



PE1534/N

Friends of Craighouse Letter of 17 January 2015

Craighouse is a former psychiatric hospital set in wildlife-rich urban parkland and woodland on one of Edinburgh's Seven Hills. The site's protections include Area Great Landscape Value, Local Biodiversity Site, habitat of protected species (including bats and badgers), nationally protected setting of A listed buildings, part of the Edinburgh skyline (including protected views) and a conservation area. Historic Scotland's listing for the site notes: *"Outstanding [...] Landmarks; main building, 3 small chateaux and old house remodelled (item 333) set in superb landscaped hilltop site, still completely unspoiled either by later accretions or more modern buildings"*.

In the 90s, the NHS sold the site to Napier University. Developments against policy were granted to allow conversion of part of the green space of the site to a housing development and allow further new building on site to help the university. This was to allow a long-term sustainable future for the site. In 2012, Napier University sold the site to an offshore investment fund (Mountgrange) who then argued they needed a second enabling development to convert the site to a residential development.

Napier sold the site in a multimillion pound deal including "overage", meaning they would get a further multi-million pound payment once planning consent was granted. The development, which would see the existing beautiful listed buildings dwarfed and surrounded by larger new-build is acknowledged on all sides to be against the protections on the site. The development was argued to be the only financially viable way of saving the listed buildings and the council granted consent on solely the basis it was the minimum new-build to achieve a viable future for the buildings. However, the financial argument was argued largely in secret, based on figures that were not publicly released apart from a summary which contained obvious errors. The consent granted has no conditions within it to ensure that the conversions of the listed buildings are done first. In fact, the phasing consented sees the larger new-build completed before the vast majority of the conversions are started. This would likely leave the site with large new-build flats dominating the entrance to the site with listed buildings lying abandoned in the background, as has happened in other controversial Edinburgh planning decisions.



The financial case was argued on the basis of the financial argument used to “save” Daresbury Hall, a site which received planning consent using the same form of financial calculation. Daresbury Hall has not yet been saved and is now used for a “zombie manor experience” and “ghost hunts”. After the council granted consent, a large campaign started to request a call-in from the Scottish Government. The planning minister refused within a few weeks, saying “I do not believe that planning applications set precedents”, despite it being argued almost entirely on the Daresbury Hall precedent.

There were over 3,450 formal objections from the public, with just 142 letters of support over the 3 schemes. The final scheme received only 14 letters of support against 1,139 objections. Seven community councils objected in total, plus a number of local and national organizations, such as the Cockburn Association, the Architecture Heritage Society of Scotland, the local school and the Garden History Society. This was a case where the development was argued as being against policy, but “in the public interest”, when the public clearly did not agree.

The Craighouse case was pushed through planning via a series of unminuted, agendaless meetings. Here are some we have been able to find out about:

- Before the site was sold, pre-sale meetings were held with prospective buyers where advice on the high level of protections on the site was presented by council and government planners. The meetings with most potential acquirers kept notes of what was discussed, but no notes could be found of the separate meetings with Mountgrange.
- The planning hearing in front of the public to decide the planning consent starts with the convenor announcing that there is “something we need to sort out before we start the meeting” and that the committee will go into a private discussion for 30 minutes. No explanation is given of what that something is,

but we later find out that the financial case was presented in private. There are no minutes or agenda for this secret discussion, but we know that councillors on the planning committee were told by officials that the financial case was solid. If it was solid, why the secrecy?

- There were 3 meetings between Historic Scotland and the developer, sometimes with Edinburgh Council officials present. There was also a separate meeting between Mountgrange and the Chief Planner and Senior Planner from the Scottish Government. We are told by the Scottish Government under Fol: *“Neither Historic Scotland nor Planning and Architecture Division hold any documents relating to the above noted meetings and the meetings were conducted without agenda or meeting notes”*.

The financial argument that was subject to so much dispute was based mostly on a valuation of the listed buildings, post-conversion into flats, of £31.8m. Soon after consent was granted, documents appeared in circulation showing the owner was looking for “development partners”, but implying that the site is effectively for sale. Those documents show a value of the converted properties of £38m. This higher valuation is in line with properties in the local area and is by the same valuer as the one named in the planning application. If those valuations had been applied at the time of the consent, then the financial argument for the development would have been wiped out and there would have been no reason to grant the development. It was a common objection by community councils and the public that the valuations in the application were wrong. However, this argument was not held in the public hearing, but instead in the private 30 minutes meeting before the hearing. The total valuation of both the converted properties and new-build in the documents advertising the Craighouse site to development partners is £100m, which is £20m above the figures presented to the planning committee in the planning application, despite being a few weeks later.

The financial argument put forwards was that there was no alternative way of saving the listed buildings. However, the proposals have a high risk of not saving the listed buildings. The lead developer in the scheme has only done one previous enabling development and it ended in a catastrophic fire and is now derelict. Other similar enabling developments have also failed to save listed buildings. Businesspeople within the community therefore worked on putting together a community buyout plan for the site. This received support from a major high street bank, several local businesspeople, the Development Trust Association Scotland and the Princes Regeneration Trust. When the group who had put together this plan requested opportunities to present it to members of the planning committee, officials and the committee convenor made it very hard.

Officials, at the request of the committee convenor, wrote to members of the planning committee telling them that to hear the presentation of alternative plans

“could bring a member’s impartiality into question”. This was based on officials interpreting the Councillors Code of Conduct as meaning *“basing the decision on the report and recommendations of the Head of Planning and not on private briefings”*. However, the Councillors Code of Conduct is very clear that councillors should seek out alternative views, but be clear that they will not prejudge their decision. When community councils gave some of their time to present at the hearing to a community councillor who was also part of the community buyout plans, the convenor interrupted and attempted to block presentation of the community plan figures. So the committee were told to base their decision on only what the head of planning said; clearly wrong figures in a private briefing from officials, and not even hear any alternative figures or approaches to save the site.

The financial experts brought in by planners to assess the financial case wrote a public written report on the financial case. It was in the planning report, but buried in “Appendix 2”. Despite what the initial pages of the planning report imply, the actual financial report admitted that experts had not applied the English Heritage Guidelines to the financial case, which are the guidelines the development was argued on. The experts also admitted to not having the experience to judge the developers’ assessment of the viability of any wedding business on the site, despite that being critical to the case.

The Craighouse hearing is unusual in that it was videoed (apart from the 30 minutes private briefing on the figures). Therefore, it is possible for the public to see how the hearing progressed.

When the planning committee takes on an official site visit there are strict rules. The visit must be lead impartially by officials. The developer and public representatives may answer questions, but only if asked and only via planning officials. However, in the Craighouse case, officials allowed the developer to lead with their own on-site presentation of the plans and by having individual conversations with committee members. Only some of the new-build development was presented to committee members. Some committee members didn’t even bother getting out of the bus for some of the proposed development.

The site is wildlife-rich and protected both with local biodiversity site and local nature reserve designations, as well as by the presence of protected species such as badgers and bats on-site. During the planning process, there was a development plan process in which a large part of the local biodiversity site designation was removed from part of the site without explanation or notification. There were 112 individual and group objections to this change sent in response to this proposed change, the second largest number of objections to any single issue in the plan. Officials argued that this had followed due-process using a methodology and scoring scheme. However, when challenged, officials admitted no scoring scheme had been

applied and could point to no part of the methodology they had followed. The wildlife protection was not reinstated, despite the objections.

The protection of badgers means that the location of badgers' setts can sometimes be considered confidential. The development at Craighouse is on, or very near, 2 or 3 badgers' setts. However, the confidentiality of this information was exploited to hide from committee members, wildlife groups and the public the extent of impact on badgers within a nature conservation site. There were some highly critical reports from SNH highlighting that the report on badgers was not complete. In particular, one badgers sett disappears from one version of the badgers report to another, which is never explained, despite SNH demanding an explanation. When councillors asked officials to explain the impact on badgers, this was not explained, with an official answering that the reports must be up-to-date, ignoring the fact that the reports were not.

The development is highly visually sensitive, given it is on a site of several A listed buildings, on a hill highly visible within Edinburgh. However, the planning application schemes contained a series of inaccurate images. Inaccuracies included showing buildings with the wrong number of storeys; confusion between different versions of the designs; hiding the new-build behind non-existent trees, and inaccurate renderings of the steep slopes which made new-build appear lower than it would really be. The public produced their own images and comparisons, but these were inaccurately criticized by the developer in the hearing, with no right of reply given to the public. In one case, the developer even showed a "historical" black-and-white picture of Craighouse to support their designs, however the building shown is not on a hill, which means it cannot have ever been a picture of Craighouse.

The recommendation of the planning report by officials is totally at odds with its detailed analysis.

It used the word "detriment" 21 times and includes quotes such as: *"The new build elements by virtue of their scale and design are inappropriate within this context"...* *"damage the compositional arrangement of the built form and the surrounding landscape therefore damaging the character"*. This is in direct contravention of the only policy that the report used to justify the development.

The Craighouse case led to unprecedented levels of community involvement in a planning decision, in the development process and in Scottish Government democracy, but left many (including at least one community council) questioning whether there is ever any point in the public commenting on any planning process if their views are ignored and the real decisions made in secret.

An appeal would have brought the nonsense financial case into the open. Appeals are normally much stricter than a council planning hearing on following the rules and

process. The secrecy and factual inaccuracy of the Craighouse planning process would not be possible in an appeal process.

