



EIR Ref:2020/018

9th December 2020

REQUEST UNDER ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004

We refer to your request for information, received by email on 11th November 2020. The information you have requested is environmental information, as defined in Regulation 2 of the Environmental Information (Scotland) Regulations 2004 (EIRs). We have therefore applied the exemption in section 39(2) of FOISA and dealt with your request under the EIRs alone.

Your specific request and the response from the National Park Authority are provided below.

“all correspondence between the LLTNP and the representatives acting on behalf of the Hunter Foundation that concern application number 2020/0055/DET.”

The correspondence held in respect of your request is exchanges with the Foundation’s planning agent in relation to planning application ref 2020/0055/DET, from receipt of the planning application on 2nd March 2020, and is attached in Appendix A.

Where documents falling within the scope of this request have been made available via the planning portal they have not been attached to this response as we can advise under R6(1)(b) of the EIRs that this information is already publically available and easily accessible. This applies to documents that were attached to email correspondence.

Some personal data has been redacted, specifically the personal details, names, emails and telephone numbers of external third parties, the names and contact details of National Park Authority staff below manager grade, and personal data contained within the body of emails.

This information has been withheld under Regulation 11(2) of the EIR’s. Because this information

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constitutes the personal data of third parties, as a data controller, we must process it in accordance with data protection law. This legal duty is recognised in Regulation 11(2), read together with Regulation 11(3a)(a), which provides that information which is third party personal data and in respect of which disclosure would be likely to breach one or more of the Data Protection Principles, is absolutely exempt from the duty to make it available under Regulation 5(1).

In our assessment, we consider that the disclosure of the personal data that we have redacted, into the public domain which is the effect of a disclosure under the EIRs, would breach the first Data Protection Principle set out in Article 5(1)(a) of the EU General Data Protection Regulation (GDPR) . Article 5(1)a requires personal data to be processed lawfully, fairly and in a transparent manner. We consider that disclosure of the withheld personal data would be unfair to those individuals who are identified or identifiable, taking into account all the circumstances of this case. Because such a disclosure would be unfair, it would thereby be unlawful, under data protection law, so we have not proceeded to consider whether disclosure would breach any other data protection principles in the GDPR at this stage.

Yours sincerely

**Governance and Legal Team
Loch Lomond and the Trossachs National Park Authority**

Review Procedure

If you are dissatisfied with this decision, or the way in which the Authority has dealt with your request, you are entitled to require the Authority to review its decision. Please note that in order for a review to take place you are required to:

- Send your request for review in writing, setting out in full the reasons why you are requesting a review.
- Submit your review request within 40 working days of either the date on which you received a response from the Authority or the date by which you should have received a response under the terms of the Freedom of Information (Scotland) Act 2002, whichever is the later.
- address your review request to:

Governance & Legal Team
Loch Lomond & The Trossachs National Park Authority
National Park Headquarters
Carrochan
Carrochan Road
Balloch
G83 8EG
E-mail: info@lochlomond-trossachs.org

The review will be handled by staff who were not involved in the original decision. You will receive notice of the result of your review within 20 working days.

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If you are not satisfied with the response to your request for review, you can contact the Scottish Information Commissioner, the independent body which oversees the Freedom of Information (Scotland) Act 2002, at:

Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS
Tel: 01334 464610
Website: www.itspublicknowledge.info
E-mail: enquiries@itspublicknowledge.info

Online appeal portal: www.itspublicknowledge.info/Appeal

EIR 2020/018 Appendix A - correspondence

From: Caroline Strugnell
Sent: 17 March 2020 10:32
To: 'Khairul Khalifah' <xxxxxxx@kettle.co>
Cc: Ecologist <Ecologist@lochlomond-trossachs.org>
Subject: Fw: 2020/0055/DET - Land Adjacent To Ross Priory - Bat Survey: Lakeside Cottage and Garages, Old Military Road

Hi Khairul

The Extended Phase 1 Habitat Survey indicates that all the buildings in the area were subject to bat surveys in May, June and July 2019 but the results of this survey work do not appear to have been submitted. Please could you submit a copy of the report - Bat Survey: Lakeside Cottage and Garages, Old Military Road (Stuart Spray Wildlife Consultancy, July 2019).

Please could you send the report to planning@lochlomond-trossachs.org including the reference number 2020/0055/DET and also copy Ecologist (cc'd in).

Regards
Caroline

From: Khairul Khalifah
Sent: 23 March 2020 14:23:45
To: Caroline Strugnell
Subject: 2020/055/DET

Hi Caroline,

xxxxxxxxxxxxxxxx

I'm writing to ask you if, in this period of uncertainty, there'll be any anticipated delays to the planning permission process? I appreciate that things are fast evolving, however it'd be good to be able to advise clients and manage expectations if you anticipate delays.

Regards,

Khairul Khalifah

ASSOCIATE

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From: Caroline Strugnell
Sent: 23 March 2020 15:25
To: Khairul Khalifah <XXXXXX@kettle.co>
Cc: Bob Cook <bob.cook@lochlomond-trossachs.org>
Subject: Re: 2020/055/DET

Hi Khairul

We are still in the process of determining what activities we are and aren't able to undertake and the implications this may have for processing applications and timescales. We will be issuing an update to applicants and agents in the coming days.

In the meanwhile officers are working from home where possible (myself included). For the time being all site visits have been suspended. This means that I have been unable to visit the site and put up the site notice which the regulations require. I think it would be sensible to assume some delay is inevitable although I'm afraid at this point in time I cannot advise as to how much delay is anticipated.

I will of course keep you up to speed and process the application as far as I am able circumstances permitting.

Regards
Caroline

Caroline Strugnell MRTPI
Development Management Planner

From: Caroline Strugnell
Sent: 14 April 2020 09:30
To: 'Khairul Khalifah' <XXXXXX@kettle.co>
Subject: 2020/0055/DET - Ross Priory Leadership Centre

Hi Khairul

Our ecological adviser has responded with a request for additional information to determine the potential impacts of the development on trees and bats. His comment in italics.

Firstly an outline method statement is needed in relation to work within root protection zones. Given the proximity of the residential pods to existing trees and woodland areas that are to be retained, it will be necessary to undertake construction works within root protection areas (in particular, the two eastern pods lie partly underneath the canopies of existing trees). This will include the need for construction access and services at these locations. Although the design statement suggests that structures will be designed to ensure that the foundations and ground floor construction do not compress the existing ground in line with BS 5837:2005, no further details of these measures are provided. It is also worth noting that BS 5837:2005 has been superseded by BS 5837:2012 Trees in relation to design, demolition and construction and there have been a number of important updates.

To provide reassurance that it is feasible to construct the proposed development without the loss of additional trees, an outline method statement is required to demonstrate how the works can be undertaken in a way that will allow the retention of the identified trees in the long term. This outline method statement should include details of the methodologies and materials that will be used to minimise impacts on retained trees and include the use of no-dig approaches where possible. BS 5837:2012 Trees in relation to design, demolition and construction provides further information and guidance on these matters. One way in which the impacts on existing trees could be minimised is by relocating the eastern residential pod slightly further north to minimise the need for works within the root protection areas of retained trees in this area.

Secondly please confirm whether the Lakeside Cottage and Garages which lie just outside the

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application boundary are to be retained or demolished. The bat survey report confirms the presence of two bat roosts in the buildings and indicates that the buildings are to be demolished but there is no reference to them being earmarked for demolition in the application. If the buildings are to be retained along with the two bat roosts, it will be necessary to ensure that any external lighting is sensitively designed to avoid undermining the long-term viability of the roosts. This could be addressed through a condition for a lighting plan designed in accordance with Bat Conservation Trust guidance.

I am assuming these are to be retained but please just confirm.

Regards
Caroline

Caroline Strugnell MRTPI
Development Management Planner
Loch Lomond & The Trossachs National Park

From: Khairul Khalifah [<mailto:XXXXXX@kettle.co>]
Sent: 06 May 2020 14:00
To: Caroline Strugnell
Subject: 2020/0055 SEPA Queries

Hi Caroline,

I'm just following up on our telephone conversation on Friday in that we talked about there being clarifications needed by SEPA. Can you forward them to me for action if you have these queries to hand?

Regards,

Khairul Khalifah

From: Caroline Strugnell
Sent: 06 May 2020 14:09
To: 'Khairul Khalifah' <XXXXXX@kettle.co>
Cc: Bob Cook <bob.cook@lochlomond-trossachs.org>
Subject: RE: 2020/0055 SEPA Queries

Hi Khairul

It may be best to await the response from SEPA which will clarify whether the aspects we discussed are going to be followed up by them after their internal discussions.

For reference the two matters raised related to:

- 1) insufficient information within the submission to clarify the extent of the flood zone and therefore flood risk with respect to the development footprint;
- 2) insufficient justification for not connecting to the public sewer.

In relation to 1 an overlay plan of the extent of the flood zone along with the built footprint indicating the finished floor levels (and specifically showing where the building is cantilevered over rather than being positioned within the flood zone) is all that is likely to be required to address this point.

In relation to point 2 it is unusual, in my experience, for justification to be requested where Scottish Water has confirmed there is no public sewer apparatus in the vicinity.

You may wish to await the formal response from SEPA (expected by the end of next week), which will set out what, if any additional information they are seeking, before actioning.

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Regards
Caroline

From: Caroline Strugnell
Sent: 15 May 2020 11:58
To: 'Khairul Khalifah' <XXXXXX@kettle.co>
Subject: RE: 2020/0055/DET Consultation response

Hi Khairul

It is probably beneficial to liaise direct with SEPA and cc me. Once agreement is reached I can then upload the relevant documentation and formally re-consult. That will ensure that the additional information they're seeking addresses their objection and avoids multiple formal re-consultations.

It seems the FRA has confused them somewhat – it may be advisable to update this or put your flood engineer in contact with them.

Regards
Caroline

From: Khairul Khalifah [<mailto:XXXXXX@kettle.co>]
Sent: 15 May 2020 11:06
To: Caroline Strugnell
Subject: Re: 2020/0055/DET Consultation response

Hi Caroline,

Thanks - I was copied in on the response email yesterday.

I'll pull together a response, in the first instance re: flood risk and ecology (it seems they assumed that the rock embankment on the loch shoreline is part of the proposal?). Pulling together notional cost comparison for drainage will take a bit of time however.

Would I send responses to you via email to forward on, or shall I liaise direct and copy you in?

Regards,

Khairul Khalifah

From: Caroline Strugnell
Sent: 04 June 2020 08:25
To: 'Khairul Khalifah' <XXXXXXk.khalifah@kettle.co>
Subject: 2020/0055/DET Ross PRIORITY

Hi Khairul

We are in the process of finalising the EIA Screening and Appropriate Assessment.

One of the matters being considered is vibration impacts during construction and the potential impact upon the SAC (fish species). I understand it is proposed to use helical piles which we understand generate much less significant vibration than other forms of piling (e.g. impact piling).

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Please could you clarify firstly how long the expected duration of the piling works would be?
Secondly would your client accept a planning condition for the use of helical piles only?

Regards
Caroline

Caroline Strugnell MRTPI
Development Management Planner

From: Caroline Strugnell
Sent: 04 June 2020 14:33
To: 'Khairul Khalifah' <XXXXXX@kettle.co>
Subject: 2020/0055/DET - Transport Matters

Hi Khairul

You may have noted we received a revised response from WDC Roads (following them being contacted by a local councillor and the Community Council) requesting a Travel Plan.

Having since discussed the proposals with them and asked what the Travel Plan should cover I have the following advice in relation to this and transport matters generally.

1) The Roads Authority has now advised that the road between the A811 and the Gatehouse entrance to the priory is adopted. As such the proposed layby upgrades require planning permission (not so if it were a private road as was previously understood). Therefore, if layby works are to form part of the proposal, they need to be identified within a red line boundary. Please submit revised red line boundary plans to include the laybys along with the relevant land ownership certificates.

NB as these improvements have been offered up voluntarily I do not intend to make implementation a condition of any permission unless I am advised otherwise by the Roads Authority (they have reserved their position on this pending an assessment of the likely trip generation within the requested Travel Plan). Roads agreement to design specification and a Road Opening Permit would be required for these works as is standard practice.

2) Measures to minimise car travel. I note that there is mention of a potential for a water taxi service in the future. However, as this is not a firm proposal (and associated impacts of the associated jetty upgrades have not been presented for assessment) it cannot really be relied on as a measure to minimise car usage for this application. I note covered cycle parking is proposed which is positive albeit perhaps not that effective given the lack of safe cycling routes from key destinations to the location. Policy TP2 seeks to secure proportionate measures by condition so they need to be agreeable and workable. The travel plan generation will no doubt inform appropriate and proportionate measures (could a shuttle service be provided to and from Balloch Station - particularly for the occasional larger (100+ people) events?).

3) The Roads Authority are not too concerned about the level of parking proposed in the development since any overspill is not likely to affect the adopted roads. Nevertheless they have said that the travel plan should look to justify the level of parking proposed within the site based on the number of anticipated trips taking into account the larger events and be confident that overspill would not be detrimental to the surrounding environs.

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4) The Roads Authority are anticipating that the travel plan will give details on anticipated trip generation for both the construction phase (no. and frequency of HGVs) as well as the completed facility. I note the commitment to construction vehicle timings to avoid the school period (this can be hard to manage in practice) - perhaps consideration could be given to a preliminary routing/strategy for construction traffic - maybe its possible to avoid the school road entirely? I will in any event require details of construction routing and management as a condition of any planning permission.

I trust this helps to clarify transport requirements at this stage.

Regards
Caroline

**Caroline Strugnell MRTPI
Development Management Planner**

From: Khairul Khalifah <
Sent: 05 June 2020 13:06:59
To: Caroline Strugnell
Cc: Ewan Hunter
Subject: 2020/0055/DET Improvements to Areas Adjacent to Stables Block

Hi Caroline,

Further to our phone conversation with regards to commitment to improve the settings of the C-listed stables and bothy buildings, please see below a summary of where commitments have been made in the Design Statement to make such improvements:

- Page 8, Column 3, Paragraph 2:
“Enhance guest and member experience by improving the overall aesthetics and functionality of the area next to Lochside Cottage by removing the storage container, relocating the gardening equipment and providing hard standing for boat storage and movement.”
- Page 8, Column 3, Paragraph 3:
“Conduct general upgrade repairs to the derelict buildings...”
- Page 8, Column 3, Paragraph 4:
“(Developing the HGLC will enhance the future of Ross Priory and the Estate impacting in...) Land improvements in walkways and slipway.”
- Page 74, Column 1, Paragraph 4:
“The existing boat parking has been (is to be) consolidated into a screened area close to the stables building.”
- Page 98, Column 1, Paragraph 1, Line 6:
“The proposed development aims to improve and reinvigorate the generally unkept appearance...”
- Page 98, Column 1, Paragraph 2, Line 4:
“More specifically, the proposal aims to reflect the historic shoreline through strategically designed soft and hard landscaping that reflects the original rural character of the site.”

Moreover, please see below a portion of the site plan showing proposed rearrangement of the boat storage area (note indicative manoeuvring arcs shown) in comparison to an aerial photograph of the existing boat storage arrangement adjacent to the stables block, and renewal of the road surface directly in front of the building. Existing site photos also show current neglected condition of this area.

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In this regard, I would argue that the current proposals as described in the submission and commitments made in the Design Statement would represent real improvements to the settings of the C-listed buildings.

Regards,

Khairul Khalifah
ASSOCIATE

From: Caroline Strugnell
Sent: 15 June 2020 16:19
To: 'Khairul Khalifah' <XXXXXX@kettle.co>
Subject: 2020/0055/DET - SEPA Response
Attachment

Hi Khairul

Please see attached a response from SEPA removing their objection on flood risk grounds but maintaining the objection on foul drainage. I note you forwarded the cost information to them today so I expect these have crossed in the post so to speak and that there will be another response in due course.

Regards
Caroline

From: Caroline Strugnell
Sent: 15 June 2020 17:21
To: 'Khairul Khalifah' <XXXXXX@kettle.co>
Subject: Fw: For attn of Caroline Strugnell
Attachment
Hi again Khairul

Please see attached response in objection from the Community Council just in.

Regards
Caroline

Caroline Strugnell MRTPI
Development Management Planner

From: Khairul Khalifah <XXXXXX@kettle.co>
Sent: 23 June 2020 12:02:17
To: Caroline Strugnell
Subject: 2020/0055/DET

Hi Caroline,

As discussed, I can confirm that we have commissioned work to study the impact of drainage outflow on water quality. Scope of the study is:

1. Consult with SEPA to agree approach to modelling and availability of baseline water quality data for the loch;
2. Assessment of the mixing zone and derivation of an appropriate dilution factor;
3. Review of baseline water quality data for the loch to establish existing constructions for key

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substances;

4. Modelling of the discharge using River Quality Planning or similar software.

I understand from our phone conversation that SNH is also requesting a survey of the loch shore to establish suitability of the area for powan spawning.

Regards,

Khairul Khalifah
ASSOCIATE

On 23 Jun 2020, at 12:58, Caroline Strugnell <Caroline.Strugnell@lochlomond-trossachs.org> wrote:

Hi Khairul

Thanks for confirming this. I will come back to you separately to provide clarity regarding our expectations around securing the promised investment in the wider estate through this proposal.

Regards

Caroline

Caroline Strugnell MRTPI
Development Management Planner

From: Khairul Khalifah
Sent: 23 June 2020 13:52:31
To: Caroline Strugnell
Subject: Re: 2020/0055/DET

Hi Caroline,

Thanks. Can you also confirm the exact scope of the study on powan that is required?

Regards,

Khairul Khalifah
ASSOCIATE

From: Caroline Strugnell
Sent: 23 June 2020 14:00
To: Khairul Khalifah <XXXXXX@kettle.co>
Subject: Re: 2020/0055/DET

Hi Khairul

Yes sorry I should have said our ecologist is currently preparing some advice on that which I will forward on.

Regards
Caroline

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Caroline Strugnell MRTPI
Development Management Planner

From: Caroline Strugnell
Sent: 25 June 2020 10:42
To: 'Khairul Khalifah' <XXXXXX@kettle.co>
Subject: Fw: 2020/0055/DET - Fish Habitat Survey

Hi Khairul

Please see below from our Ecologist regarding the Powan and also commentary/advice on the foul drainage strategy. A public sewer connection is strongly encouraged and would also greatly assist in terms of the balance of considerations (scheme benefits) in this case.

Regards
Caroline

Caroline Strugnell MRTPI
Development Management Planner

From: NPA Ecologist
Sent: 25 June 2020 10:11
To: Caroline Strugnell
Cc: Natural Heritage Planning Advisor; Alan Bell
Subject: Re: 2020/0055/DET - Fish Habitat Survey

Hi Caroline, CC Natural Heritage Planning Advisor Alan for info

Following on from our earlier discussion, a fish habitat survey is required to assess the impacts of the proposal on priority fish species such as powan. As part of this survey it will be necessary to determine the type/extent of the loch shoreline substrate adjacent to the development to establish its suitability to provide spawning habitat. The results of this survey should be used to undertake an assessment of the impacts of the proposal on priority fish species and devise appropriate mitigation measures. The results should also inform the design, location and construction methodology for any outfalls and the level of treatment of sewage effluent (if a private treatment plant is pursued). We would expect the applicant to commission a suitably qualified fish ecologist to devise an appropriate methodology and undertake this work.

Powan

Loch Lomond is one of only two lochs in Scotland where powan are known to naturally occur. Powan receive full protection under Schedule 5 of the Wildlife and Countryside Act (as amended) and are also listed on Schedule 3 of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). The native Loch Lomond population is considered vulnerable due to its restricted distribution and genetic isolation. Powan have previously been captured from the area around Ross Priory and the shallow water in the area may provide suitable spawning habitat - powan spawn in shallow areas (1 to 10 m deep) with clean, wave-washed gravel/pebble substrates.

Powan are highly susceptible to declines in water quality, increased siltation and de-oxygenation. As a result, the construction and operation of the proposed development has potential to impact on the important powan population in the loch. The fish habitat survey will help to determine the potential impacts in more detail and enable mitigation measures to be devised.

Foul drainage

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I understand that SEPA are currently considering further information from the applicant to justify the proposal not to connect the development to the public sewer network. Whilst I appreciate the challenges of connecting the development to the public sewer network, this would substantially address our concerns about the impacts of the development on the Endrick Water SAC and other priority fish species (aside from those associated with piling which can be addressed via a condition).

If the applicant is able to justify the need for a private sewage treatment plant, SEPA have highlighted the likely need for stringent conditions in the discharge licence that will need to be determined via modelling undertaken by the applicant. As a result, I would encourage the applicant to re-consider the benefits of connecting the proposal to the public sewer network in terms of providing greater certainty on mitigating the impacts on the Endrick Water SAC and other priority fish species without the need for modelling and associated costs/delays. This approach would also avoid the costs of constructing and maintaining the private treatment plant. There is also an opportunity for the proposal to deliver an overall enhancement to water quality by connecting the existing Ross Priory buildings to the sewer network at the same time. These benefits should be taken into account when deciding which option to pursue.

I hope that these comments are useful but please let me know if you have any questions.

Thanks,

Ecologist

Loch Lomond & The Trossachs National Park

From: Caroline Strugnell

Sent: 26 June 2020 17:52

To: Khairul Khalifah <XXXXXX@kettle.co>

Subject: Re: 2020/0055/DET Drainage Proposal

Hi Khairul

I've double checked the GPDO for sewerage works (extract below). It appears that under Class 43A (sewerage undertakings) development underground and provision of a kiosk for a pumping station (subject to specific size thresholds) would be permitted development provided that it was undertaken by the Water Authority or a person authorised under section 3A of the Sewerage (Scotland) Act 1968. There appears to be no exclusions for national parks, listed building curtilages or designed parks and gardens.

I'd like to double check my reading with colleagues however, provided the proposed installations all fall within the permitted scope, this does potentially mean that the works do not require planning permission and so do not require to be included within the red line. Arguably, and contrary to my previous email, we would not therefore need to know the details of the drainage runs either (although it wouldn't hurt to provide these if available) but of course this dependent on who is ultimately going to be doing the works.

Catch up early next week.

Regards

Caroline

[Class 43A.— Sewerage undertakings (1) [Any development relating to sewerage by a sewerage authority or by a person authorised under section 3A of the Sewerage (Scotland) Act 19683 in relation to that development, being—

(a) development not above ground level required in connection with the provision, improvement, maintenance or repair of a sewer, outfall pipe or sludge main or associated apparatus [; or] 4] 2

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(b) development consisting of the erection, construction, maintenance, improvement or other alteration of—

(i) a control kiosk for a pump station or monitoring station, where the control kiosk does not exceed 6 cubic metres in volume, 2 metres in height, 3 metres in width or 1 metre in depth; SI 1992/223 Page 108

(ii) a sewer pipe which is supported on pillars or a truss above ground to maintain a gradient and which does not exceed 1 metre in height;

(iii) a raised manhole cover or sampling chamber which does not exceed 1 metre in height or 1 metre in width;

(iv) a vent pipe which does not exceed 3 metres in height; or

(v) a concrete head wall for sewer discharge pipes which does not exceed 1.5 metres in height, 1.5 metres in length or 0.5 metre in depth;] 4 (2)

Development is permitted by this class subject to the condition that not less than 28 days before the beginning of operations the sewerage authority or, as the case may be, the person authorised under section 3A of the Sewerage (Scotland) Act 1968 shall give notice in writing to the planning authority of its intention to carry out the development, identifying the land under [or on] 5 which the development is to take place.

From: Khairul Khalifah
Sent: 26 June 2020 16:49:31
To: Caroline Strugnell
Subject: Re: 2020/0055/DET Drainage Proposal
Hi Caroline,

Thanks. This is being looked at so not a certainty just yet.

Would we need to show redline boundary drawing to correspond with the proposed route?

Regards,

Khairul Khalifah
ASSOCIATE

On 26 Jun 2020, at 16:47, Caroline Strugnell <Caroline.Strugnell@lochlomond-trossachs.org> wrote:

Hi Khairul

That is welcome indeed. We would just need written confirmation that a revised drainage strategy is being adopted plus a layout plan of the proposed route of the drainage runs and location of the associated pumping station. Presumably this would also collect the waste from the existing Ross Priory system and remove this from the Loch? That would be of material benefit.

If this option were to be adopted it would obviously do away with the need for the water quality monitoring and may also avoid the need for the powan survey (I'll check this with our ecologist).

Regards
Caroline

Caroline Strugnell MRTPI
Development Management Planner

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Loch Lomond & The Trossachs National Park

From: Khairul Khalifah <XXXXXX@kettle.co>
Sent: 26 June 2020 15:04:42
To: Caroline Strugnell
Subject: 2020/0055/DET Drainage Proposal

Hi Caroline,

In light of the email from the ecologist that you forwarded to me yesterday, the client is having another look at the option to connect to the public sewer despite its cost implication. We would need to investigate in more detail issues around routes and wayleaves/rights of access to make the decision.

Subject to these issues being resolved, what would you need from the NPA's perspective to amend the proposal from the private treatment system to connecting to public sewer?

Regards,

Khairul Khalifah
ASSOCIATE

On 3 Jul 2020, at 13:34, Caroline Strugnell <Caroline.Strugnell@lochlomond-trossachs.org> wrote:

Hi Khairul

I called this morning but couldn't reach you. Just a couple of updates for you.

Firstly please see attached formal request for an extension of time for the adoption of an EIA Screening Opinion for this application alongside a request for the information needed to progress this. We understand that you have already begun to commission this work and this letter does not ask for anything in addition to that already discussed and requested previously – it is simply to formalise our position in respect of the regulation requirements for the public file.

Apologies for the last minute notice but I will be undertaking an unaccompanied site visit on Monday (06 July) – the provisional plan is to arrive at Ross Priory in the morning at around 9:30 - I will only need to access the grounds and won't need to enter the building. Please could you confirm whether any special arrangements will be needed in order for me to access the estate? I will not be permitted to meet anyone on site and must remain 2 metres apart from anyone encountered whilst there to comply with our risk assessment. If you could please let me know asap if this would not be possible for whatever reason.

Regards

Caroline

From: Khairul Khalifah [mailto:XXXXXX@kettle.co]
Sent: 03 July 2020 13:45
To: Caroline Strugnell <Caroline.Strugnell@lochlomond-trossachs.org>
Cc: XXXXXX

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Subject: Re: 2020/0055/DET EIA Screening - extension of time and further information request

Hi Caroline,

Thanks for that. FYI we have commissioned the dispersion flow analysis and have acquired quotes for the fish habitat survey, however these have been put on hold while we work out the legal access issues surrounding connection to the public sewer in Gartocharn. If connection to the public sewer is feasible from legal point of view, we're likely to revise the strategy to this and I would assume this would resolve the issue.

I would also assume that the EIA screening process can be closed out at that point as well?

I have copied in XXXXXX the Ross Priory estates manager. XXXXX please see email from the planning officer from LLTNPA below re: access to grounds for site visit on Monday. Can you let her know if there needs to make any special arrangements?

Regards,

Khairul Khalifah

From: Khairul Khalifah [mailto:XXXXXXh@kettle.co]
Sent: 13 July 2020 10:13
To: Caroline Strugnell <Caroline.Strugnell@lochlomond-trossachs.org>
Subject: Re: 2020/0055/DET I Hunter Global Leadership Centre

Hi Caroline,

Further to our conversation on Friday and to the email below, (On 10 Jul 2020, at 13:12, Ewan Hunter <XXXX@westcoastcapital.co.uk> wrote)

I can confirm that we have revised the drainage strategy for the Hunter Global Leadership Centre to connect to the existing public sewer in Gartocharn.

This includes Ross Priory's existing drainage, which will be an improvement from the current situation vis a vis the existing reed bed discharging into the loch.

I'll write to SEPA regarding this decision. I trust this removes the outstanding concern on the EIA screening and SEPA's remaining objection.

We'll update the site layout drawings to indicate connection to the public sewer. Pumping station locations will be notional only as further more detailed work needs to be carried out to determine their numbers, size and locations. Can you let me know if there's anything else we need to do to formalise this with regards to the application?

Regards,

Khairul Khalifah

ASSOCIATE

From: Caroline Strugnell
Sent: 14 August 2020 13:00
To: Khairul Khalifah <XXXXXX@kettle.co>
Subject: 2020/0055/DET - Update

Hi Khairul

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XXXXXXXXXXXXXXXXXXXX I thought I would offer an update on the application consideration. I visited the site with Stuart Mearns earlier this week which was very helpful.

There remains some nervousness about the potential for light impacts (mainly on landscape but also biodiversity and heritage) given the amount of floor to ceiling glazing and our reservations about the practicality and long-term effectiveness of automated blinds (are these proposed for the accommodation buildings too?). Perhaps you are able to convince us this won't be a problem or would there be scope to reduce the amount of glazing particularly the upper floors of the accommodation buildings and more generally?

On the matter of the principle (justification for the location and public benefit case) there is a feeling this needs to be further strengthened in order to present a convincing case to the planning committee and I've left this with Stuart to consider and to discuss further with the applicant and Strathclyde University.

XXXXXXXXXXXXXXXX trust this update is helpful in the meanwhile.

Regards
Caroline

From: Khairul Khalifah [mailto:XXXXXXXX@kettle.co]
Sent: 08 September 2020 14:15
To: Caroline Strugnell <Caroline.Strugnell@lochlomond-trossachs.org>
Cc: XXXXXX @kettle.co>
Subject: 2020/0055/DET

Hi Caroline,

Just to recap our conversation this morning:

- I understand that discussions are still ongoing between Stuart Mearns, THF and Strathclyde University re: location and public benefit.
- With regards to the use of automated timer controlled blinds as a light pollution mitigation measure, we agreed that this is a workable solution. Note also that automated blinds have been accepted by other national park authorities as light pollution mitigation measure. Please see for example the South Downs National Park Authority Technical Advice Note 2018 on light pollution via the link (see page 45 of the PDF):

<https://www.southdowns.gov.uk/wp-content/uploads/2018/04/TLL-10-SDNPA-Dark-Skies-Technical-Advice-Note-2018.pdf>

As discussed, we propose motorised black out blinds to automatically deploy at curfew hours to be agreed with the LLTNPA. This may be adjusted to suit seasonal variation (earlier in the winter time, for example) if required.

- With regards to travel plan, the discussion that was had with XXXXXX from WDC Roads Authority was that a narrative indicating the anticipated volume of traffic that would arise from the development would be submitted, and further discussions is to be carried out with WDC to agree on where and extents of any improvements to lay-bys/traffic calming required.
- We will prepare the following revisions and submittals to be uploaded once you've advised the conclusion of Stuart Mearns' discussions with THF and Strathclyde University:
- Wider area site plan to show indicative route of drain to connection to public sewer in Gartocharn;

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- Revision to drainage strategy to reflect current proposal to connect to public sewer;
- Travel Plan Report to indicate anticipated traffic flow.
- On timescale, you're now targeting the October committee meeting.

Regards,

Khairul Khalifah
ASSOCIATE

From: Caroline Strugnell
Sent: 15 October 2020 14:30
To: 'Khairul Khalifah' <XXXXXXXX@kettle.co>
Cc: Bob Cook <bob.cook@lochlomond-trossachs.org>
Subject: Hunter Global Leadership Centre

Hi Khairul

Just to summarise our earlier conversation regarding a final request for plan amendments.

Southern Edge - Mitigation for impact on the GDL.

In places the proposal relies on a single row of formal trees for mitigation. Given this the development has potential to remain quite visible from the GDL/Priory particularly in the winter months. This is evident from the sectional drawing, Viewpoint 5 in the LVA and was also noted by HES (their view being a material consideration that I must address). This arrangement also results in a quite 'formal' appearance in contrast to the more natural edge which exists at present.

Therefore, to properly mitigate for the likely visual impacts and to avoid adversely affecting the character of the GDL, we are requesting that the landscape plan be revised to include a wider band of tree planting along the southern edge of the proposed access road. The landscape advisor recommends this should be 10m wide to accommodate tree planting that would achieve an adequate level of screening.

This planting should be made up of a mixture of standards and smaller trees to provide both height and lower cover (native shrubs could be included to locally screen the area of disabled car parking). This additional planting will also positively contribute to the balance of biodiversity enhancement for the site.

We did discuss species briefly and the ecologist's advice is copied below. The landscape plan species list will need to be revised accordingly.

Golf Course Boundary (Southern Edge)

Whilst the inclusion of some parkland species is acceptable, the proportion of proposed new beech should be reduced (only a single beech tree has been identified for removal) and a greater variety of other parkland species should be planted e.g. horse chestnut, small leaved lime, sycamore.

Woodlands

The eastern side of the site is identified as native woodland in the Native Woodland Survey of Scotland (NWSS) and this area of native woodland extends beyond the development site boundary along the shoreline of Loch Lomond. As a result, the proposed inclusion of non-native beech and larch in the woodland planting mix is not supported. Woodland planting on the site should focus on native species such as oak, hazel, downy birch with the possible exception of sycamore as a substitute for ash.

Lochside

A much higher proportion of downy birch and the inclusion of willow would better reflect the

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lochshore fringe habitat found around Loch Lomond.

Proposed herbaceous planting & native hedging

Non-native species, such as goats beard, great burnet, dogwood, alder buckthorn and guelder rose, should be excluded from the planting unless it can be demonstrated that they reflect characteristic species found in the wider Ross Priory Garden and Designed Landscape.

If you could get this to me no later than the end of next week (mid week preferable) to enable sufficient time for public re-consultation.

I will revert regarding the Section75 aspects we discussed after my meeting tomorrow.

Regards
Caroline

**Caroline Strugnell MRTPI
Development Management Planner**

From: Khairul Khalifah [mailto:kXXXXXX@kettle.co]
Sent: 27 October 2020 18:10
To: planningemail - Loch Lomond <planning@lochlomond-trossachs.org>
Cc: Caroline Strugnell <Caroline.Strugnell@lochlomond-trossachs.org>
Subject: Re: 2020/0055/DET Documents Upload

Hi XXXXXX

I'm still not able to log in to the LLTNPA planning portal to upload supplemental documents for the above application. I would appreciate it if you could help upload the 2 files linked:

<https://we.tl/t-z3eCW2ipPo>

Note that the design statement revision file is only part of the design statement that has been revised - the full document is over 30MB in size. Not sure what is the preferred way to update the document on the system.

Regards,

Khairul Khalifah
ASSOCIATE

On 15 Oct 2020, at 10:43, planningemail - Loch Lomond <planning@lochlomond-trossachs.org> wrote:

Good morning Khairul. I've downloaded 3 documents. Can you verify that that is the number of documents in the We Transfer file so that I know I've not missed anything?

Regards
XXXXXXX

Planning Support Team

From: Khairul Khalifah [<mailto:XXXXXX@kettle.co>]
Sent: 14 October 2020 15:10
To: planningemail - Loch Lomond <planning@lochlomond-trossachs.org>
Cc: Caroline Strugnell <Caroline.Strugnell@lochlomond-trossachs.org>
Subject: 2020/0055/DET Documents Upload

Hello,

LOCH LOMOND & THE TROSSACHS NATIONAL PARK AUTHORITY

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I need to upload some documents on to an active application on the portal, however I'm having trouble logging into the portal. I've requested to change my login password, but confirmation email has yet to arrive.

In any case I would appreciate it if you could upload the documents linked to application reference 2020/0055/DET.

<https://we.tl/t-K1vN7Afcdf>

Thank you.

Regards,

Khairul Khalifah
ASSOCIATE

From: Caroline Strugnell

Sent: 21 October 2020 15:47

To: 'Khairul Khalifah' <XXXXXX@kettle.co>

Cc: Stuart Mearns <stuart.mearns@lochlomond-trossachs.org>; XXXXXX <XXXXXXXXXI

Subject: THF/Ross Priory - S75 Agreement

Hi Khairul

I have now discussed the financial contribution /pigsty renovation and the overall justification for the development in the round with Stuart Mearns and our legal advisors.

The development's acceptability in principle rests on the relationship with the estate and its heritage interests - the future preservation and enhancement of which would be in the public interest. This relationship is a material consideration and is pivotal to acceptability. Whilst we understand the shared use aspect and that financial benefit would accrue to Ross Priory, we have not been presented with an Estate Wide Business Management Plan (a requirement of policy ED2) that evidences the financial impact of the development and sets out the investment/ enhancements in the estate that would be facilitated as a direct result of this proposal. We also need a satisfactory mechanism for the planning authority to secure this investment in the public interest. The proposal, at present, therefore does not fully accord with Policy ED2.

I have discussed the THF offer concerning the £20k per annum and the pigsty with our legal team. Whilst the offer is laudable the legal advice is that it comes with too many caveats to be legally workable. In essence we are not able to accept contributions on a 'subject to profits' basis - this is not legally tenable and doesn't 'secure' anything. The £100-130k 'notional' investment in the piggery/bothy is imprecise and is subject to a 'being able to find a use for the buildings' caveat which again is not legally workable.

We need to be satisfied that the financial gains arising from this development will be sufficient to facilitate meaningful investment in the estate's built heritage. Indeed, if profits are not available then this casts doubt on the stated ability for Ross Priory to invest in the estate and we could not take into account this public benefit as a material consideration. Further information is needed in this regard (n.b. we would obviously treat any financial information in strict confidence).

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We would ideally wish to see a Section 75 secure a commitment to ringfenced sums for the purpose of investment in the estate's built heritage that are not subject to caveats or conditions. We acknowledge that the investment that we are seeking to secure concerns land and buildings not in the applicant's ownership or control. There must therefore be a willingness on the part of the university, as landowner, to sign up to obligations concerning delivery.

An Estate-Wide Business Management Plan should be presented which identifies, in evidenced terms, how this project will facilitate investment in the estate. For example it ought to identify a budget (informed by the above sums) and priorities for investment along with an outline strategy/programme for delivery. It can be a 'working document' which could be updated on a bi-yearly basis. Its purpose would be to direct investment of the ringfenced S75 monies to specific projects and to provide the planning authority and members with a steer of what is likely to be feasible/achievable in terms of heritage gains if this development were to be approved.

I trust the above provides some guidance as to what we require to move the application to determination.

Regards
Caroline

Caroline Strugnell MRTPI
Development Management Planner

From: Khairul Khalifah
Sent: 04 November 2020 12:14:16
To: Caroline Strugnell
Subject: November Committee Meeting

Hi Caroline,

Confirm time and date for the upcoming November committee meeting? You mentioned Nov 30th yesterday?

Regards,

Khairul Khalifah
ASSOCIATE

From: Caroline Strugnell
Sent: 04 November 2020 13:15:48
To: Khairul Khalifah
Subject: Re: November Committee Meeting

Hi Khairul

I may have misinformed you. I'm checking with the Committee Clerk as it may actually be on Monday 23rd.

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I'll let you know as soon as I hear back.

Regards
Caroline

From: Caroline Strugnell

Sent: 06 November 2020 10:09

To: Khairul Khalifah <XXXXXX@kettle.co>; Bob Cook <bob.cook@lochlomond-trossachs.org>

Subject: Re: November Committee Meeting

Hi Khairul

I haven't heard back from the Committee Clerk yet however someone has pointed out to me that the 30th is St Andrew's day which is a Bank Holiday for National Park staff. I'm therefore 99% sure the planning committee is the 23rd November. So please assume the meeting will be held on the Monday 23rd unless you hear to the contrary. It is normally a 1:30pm start and will be held remotely using 'Lifesize'. Instructions how to join the meeting etc will be issued with the papers which I anticipate will be published at some point next week.

Regards
Caroline

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