against this proposal becoming a formal planning application for this site.

The Application Documentation

11. Notwithstanding the process conclusions that flow from the missing documentation it is possible to comment briefly on what has actually been submitted.
12. The Design Statement addresses, as it says, design solutions for this planning application site having first asserted, without evidence and without considering alternatives, that the location is essential. The issue of design is not unimportant but it can only follow on from the clearest possible justification for the proposed development being at this highly sensitive location within this overall Ross Priory site. In the absence of the justification it is not possible to determine this application purely on the basis of design especially as the design, and its design justification, are attributes that could be applied to a considerable number of alternative locations.
13. Although the application is submitted in the name of the Hunter Foundation the Design Statement makes it perfectly clear that this is a joint venture between the Foundation and the Strathclyde University. That further justifies the case that there should have been a comprehensive and transparent research and review of alternative locations. In turn that leads to a restatement of the fundamental point made at the start of this objection and that is that the objection is driven by the lack of justification for the proposed location and it is not an objection to the concept of a Leadership Centre as such.
14. In terms of the LVIA the analysis within this document is compromised by the absence of proper photomontages and wirelines with only annotated photographs being provided. There is absolutely no reason why these montages and wirelines could not have been produced, and produced for a wider range of viewpoints so as to enable proper analysis of the likely significant landscape and visual effects. It is considered that the current approach, of these annotated photographs, significantly under assesses the likely landscape and visual effects that will arise from this proposed grouping of large, glass fronted buildings on a shoreline location.
15. The Phase 1 Flood Risk Review quite clearly concludes that “in order to ensure the viability of the development it is recommended that a Phase 2 FRA is undertaken”

alongside other actions one of which seems to be to try to convince SEPA (see below) the proposal would constitute redevelopment of a previously developed site. As far as is known there has been no Phase 2 FRA undertaken and the proposition to be put to SEPA is plainly implausible. In the current circumstances the consideration of flood risk should lead to rejection of this planning application.

Consultee Responses

16. Given the sensitivity of the location, the clear risk of flooding and pollution effects, and given the range of species and habitats natural heritage designations and interests, it is disappointing that both SEPA and SNH do not seem to want to get involved in the provision of detailed advice on the application proposals. It would appear that both organisations are applying some sort of size or scale approach to the threshold at which they will assess planning applications. It is considered, especially within a National Park, that this is the wrong approach. What should define their involvement is the site/location and the likely level of significant environmental effects. For this proposal in this location there are very likely to be such effects. The LLTNPA would, therefore, have benefitted from the appropriate advice from both SEPA and SNH.
17. A key consultee response which has been submitted is that from Historic Environment Scotland – HES. Somewhat surprisingly, for a very modern designed development proposal within a Designated Garden and Designed Landscape that forms the setting for a Grade A Listed Building, HES did not formally object. HES did not visit the site to assess the proposals on the ground. However, in their response letter some two full pages are directed at “advice”. The response letter should be read in full for its terms. Whilst the objectors would have preferred that HES had objected there is no doubt that the response letter is clearly identifying the relevant issues, even if the significance of the effects of the new development on the views of the main house from the Loch are somewhat underplayed. If the LLTNPA moves to determine this application, as opposed to seeking its withdrawal, the Authority is requested to address, *de novo* and in full, each aspect raised by HES.

Assessment in terms of the Development Plan

18. In the circumstances of there being absolutely no justification presented for why, given the joint attributes of the land and property assets of Strathclyde University combined with the resources of the Hunter Foundation, this proposal needs to be on this particular highly sensitive site it almost seems inappropriate to undertake a planning policy assessment for the application. The concern is that to do so would give unwarranted credence to a completely unjustified site choice for the proposal. However, it has to be accepted as a matter of law that if the application proceeds to determination then it will require to be determined in accordance with the **LLTNPA Local Development Plan 2017 – 2021** (LDP 2017).
19. The relevant policy and place considerations are briefly addressed in this section of the objection.
20. In terms of the Place provisions of the LDP, as set out in Part 3 of the LDP, the proposed location is outwith the defined village boundary of Gartocharn. It therefore constitutes proposed development in the countryside.
21. In terms of Overarching Policy 1 it can be noted that the proposed development:
- a. Is not reusing brownfield land or vacant property (and has not justified why these attributes are not used)
 - b. Is not well connected to public transport
 - c. Does not avoid significant flood risk
 - d. Does not respect the important physical, historical, landscape and cultural features of the site
22. In terms of Overarching Policy 2 it can be noted that the proposed development:
- a. Does not safeguard visual amenity and important views
 - b. Does not protect and/or enhance the historic environment

- c. Does not protect and/or enhance the natural environment in terms of biodiversity, the water environment, and sites and species designated at international and national level
23. In terms of Economic Development Policy 2 Economic Development in the Countryside the proposed development:
- a. Fails to justify why it cannot be located within an Economic Development Site
 - b. Does not utilise redundant structurally sound traditional buildings
 - c. Is not redeveloping land which has been identified as vacant or derelict within the associated land audit
24. In terms of the Natural Environment Policies 1 to 6 on Protected Species and Habitats the absence of an EIA-R to accompany the application means that there is no survey and assessment based Environmental Information that would enable the LLTNPA to assess the likely effects of the proposal in terms of the precise tests in these policies. That must lead to rejection of the application as the only legally safe determination. It can, however, also be noted that a common theme to these policies is the matter of reasonable alternatives and the application supporting material has not addressed this aspect at all.
25. In terms of Natural Environment Policy 13 Flood Risk there is neither a Phase 2 FRA Study (as noted earlier) nor any Planning Statement that attempts to justify the proposal in terms of the part (b) of the Policy that applies to areas outwith existing settlements. The probability is that the proposal site would fail the tests not least because the location is not essential for operational purposes and because alternative lower risk locations are likely to be available.
26. In terms of Historic Environment Policy 1 Listed Buildings the response from HES (as noted earlier) would clearly suggest that the proposal is not conserving or enhancing the setting of the Grade A Listed Building set in a Garden and Designed Landscape (also see Historic Environment Policy 4 Gardens and Designed Landscapes).

27. Therefore, whilst recognising the limitations on the Development Plan assessment that arise from the absence of key supporting information for the proposed development at this site, it can be safely concluded that the proposal at this location is contrary to all of the relevant the LPD policies as set out in this section of the objection.
28. Those findings of non-compliance with the relevant LLTNPA LDP policies leads to a presumption in law for refusal of the planning application unless material considerations indicate otherwise.

Material Considerations

29. Therefore, it would be normal, following the consideration of the application in terms of the Development Plan, to address material considerations. However, in this case, there would not appear to be any relevant determining material considerations that would overrule or set aside the lack of justification for the project location and the resultant non-compliance with the Development Plan.

Conclusions and Submission

30. As noted earlier the primary concerns are that the LLTNPA, acting as the guardians of the natural heritage of the National Park, should have sought to ensure that a proposal for this development on this site should never have got to the planning application stage. Therefore, the Planning Authority is requested to ask the applicants to withdraw the current application prior to any further processing and certainly prior to any determination of the application.
31. If that withdrawal is not achieved then it is respectfully submitted that the LLTNPA should refuse planning permission for the proposed Hunter Global Leadership Centre on account of the significant adverse effects, arising from the unjustified location for the proposed development, rendering the proposal contrary to the provisions of all the LLTNPA LDP policies that have been addressed in this objection.
32. Furthermore, having regard to the absence of Environmental Information that would enable the proper and detailed evaluation of the effects of the proposed development

in terms of Natural Environment Policies 1 to 6 on protected sites and species, it is considered that it would be legally unsafe for the LLTNPA to look to grant planning permission for this proposed development as it does not have the Information to inform the necessary Appropriate Assessments.

Postscript

33. It is not normally the role of an objector to suggest solutions to the factors that lead to a planning application being found to be contrary to the Local Development Plan. However, in this case, and from the perspective of the application of planning policy, there is an obvious solution if it is indeed the properly assessed situation that the ambiance of the Ross Priory location is “mission critical” for the Global Leadership Centre. That solution would be to use the Grade A Listed Ross Priory itself. It cannot be imagined that there would be any planning policy objections whatsoever to the sensitive repurposing of such an iconic and historic building.

[END]

Submitted: 22nd April 2020

On behalf of Peter Page

Ian Kelly MRTPI,

Consultant,

Bearsden