

# FURTHER REPRESENTATION

For the Attn of;

Mr Robert Devine

Renfrewshire Council

Renfrewshire House

1 Cotton Street

Paisley.

PA1 1WB.

Friday 15<sup>th</sup> of December 2023.

Planning Application: 23/0179/PP. By Mr David Johnston.

For the Site of 2 Johnhill, East End, Lochwinnoch.

Appeal / Review of this Planning Application by the Local Review Board, (LRB).

To be heard by the LRB on the 30<sup>th</sup> of January 2024

FN: ALEX WARD  
A1: 6 ST WINNOCH ROAD  
A: LOCHWINNOCH  
PC: PA12 4ET

Dear Mr Devine,

I am aware that the Renfrewshire Council Planning Department **REFUSED** this Planning Application, as noted above, on the 8<sup>th</sup> of September 2023.

I am also aware that the applicant, Mr Johnstone appealed this decision for a Notice of Review, which Mr Devine notified Objectors to, on the 1<sup>st</sup> of December 2023, which included Mr Beattie.

Since the 1<sup>st</sup> of December I am aware that Mr Eric C. Beattie of 34 High St Lochwinnoch PA12 4AA has regularly been in touch with you by email regarding Further Objections and Representations to this Review / Appeal.

Where he has, for himself and others, as both objectors and Interested Parties, made out the main papers of these Objections / Representations.

I now ask you to note that I have freely and willingly asked Eric to submit these Representations / Objections to Renfrewshire Council, as either an Original Objector or an Interested Party.

Where I wish the Local Review Body, (LRB) to take note of these Further Objections and Representations into their consideration on the 30<sup>th</sup> of January 2024, when the LRB Review Panel will consider the appeal by the Applicant, Mr Johnston.

Regards



15/XII/23

Signature of Objector / Interested Party.

Witnessed by. (If a Witness is available.)

1.P

HEAD OF CORPORATE GOVERNANCE

RENFREWSHIRE COUNCIL

FINANCE AND RESOURCES

RENFREWSHIRE HOUSE

PAISLEY

PA1 1TR.

REGARDING

PLANNING APPLICATION 23/0179/PP

BY MR DAVID JOHNSTONE.

LOCAL REVIEW BOARD

NOTICE OF REVIEW

30<sup>TH</sup> OF JANUARY 2024.

PAPERS OF FURTHER REPRESENTATIONS AND  
OBJECTIONS IN RELATION TO THIS REVIEW.

FROM THE (CONCERNED) RESIDENTS OF  
LOCHWINNOCH.

Head of Corporate Governance,  
Renfrewshire Council,  
Finance and Resources,  
Renfrewshire House,  
Paisley,  
PA1 1TR.

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A 6 ST. WINNOC ROAD  
A LOCHWINNOCH  
P PA12 4ET

Thursday 14<sup>th</sup> of December 2023.

(Will all Individuals please note that the Head of Corporate Governance will ignore your representations/objections if you have not filled in your personal details with your Name and Address, etc, as above).

Planning Application: 23 /0179/pp.

Erection of single storey dwellinghouses and associated works,

On the Eastern Boundary Of No. 2 Johnshill, East End, Lochwinnoch,

By Mr. David Johnston.

For the Head of Corporate Governance in relation to Notice of Review to this Planning Application.

Relating to the meeting of the Local Review Body, (LRB) for this Notice of Review to be held at 2pm on the 30<sup>th</sup> of January 2024, in Renfrewshire House, Cotton Street, Paisley.

On the grounds of the Letters of Representations – Council Decision, as noted in the letters posted out to individuals, dated 8<sup>th</sup> September 2023, who objected to this Planning Application, where; 'the application together with your representations was considered by the Council on the 8<sup>th</sup> of September'.

Where the decision of the council was;

REFUSE Consent subject to the reasons.

As noted in the accompanying letter,

Ref. 23/0179/pp.

CONDITIONS AND/OR REASONS ATTACHED TO THIS DECISION.



**For the Attention of The Head of Corporate Governance.**

**Dear Sir / Madam,**

**List of Contents for this Paper of Representations/Objections**

- 1. The Interested Parties Initial statement to the Planning Review Panel.**
- 2. Statements, Questions and Representations from the Objectors to the Johnstons regarding this Planning Review / Appeal??**
- 3. A Recent History of the Site: How we got to where we are, from 1991 to 2023.**
- 4. Objections and Further Representations to the Original Planning Application.**
- 5. Representations on the Tree Report.**
- 6. Notice of Review Document.**
- 7. Representations to the Planning Appeal Statement.**
- 8. Our Conclusion to the Planning Appeal Statement**
- 9. Our Own Proposals for the Site at 2 Johnshill, East End, Lochwinnoch.**
- 10. Final Conclusion to this Paper of Further Objections and Representations in relation to this Planning Appeal by the Applicant, Mr David Johnston.**

**1. The Interested parties Initial statement to the Planning Review Panel.**

Will the Head of Corporate Governance, hereby abbreviated to HCG, please note that we wish to make Representations/Objections in relation to the above Planning Review Appeal by the LRB, as an 'Interested Party'.

Where we hope that the HCG will note these reservations in relation to the Review Panel meeting on the noted date will also take these Representations into their considerations and deliberations when making a judgement on this Notice of Review / Appeal by the Applicants, to the LRB.

Where we wish the HCG to note that we do so in the strongest possible terms regarding this Review, not just on the grounds on which the appeal has been based, but across all possible areas of both the original planning application and the associated review.

In previous applications by Mr and Mrs Johnston, we, as interested parties have asked for all previous objections and representations to be taken into consideration regarding any present application, where historically, as far as we are aware, the Johnstons, have been the only applicants to ever apply for planning permissions for this particular site??

Where very importantly, to support our case as the interested parties, various individuals and groups in Lochwinnoch have shown a consistent pattern of objections to the planning applications by this couple over the last 20+ years.

Where, very obviously we wish the 'Woodland Garden' / Area of Woods at 2 Johnshill, East End, Lochwinnoch, across from / in very close proximity to Auld Simon, as the oldest building in Lochwinnoch, for the woodland to remain in its present state, without any property development by these applicants.

***Furthermore, after 20+ years of applications by the Johnstons, we strongly and firmly believe that we have reached an impasse in relation to this situation??***

Approximately every several years just over the last 2 decades, the Johnstons have put in an application for planning permission, and we, the objectors and interested parties have responded and objected to these applications for development on this site.

Where Renfrewshire Council staff and elected officials have consistently supported us in our objections to these applications, by also consistently refusing planning permission for this valued and treasured site within our village, where we wish to record our gratitude for these efforts, where we are very grateful to these individuals over the last 20+ years in their continued support.

For if it was not for this continuous support, we would not be here today, where once again we find ourselves having to object and make representations to this Review / Appeal by Mr and Mrs Johnston.

In spite of our opposition to these continuous Planning Applications we therefore acknowledge that this has cost the Johnstons a lot of money, time and effort in pursuing their case, as well as a lot of corresponding time and effort on our part as the objectors.

To say nothing of the time that the planning department and to a lesser extent the time and deliberations that Councillors on the review panel spend on this issue.

***So in an effort to resolve this situation to the benefit of all parties concerned, i.e., applicants, objectors, Renfrewshire Council Planning Department, Councillors on the review panel, as well as the HCG, in his considerations on this issue, we would like to set out alternative proposals for the site, which can already probably be guessed at by all concerned??***

We will briefly outline these alternative proposals as noted immediately below and elaborate further throughout this Paper of Further Objections and Representations, and towards the end of this paper in our Conclusion.

We acknowledge that this scenario may not be acceptable to Mr and Mrs Johnston in the first instance, as they have held this dream for many years, but as they lived amongst us for many years in our very beautiful village of Lochwinnoch, where they were friendly and friends with, and well known to many of us, where I personally, (Eric) had mutual friends with them.

Where we as the objectors would seriously like to ask them to consider what we propose at some length, as opposed to dismissing our ideas in a knee-jerk type of reaction??

We also recognise that, as stated earlier, that this couple have put a lot of time, effort and expense into their planning applications, but after 20+ years of objections, we would ask them to finally recognise that as a community / the village / Lochwinnoch does not and will not / never accept their proposals for this site.

Whilst some individuals in the village may accept their proposals with their present plans for a property that is visually and aesthetically pleasing in relation to, and the closeness of Auld Simon,

many more people will not, especially neighbours in the surrounding vicinity of the plot, i.e., in Johnshill, East End, St Winnoc Road, Gates Road, and various parts of High Street.

## ***2. Statements, Questions and Representations from the Objectors to the Johnstons regarding this Planning Review / Appeal??***

All of the above then leads us to ask the following questions of Mr and Mrs Johnston??

When are you finally going to accept that your planning applications for this site are absolutely not acceptable to many of residents in Lochwinnoch??

Otherwise, why has there been 20 odd years of objections to your proposals, every time you apply??

No matter how nice or pleasing to the human eye your proposed property may look on this occasion, especially in relation to Auld Simon, like previous plans, it is still not in any way acceptable to the majority of our community in Lochwinnoch.

Where this small woodland area, that has been a precious woodland just off the centre of Lochwinnoch, for approximately for the last 165-170 years, should / could / must remain a 'Woodland Garden', enhancing the local environment / surrounding area, to the benefits of the trees, local flora and fauna, wildlife, roosting birds of all kinds and especially rooks.

Without absolutely any property being built upon it.

Where ultimately all of the above, intangibly enhances and enriches the lives of the human beings who live close by this plot, and any other green spaces, both within Lochwinnoch and outside it.

As a rural village in South Renfrewshire, which we feel is the last real village that is separate from other communities, which is not a suburb of Johnstone or Paisley, as the build-up area has extended ever outwards over the years.

Which is very much obviously why Renfrewshire Council has dependably supported our objections over the last 2 decades, as the benefits of green spaces and closeness to nature are very well, and scientifically recognised, in regard to both physical and especially, mental health.

**So really, in this part of our Representations, in our own way we are also lodging an appeal, as we are appealing to your better natures, Mr And Mrs Johnston??**

**To let all this go, for your own benefit and peace of mind, as well as ours as a group of objectors.**

And ultimately, for the benefit of Lochwinnoch as a community, which you obviously love, and loved, as you lived here for many years.

Where for you to try and accept that there will always be a group of interested parties / objectors in Lochwinnoch, with hopefully, as noted above, the continuing, ongoing support of Renfrewshire Council, where some concerned individuals, as individuals or in groups will always object to your plans for this site.

Where today it is our group who are objecting / making representations, tomorrow it will be someone else, and another group.

(Personal note from Eric)

(Please do not misunderstand me, as there is absolutely nothing personal in all this, along with many others we just completely disagree with your proposals for the 'Woodland Garden' and have done so for many years).

(Where my / our personal reasons for our representations / objections are completely altruistic, to the benefits of my / our community, where we represent the wishes our community, in my (Eric's) personal case my elderly relatives live in close proximity to Auld Simon / Johnshill / East End, where I have been asked to deal with this on behalf of all my family, as well as my own very strong beliefs in what we are doing).

Ultimately this situation reminds us of the Burnfield Road / Playing field site, with planning applications by Stuart Milne Developers, at the end of Newton of Barr, Lochwinnoch.

Where in this case, the Community Council have mounted a very focused, consistent campaign by this developer, sustained over a number of years, where ironically, this is a shorter time span than the one we have mounted against your own proposals.

Where both developers, regardless of size, both own the prospective sites, but cannot do anything with them, due to the number of representations / objections Renfrewshire Council (RC) have received over the years, from Lochwinnoch residents.

Where the term 'Dead Land' could be used to describe both sites.

Where it seems you are stuck with a possible development site that you can't do anything with??

Hence the nickname of 'dead land'.

To continue with these objections and representations, as noted above, we will further outline our proposals for the site towards the end of this paper.

### **3. A Recent History of the Site: How we got to where we are, from 1991 to 2023.**

In the early 1990's S, who has lived in Lochwinnoch for at least 30+ years wanted to further develop the application site into a 'Woodland Garden', where the site had and still has to the present day has become naturally overgrown, per the applicants' paperwork showing the Ordnance Survey Map of 1856, so over approximately the last 135-140 years in 1990-93, plus another 30 years to the present.

So in total the site has therefore been undisturbed for approximately the last 165-170 years.

The following pages are copied from messages between Ms S and me to show the review panel the 'more recent' history of what has happened over the last 30 odd years regarding this plot of woodland at 2 Johnshill / East End.

I have only altered the text to tidy it up, and have been very careful to preserve the anonymity of Ms S, even although I'm sure the Johnstons know who / remember who this lady is??

Eric

Thanks for getting back to me S.

I'm really just looking for the process that was involved, that you went through, and the time frame /

dates involved.

I didn't realise the lawyers were involved though, I've never really understood why the Johnstons keep on applying to build on the site, but by the sound of it they have legal rights / title to it?? Which explains why they have kept on applying to build on it over the last 20 odd years x 3-4 times. The situation reminds me of Burnfoot Rd then, they own it, but can't use it as locals keep on objecting to their planning applications??

As I recall they supposedly fenced it off, supposedly maintained it for a number of years, and then claimed legal rights to it??

If you fill in some gaps for me re how long ago you were at the lawyers, that would help.

## S 1

I laid claim to the land around 1991/92.

My then lawyer did a land search and found no record of ownership, he told me to occupy the land and look after it for 10 years and if it was uncontested, it would be mine. I did this at considerable expense, fencing it off, having dead trees felled etc, but only after I got council approval.

During the 10 years, Louise Johnson started her own claim, but I was told by my lawyer I had prior claim so not to worry. When my 10 years were up, I contacted my then lawyer, I'd changed to a different firm by then to ask how to conclude the claim -she said I didn't have to do anything as it was now mine.

However it appears that wasn't the case and Mrs Johnson saw her chance and pursued her claim. By this time I'd built a shed on the plot and was making it into a woodland garden but basically I had to get off the land, remove the shed and that was it. It was heartbreaking at the time, but there didn't appear to be anything else I could do.

Unfortunately I left it too long to complain to the Law Society, so I just had to let it go.

## Eric

A quick couple of questions that I mentioned yesterday??

Do you remember more accurately when Louise Johnson put her original claim in during the 10-year period??

Any idea when she further pursued her own claim??

I'm presuming that this was after about 2001-2003??

## S 2

I've found the "Woods File".

I first enquired about the plot in Feb 1993, and it looks like my claim dates from March 1993.

I then set to work having it fenced off by Alter Landscapes, employing a Tree Surgeon to assess the plot then paying him to make the plot safe, which included having some dead elm trees felled because they were dangerous. I had to apply for permission from Renfrewshire Council for that work to be done, even providing photographic evidence that one tree had actually fallen in high winds. This cost me a lot of money.



I was then worried about the spikes on the original iron fence at the front and my lawyer advised me to remove them to avoid public injury, this I did, all 239 with a hacksaw as I recall as I didn't own a Stihl Saw.

I also took out public liability insurance. Ironically, the Council refused permission to have the canopy overhanging the pavement to be cut back even though it forced pedestrians to walk on the road in summer, which worried me.

When the owner of one of the neighbouring garages expressed concern about overhanging branches I had them professionally removed.

I loved the ground, worked on it and my children and dogs shared it with me where I had all sorts of dream for the plot.

Anyway Louise Johnston applied for planning permission 2002 and was refused then, they had laid claim to the land. I was advised that I had prior claim so not to worry, the rest is within what I've already sent you.

Like I said, I thought all was well till Louise approached me when I was gardening at the plot Spring 2009 and told me I had to leave as the ground was theirs and they were "going to build a house ". I've never fully understood what happened, but it appears they did nothing illegal, saw their chance and followed it through.

To summarize, their first attempt at receiving planning permission appears to have been made in early 2002 , which I suppose is the main point. I think at least more than one has been made since then.

### S 3

Ps- I heard Louise had told a friend they'd sold their house in Lade Court and were renting till they built their house up at the woods, so she seemed to be confident that it would go ahead.

Eric

Morning S,

No I fully realise that you have not accused them of any illegal practices.  
Where nothing illegal has been done anyway, as they have included a copy of the land certificate showing ownership.

As I've said previously, I've never understood why they kept on applying for planning permission for the site, but this is now obvious as they own it.

Where this can be very expensive, as they have now applied for planning permission 3-4 times over said 20+ years.

Considering that the villagers have consistently objected to their proposals over this period, and the council planning department have also consistently upheld the objections by their refusals, I personally think the Johnsons have been, and are being very naive.

Again it's similar to Burnfield Rd, they might own the land but can't get permission to build on it, it's "dead land" so to speak.

I'm not sure if you realise but all the previous objections are very important, where we as the objectors can ask that all of this historical information be taken into consideration for this present application and appeal, it obviously shows a consistent pattern of objections over a long period of time.

I hope some of this reassures you about what happens next, but my apologies if it also brings up painful memories for you, as you very obviously loved this area of woodland years ago, and still do in the present.

Personally the Johnsons have actually done me / us a back handed favour, by giving me a wake-up call re all this, & motivating me to do something about it, to protect this historical, natural site for Lochwinnoch and the villagers.

Where if the Review panel are consistent with previous decisions??, I would personally hope to bring this plot back into public ownership by whatever means we can get it back, where we can manage this plot and keep it in the natural state that it has been in for the last 160+ years, for the benefit of everyone in Lochwinnoch, as a beautiful, natural Woodland Garden.

Where hopefully the Johnstons have done us all a big favour by appealing this council decision by settling these issues to the benefit of all parties, the community in Lochwinnoch, the Johnstons, and Renfrewshire Council ??

#### S 4

That's reminded of what happened legally, as I understand it my name was entered on the old Land Register, it should also have been put on the new one, that's how I lost the ground because my lawyer didn't do that.

#### Eric

All of this hassle over all these years because of one simple legal mistake.

Which would probably have taken an hour or two of work to do.

The lawyer was lucky that you didn't make a complaint to the Law Society, as you certainly had grounds to do so.

When I think about it, I was forgetting my manners.

To ask you for permission to put your story in my own paperwork???

I would be careful to maintain confidentiality, & reword your text if necessary, & use only letters like WG for Woodland Garden so that you could not be identified in any way.

The councillors wouldn't be interested anyway, although the Johnstons will likely remember??

Your story is the basis of all of this & I feel very important to our own appeal, which I / we will use to highlight why the site must be left in its present state, so that we as a community in Lochwinnoch can maintain and manage it, and really improve upon it, in a similar manner to what the LCDT are doing with Lochhead Gardens.

Even to the point of involving the LCDT for help re various aspects of these ideas & asking RC for a Community Asset Transfer, (CAT), to extend the plot with the council owned land to the rear of the garden in a similar way to the application the LCDT have done for Lochhead Gardens.

Furthermore it fundamentally shows how right from the time that even before the Johnsons made a claim to this plot, that your plans for it were the foundations of all the objections that have followed over the last 30+ years, to the present.

And into the future, if / when, as I've said above where we hopefully bring the plot back into common law, common sense, community ownership.

Which if you are still interested in, I personally hope that you would still like to be involved in?? This was your dream 30+++ years ago, after all.

So I am really hoping that you are okay with me using your story.  
To be honest, personally , I like the sound of S's Garden, L Gardens, or Auld Simon's Garden???

## S 5

Well at the time I was in the process of leaving J, plus a solicitor acquaintance of mine told me she didn't think I had " what it would take", financially or otherwise to fight it, nor was there any point in complaining so I let it go. I'd have loved to have built a tiny wee L- shaped hoose there and see out my days but I always knew that would never be possible without felling healthy trees.

(NB from Eric: The fact that S had thought of building a small house on the plot in no way justifies the planning applications that the Johnstons have submitted over the years. Note the fact that S also acknowledges that healthy trees would have to be felled / sacrificed to build any property).

(Where I chose to leave this text in this part of our objections to highlight the fact that S had realised that building a property on the site was not possible).

Imagine the joy I felt when I had my wee shed built!

Anyway, back to present times and I must admit you've now got me interested in the idea of a Community Garden. I also always knew the plot was too big for me to look after it properly. There were actually some people who referred to it as S's Woods!!

God moves in mysterious ways I have found and if what I want is right, it tends to happen eventually. I would like to be involved in what goes on in the future. By the way , I'm happy to be named personally in the proceedings as I'm confident I haven't falsely accused anyone of anything, my only worry would be lawyer although I haven't named them in any of my communications with you.

There is still a chance that I've misunderstood events! Meanwhile I'll just allow myself to dream of the woodland garden. Oh, btw, there are remains of what appears to be a stone wall / foundations within the ground- I used to sit on them while I had my tea break- I'm sure you've examined the history of the area. x

## S6

Already thinking of projects to open people's eyes to what can be achieved plant wise, there's a lovely " feel" up there. I don't think Mrs Johnston would know what I mean, don't think she would understand my love for the place, but maybe I'm wrong.

Just another piece of info which might explain a lot.

I had the ground professionally valued sometime during the 2000's, as I have the papers somewhere I think. If I remember correctly, it was valued at £65k if outline planning permission was obtained, which of course would involve removal of trees. I did that out of curiosity as I always knew trees would have to go and I wasn't prepared to do that, so it was a dead end.

(2<sup>nd</sup> Note from Eric: As we would obviously not be seeking to build or develop the gardens in this way, on a 'dead plot of land', by asking for planning permission, which negates our complete and whole ambitions for the site, we would want to have the plot evaluated and priced as a garden plot).

Come to think of it, that would be a driving force for other people??

I'll shut up now- things keep coming back to me. Now that I understand your motivations , I'd be happy to meet with you in the New Year and show you the " S's Woods " files ! Till then ...

S7

Ps: I didn't do it before because I thought it would just look like sour grapes, and of course there is a small element of that, that has gone with the passage of time now that I am older and hopefully a bit wiser, but I can now see better reasons for objecting to their plans.

All of this text is rather long winded, but we have chosen to include it to emphasis the recent history of the site and the love and affection which many people in Lochwinnoch feel for the 'Woodland Garden', especially S, who still dreams of what is possible for 'her gardens' 30+ years later.

Where paradoxically to S's, and numerous other villagers' wishes for the 'gardens', like the Johnstons, (where again, within this extremely long paper, again at the risk of repeating oneself, we fully acknowledge their wishes to build on the site re their various planning applications), where they have also spent a lot of their own money in trying to develop the site, albeit it we obviously disagree and object in the strongest possible terms to the applicants building a property in this area of woodland.

Where we also strongly believe this is the wrong type of development for one of the last areas of woodland within our village, that has taken many years to naturally develop, albeit it is now overgrown, needing care and maintenance from interested parties.

#### **4. Objections and Further Representations to the Original Planning Application.**

In the Pre-Application Discussion Details Cont. section of the above, we note that there was "a major change on the site conditions", after Mr Weir's email of the 13.03.23, where the Johnstons thought that a "fresh application with a new approach" could be possible.

So per the Tree Condition Survey that the Johnstons had requested in May 2022, followed by Mr Weir noting changes to the tree plan in his email of March 2023, presumably that 4 of the trees would have to be felled, etc, that the planning department still refused the Johnstons latest planning application.

Where if the Johnstons had been more proactive with better conservation of the ground conditions, soil, tree maintenance and management, obviously these tress would never have needed felling.

Which makes us wonder just how much care of the plot the Johnstons were inclined towards by looking after the site, considering the number of applications they have submitted over nearly 2 decades??

#### **Access and Parking.**

These issues were within our original objections that we submitted against the initial planning application.

Where the site at Auld Simon is often used by local groups as a starting point for local parades, etc. E.g., Gala Day Parade in June, the Samba band have also this location on occasion, Millenium Walk of Faith. Where a large number of children often attend these first two on-going events with their parent(s).

Whilst the Johnstons have only applied for 2 parking spaces on this site, and the Health & Safety of these events can be managed by marshalling, this increase in traffic, however small, could pose a risk to both adults, especially children and the disabled, amongst large crowds of people waiting for parades to start, if the LRB Review Panel were to uphold this appeal, especially if the applicant had visitors to their home??

These points / risks may seem minor, but we wish to make the Review Panel aware of these risks.

#### **Water Supply and Drainage Arrangements.**

At the time of writing this section out, (Monday 11/12/2023 @ 14.35) we are waiting on council staff replying to queries on these points??

As the refusal was based on tree grounds, where the appeal is also based on the same, we have asked officials if the Johnstons would have been aware of further objections from close-by residents.

Where we have since been advised by Planning Department Staff that these objections were available for the applicants viewing, where no attempts were made to do so, therefore the applicants chose not to make themselves aware of any concerns that their prospective neighbours may have on their proposals.

Thereby as far as we the interested parties / objectors are concerned, weakening their case for Review.

Alternatively, if they had attempted to view these objections and addressed the associated concerns, to our mind, they would have better prepared for their Review / Appeal process, by having more answers and information with regards to the impact that this property development would have on the surrounding area, and well beyond the development site.

This lack of concern regarding other people's opinions on their proposals seems to consistent in the applicants overall approach to their Planning Application(s) over a long period of time??

Under this section of the application, new or altered water supply and drainage will be required, where this proposed property will link into the existing drainage system.

The planning application document makes no mention of sewage waste??



Where the home of one elderly widowed resident is built over one of the main drainage pipes for wastewater or sewage. This resident strongly objected to the planning application re these concerns that the existing system wouldn't be able to cope with the extra waste from the proposed new build.

We acknowledge that this waste could only be for mainly 2-4 people, where this may point may seem unlikely. Nonetheless, we feel that point must be addressed, if only to give peace of mind to this elderly villager, who is very concerned about these issues.

Where we wish the Review Panel to note the following questions on these issues??

**Questions:**

1. Are the applicants aware of these issues regarding this individual property??
2. If they are aware of them??, what measures have they taken to address these points??
3. If the applicants are aware of the issues, why have they not highlighted this in their original planning application or even their Statement in Support of their Appeal??
4. Even if this outside the grounds of both planning refusal and appeal??
5. Or what advice have they sought on these issues??
6. Have they followed up on any advice that they have been given??

Furthermore, in a more general sense.

7. Are they aware of the design, layout, and structure of the existing draining system??
8. Especially as they intend to connect to that system??
9. Did they make enquiries about these issues?? 10. Were they required to do so?? 11. Were they aware of such issues, but didn't think that they were relevant to their application??

Where the first 6 questions on the individual property also apply to the more generalised issues of how their new build might affect the surrounding properties.

Where we believe that there are more generalised issues on drainage and sewage within this locale, where we will make more representations on these issues before the meeting of the Review Panel at the end of next month, where these issues are obviously of major concerns concerning raw sewage to this residents in the surrounding area of the application site.

Whilst all of this is obviously a specialised area of Civil Engineering, considering the number of applications that they have applied for in the past, how aware of these overall issues are they, in relation to this plot of land??

The original RC planning application has an Assessment of Flood Risk.

Where they have answered No to both questions in this section.

Does this assessment include any possible damage to tree roots in either the short or long term??

With the possible increase in run-off to other properties re any possible damage, in any direction, e.g., front or back into the gardens at the start of Johnshill or in St Winnoc Rd that are situated below the site of 2 Johnshill??

**Schedule 3 Development.**

We note that the applicant ticked the No box in response to this part of the Planning application, where normally for any Planning Application within Lochwinnoch we would see something in the local press??

Some of us as objectors have discussed this point, but none of us can remember seeing any Notice of Planning Permission within any of the local newspapers, which would normally be weekly in The Gazette. (Covering Johnstone and Renfrewshire).

Whilst we would be surprised if this part of the planning process was not adhered to, we wished to query this anyway, for the reasons stated above.

#### **Certificate and Notes and the Land Ownership Certificate.**

We note both the Certificate and Notes and the Land Ownership Certificate sections towards the end of the Planning Application and acknowledge this gives the applicant full legal title to the site.

We also note that these sections do not give any dates for when Mr and Mrs Johnston gained full title to the site, as S has said in her texts if Mrs Johnston was (first) refused Planning Permission in 2002, then presumably they had title to the plot before this date.

In 2023 it is probably now a moot point, but as the interested parties / objectors we had a discussion on the timeframe involved, i.e., the time between the Johnstons first having title to the plot, and the time they first applied for planning permission, and did this comply with the legislation of the time.

Where we wish all parties to note that we are still trying to have this point clarified from other sources, albeit it may not be relevant to this Review Paper for the LRB.

Like the points in the Schedule 3 Development section, if the Review Panel are able to have this point cleared up before we act on our alternatives for the site, so that any processes have met all due legal process and requirements??

Other than these points, we have no further comments or questions to ask of the applicants for this section of the Planning Permission Document, at this point in time.

#### **5. Examination / Representations of Tree Condition Survey.**

We have listed the Tree Condition Survey here as we believe that it has important relevance to the following sections of our Paper to the Review / Appeal and the Review Panel.

As laypersons who are certainly not Arborists / Arboriculturists for the management, maintenance, and especially the felling of diseased or damaged trees, we have to abide by the recommendations of Mr Calvey.

Although we notice that the Tree Condition Survey is now presently classed as out of date by approximately 6 months in Mid-December 2023, as noted in his report by Mr Calvey himself in his own report.

As the report was only valid for 1 year from the reporting date of May 2022, and published approximately one month later on the 14<sup>th</sup> of June 2022.

Without a further tree survey we now are wondering what the overall condition or state of the site now is??

Where for our part as the objectors, only a visual inspection of the site would be possible, where that inspection would be severely hampered by the large amounts of this, difficult to walk on / passable un-maintained ivy / undergrowth.

Where we also note the conditions of the trees that required Crown Reduction and the trees that needed removal, 6 of for Crown Removal / pruning at the tops of, and 4 for removal.

We further note from the accompanying photographs and text on the 1<sup>st</sup> page of the survey that various trees have very large amounts of ivy growing both around them and up all of the trunks of these large, well-established trees, and at ground level across the whole of the site has been, as stated above un-maintained, even very badly maintained.

Which leaves us wondering how often, and how much the plot has been regularly, even sporadically looked after, in a variety of ways over the last 20 odd years??

Having noted these points in our Paper of Further Representations / Objections where we have deliberately used the full title, to object on these points alone, at the way the plot has obviously been neglected over a large period of time, by the applicants as the legal title holders.

Where we will say quite a bit more on this subject in the next sections of our Paper to the Review Panel, which we would ask the HCG to continue to note on these issues.

## **6. Representations on Notice of Review Document.**

We note that the registered address of the applicants on the 1<sup>st</sup> page of the Notice of Review is;

Flat 0/2,

174 Clarkston Road,

Glasgow,

G44 3DN.

We will make our reasons known for noting this point just very shortly, within this section of our Paper of Representations.

This may be an inappropriate point, but as the applicants now live up in Clarkston, Glasgow with this as their registered address on their appeal, we wish to ask the Review Panel why this appeal should be upheld by the applicants when they don't even live in Lochwinnoch anymore??

Where they have not done so for a number of years.

We are sure the applicants had good personal reasons for this move to Glasgow, but this still implies an absence of loyalty to a village and community that they lived in for many years??

These questions would be completely irrelevant if it were not for the fact that the applicants have, once again, applied for planning permission for this site.

It is only because of the planning permission appeal that we ask these questions.

To think otherwise would be to imply or think that people are not allowed to live where they chose to live, which would be a ludicrous suggestion, I am originally from the South side of Glasgow, but I (Eric ) personally chose to live, and plan to die in Lochwinnoch.

Furthermore, the note below is a copy of the text between S and I on Page 7 of this paper.

### S 3

Ps- I heard Louise had told a friend they'd sold their house in Lade Court and were renting till they built their house up at the woods, so she seemed to be confident that it would go ahead.

Which considering this 'house' has been very consistently objected to and refused by the council over all these years, this piece of gossip seems rather 'over-confident' on the part of Mrs Johnston??

On a more concrete note, we also wish to ask the applicants further questions in a similar vein??

After all these years of said objections and refusals of your plans for this site, apart from changes to the tree plan per the survey report;

1. Can you give us justifications for / valid reasons for why the Review Panel should now uphold this present planning application??
2. In light of the planning department decision, again for Refusal in 2023.
3. Thereby overturning the present planning department decision.
4. Which would also obviously overturn all the previous decisions made by the same department since your 1<sup>st</sup> planning application sometime just into the Millenium??
5. Which would obviously also make Null and Void all the previous Objections over this same time frame, by multiple objectors, of varying age groups including older ones like many of our present group who are now either approaching or in pensionable age, where some of us have been objecting over the last two decades.
6. Where even more so, again if this is a relevant point??

All of the objectors, past and present are obviously all Council Taxpayers, who because we choose to live in Lochwinnoch, we pay our Council tax to Renfrewshire Council as the Local Authority.

So, with all due respect, as you now live in Glasgow, thereby paying your Council Tax to the Glasgow authority, even more so why should the Renfrewshire Review Panel find in your favour, nullifying the wishes of all of these taxpayers, past and present over 20+ years.

This last inquiry might seem a very cheeky, very impertinent question, where we are most definitely not trying to place undue pressure on the Review Panel, where we expect their decisions will be fully impartial, but also meanwhile very fair in their judgement.

So all these questions are **directed solely** at the applicants, where we are interested to hear what their responses are in relation to all of the above questions, again in addition to any other questions we have asked the applicants throughout this paper, including the last one regarding council taxes.

Moving on from these possible mooted points, we would also like to ask further questions concerning this Review / Appeal.

Considering the level of objections from the community over many years, including the present one, and the fact that the Tree Condition Survey Report is now out-of-date, albeit by only 6 months from May this year;

Under the Review procedure part of the appeal, the LRB have accepted your suggestions that you as the applicants feel "is most appropriate for the handling of your Review".

So why have you as the applicants only asked for an Assessment of review documents only, with no further procedure??

Where also, you have made no statement in support of your Review for options 1 or 2, or even asked for a further Site Inspection.

Albeit the last Site Inspection was done only 9 months ago by Mr Weir.

If you as the applicants, feel that you have such a strong case by going to appeal on the Refusal, would a possible combination of procedures, as noted on the Notice of Review document, of Further written submissions, another Site Inspection, and said Assessment of review documents not have been more appropriate to your case for that appeal??

Surely you, as the applicants want to make your case as strong as possible by exploring all possible avenues to further your case, in asking the Review panel to overturn our objections in favour of your appeal??

**Or in an alternative scenario;**

As the applicants, you are very aware, that you actually have quite a weak case in only asking for an Assessment of review documents with no further procedure.

Where you may have been, and we emphasis 'may have been', advised by your Consultants that if you wish to go for a Review, this is the best / only option, that this is the minimum threshold for a Review, where the Review panel have no option but to agree to this 'paper' Review at its lowest level under appropriate legislation, to ensure that they, the Council are adhering to that legislation to ensure that you have been fairly treated within the legal guidelines under planning law.

So as we continue to ask, we are curious as to what replies to our queries you may give us on all of the above noted questions, under this section of our papers to your appeal??

Where, as we believe you do have a (fairly / very), weak case for appeal, we will outline in the next section of our Representations / Objections, the importance of the conditions of the trees, as the main grounds of Refusal by the planning department, where as far as we can see as the interested parties / objectors who all live in Lochwinnoch, the ground and surrounding growths, and more so the trees on which the grounds are sited, where there is an 'interdependent relationship' between the two, where the trees are obviously wholly dependent on these grounds, which need to be kept in decent condition for the good maintenance and management of the trees, as the main aspects of this woodland area.

## **7. Representations / Objections to the Planning Appeal Statement.**

Our representations / objections to the original planning application could be split roughly into 3 areas, i.e.,

1. Circumstances affecting the site itself, including the presence of the trees, wildlife that live on the grounds, birds that use this environment for feeding, nesting, hatching, etc, and various other aspects of a semi-urban woodland site like the one next to Auld Simon.
2. Auld Simon itself, or to give it its original name St John's Kirk, or the Kirk of St John which was dedicated to Saint John, where the name Johnshill comes from, or St Winnock's Church within the



Church of Scotland, dated from 1727-1729, all of which depends on different sites that we at looked at online.

The obvious historical significance of the church as the oldest building in the village.

Where the bell is an original from 1729 and the clock was added in about 1731.

3. How the development of this property could affect the surrounding existing properties, in various ways, of the close-by neighbours.

Where we by now all know, the grounds of Refusal were mainly based on the 1<sup>st</sup> two types of objections, where the trees were all Points 1-5, with Refusal including Auld Simon at Point 4.

So our objections were upheld on Points 1 and 2 as noted above, by the planning department, apart from the 3<sup>rd</sup> category which doesn't seem to have been included in the Refusal.

So the grounds for our original objections and the grounds for the Refusal were both very similar, albeit the Refusal largely quoted points of legislation which we expected it to do, as obviously planning officials are better versed in this type of law making, as opposed to the interested parties / objectors, who are mainly concerned lay-persons who value the 'gardens' for its intrinsic, environmental, and natural values to and for our small community in Lochwinnoch.

Which in the main part, is fine by us as the interested parties / objectors, where a Refusal is a Refusal, on whatever grounds that may be decided on by planning staff??

Where we as the interested parties / objectors obviously hope that these points of the Refusal will also be adequate to maintain this original decision by the planning department, for this present decision in 2023, which also seems similar to all previous Refusals over the long-term objection period.

Where the conditions of the trees are important to all parties concerned in this process, whether from an interested party / objector's, applicant's or officials point of view.

From the Tree Survey Report outlining the most professional opinion on the recent conditions of the site, (May 2022), in contrast to the Appeal Application Supplementary (proposed) Planting Plan, and the detailed Planning Appeal Statement, it is obvious that in these parts of your appeal, you have gone into some detail in support of that appeal.

In direct contrast to the existing state of the of both the ground that is covered in masses of ivy, with that same ivy growing up many of the trees, to at least average head height.

On a personal visit of the site on Wednesday on the 13<sup>th</sup> of December 2023 / the week of 1<sup>st</sup> submissions, I (Eric) walked around the iron fence and take a walk on the grounds, which I did at some risk, where I often found it difficult to keep my footing, due to the undulating ground, which is very uneven across the whole site, which could only be a hinderance for property development, adversely affecting the substantial tree root systems from the various large trees with their foundations underneath these hilly grounds.

I am 5 ft 5-6 inches in height, on tree trunks with ivy, it is well above my head height.

Where quite frankly, in all objective, impartial honesty the plot is in a seriously overgrown condition, which is easily visible even from some distance away, and when driving past the site in the car.

(Eric: Where I chose to take some videos of the site for my own personal reference).

(Note from Eric: For all parties reading this paper, we have chosen not to include these photographs, which were taken my own phone, as we plan to include them in further representations / objections and as part of a much wider photographic portfolio as an ongoing record of the physical conditions that exist at the site.)

Regarding the present conditions on the site, and your plans for the maintenance of the existing trees, as well as new planting on the site, strong contradictions of a paradoxical nature seem to exist on the site.

Where on the one hand, you claim / imply that you will sensitively care for and manage the existing tree outline, presumably pruning back and getting rid of lots of undergrowth, from both across the ground and well up beyond ground level.

Also and obviously to do the same regarding the ivy and other overgrown material up all the trucks of the surviving trees within the boundaries of the plot.

Yet on the other hand, the remaining trees are still all in a seriously overgrown state, where the ivy is still heavily present, even during the winter months where the ivy and undergrowth has reduced, but only because of the colder weather conditions coming up to the winter months within the next 9 days at the Winter Equinox, on the 22<sup>nd</sup> of December for this year.

Where obviously all of this growth that is presently dormant, will return again in the spring and summer months next year and beyond, probably in a worse state that it has been in previous years, as without proper care and management, all this growth is cumulative, especially over long periods of time.

Which is nothing to say of the 4 trees that had to be cut down this last summer due to the fact that they were heavily diseased, again per the Tree Survey Report.

So very frankly, which is it??

Is it care and maintenance of existing woodland, with new growth and planting??

But only if your appeal is successful??

Or

Is it allowing the plot to become more overgrowth, requiring more trees to be felled, etc, etc??

If your appeal is refused??

As witnessed by the lack of care for the plot, by yourselves as the Legal Title Owners over the last 20 odd years.

Where in fact, as the facts seem abundantly obvious, the trees have actually been your greatest hinderance to building any kind of property on this plot of woodland over all these years.

We contend as the interested parties / objectors, that in fact your lack of care and maintenance of the site has been a very deliberate part of a very long-term plan to build a house on this site??

By knowing and hoping that with the lack of your care of the site, the trees would eventually through time become diseased, ultimately requiring felling, thereby allowing you to build some kind of property on the site through extra space being created??

Where obviously, if the trees come down through said felling, the greater your chances, as the only applicants over 20 years as the only Legal Title Holders.

Furthermore, as the owners of the plot, no one else in Lochwinnoch is going to do anything about tidying up the site, where that is your prerogative / responsibility and no one else's.

Where all this is witnessed by the fact, that your latest original Planning Application that was submitted in May this year after, and I quote;

"Due to a major change on the site conditions, following previous objections in 2015, we met Planning Officer James Weir on site."

"After his email of 13.03.23, we came to the conclusion that a fresh application with a new approach could be considered favourably."

So for the HCG and the Review Panel, we ask you to note;

The 2 points to note here are;

1. "A major change on the site conditions."
2. "A new approach could be considered favourably."

On Point 1 that yet again we wish to state that these changes had occurred due to lack of care, maintenance, and management of the trees on the site in the long term 20-year period, resulting in Point 2, where "a new approach could be considered favourably."

Where this new approach consists of a smaller property, in the form of a small bungalow type cottage, as opposed to the 2-storey house, with up and down stairs, that the applicants thought would pass due to the similar type of brickwork to Auld Simon.

Which we still find , as oft stated before, highly objectional.

## **8. Our Conclusion of the Planning Appeal Statement.**

As our suppositions to the Planning Appeal Statement are largely contained in the previous section, the conclusions to us seem very obvious.

This situation is a 'Catch 22' situation for both the Applicants and us as the Objectors.

As the applicants have never been able to build on the plot, i.e., 'dead land' as we have previously mentioned, they have never really been interested in caring for the site as it should be and could be cared for.

Even more so now in the present as they presently now live up in Glasgow, with it obviously being further to travel to, as opposed to walking up the street from their previous home in the village.

They have only ever been interested in the site if / when they could build a property on it, contradicting and overturning the wishes of a long history of objectors within Lochwinnoch, where if they had tried approaching some of the neighbours in the local vicinity of 2 Johnshill, they might have met with slightly more success.

Which having spoken to most of the neighbours in the surrounding area, some of whom are elderly long-term residents, we very firmly believe would not have made the slightest bit of difference.

As far as we are aware this never actually previously happened, again as some of the residents in this area have lived in their homes since before the Johnstons put in their 1<sup>st</sup> Planning Application in the early Millenium.

Where we wish to make it absolutely clear, we do not wish to slander Mr and Mrs Johnston, but we no longer wish to see the plot left in its present state of extremely untidy, disrepair, when we feel very strongly that it could be put to much better use.

As the local community we have never been able to maintain the site either, which on reflection could be described as short sighted on our part, but again in a contradictory manner, it has been suggested that some locals did try to briefly maintain the site, but ironically enough, it has been suggested that the applicants also objected to this work being carried out by concerned local residents, who were upset and concerned about the state of the site a number of years ago.

So to the Million Dollar Question??

To try and resolve the Catch 22 Situation that both the applicants and we as the community of Lochwinnoch find ourselves in??

#### **9. Our Own Proposals for the Site at 2 Johnshill, East End, Lochwinnoch.**

So to move on to further our own proposals for 'Our Gardens'.

As an Elder and Worship leader in the Church of Scotland, I Praise and Thank the Good Lord that the staff and elected officials of Renfrewshire Council have seen fit to reject the applicants' proposals for the site over a long period of time, thereby leaving the possibilities of our community being able to develop the plot in a careful, considerate, sensitive manner that is in keeping with Renfrewshire Council's Environmental and Sustainable programmes.

In a manner that is similar to the proposals / ideas for the Lochwinnoch Community Development Trust, (LCDT), site at Lochhead Gardens, which we as a group of volunteers / amateur gardeners would bring "S's and Auld Simon's Garden's" to a state of a beautiful, blossoming Woodland Garden. Where, especially with the guidance of S, who loves the ground, in case the LRB Review Panel need reminding of this point??

Where if possible we would also approach Renfrewshire Council to ask about a Community Asset Transfer, (CAT) as we may have mentioned in other previous parts of our Representations, again in a similar manner to the way the LCDT have sought one for Lochhead Gardens.

**NB:** Where we as the interested parties / objectors have privately discussed this idea of a CAT, I (Eric) casually and briefly spoke to one of the local Councillors for the first time ever on this issue, on the afternoon of Wednesday 13<sup>th</sup> of December 2023 regarding this idea, who certainly didn't poo-poo me on it, and who seemed to consider it a reasonable option, for a site of council owned land that has lain unused for a long time, similar to the Lochhead Gardens site.

As a group of concerned locals or 'redevelopment interested parties', if we were able to get a CAT from RC for this part of the woodland area, it would obviously and dramatically increase the size of the area for said redevelopment as the woodland garden.

Where we would even consider making enquiries about the plot of land across from the application site, the lane known as 'Skipper's Path' going down to Gates Road, at the left side of Skipper's Path, where the lane as a Public Right of Way that runs from East End to Gates Road.

This area of land has, like other plots of land in this area of the Lochwinnoch has remained unused for many years in a very overgrown state of ground growth, shrubbery, and trees, which is also very unsightly to the local residents.

Like the application site, it could also be described as 'dead land'.

The 'Skipper's Path Site' is enclosed on 4 sides, with no legal vehicular access, where a number of developers have looked at it over a long number of years, and discounted it for any kind of property development, due to the lack of this access.

Any of this, in part or whole, RC owned land or Skipper's Path would obviously dramatically increase the area of the 'Woodland Gardens', which would considerably widen the scope of activities that we would be able to undertake within this woodland space.

Where if we were given a CAT, we would seek the opinions of the owners of the garages on the council owned land, even if they are mainly run down.

Where furthermore, these proposals seems to fit in with Scottish Government, (SG) Legislation of June 2018, with the;

'Community right to buy abandoned, neglected or detrimental land, (ANDL).

Where we would explore the possibilities of these proposals and form the necessary and relevant community bodies to allow these proposals to come to fruition.

If all these ideas came together, to bring all this land / these plots into community ownership this would be a huge undertaking for us as a community.

Where, very, very importantly the present application site, whilst not physically so, would be a very central and strategic part of these proposals to completely regenerate this whole area of the East End part of the village of Lochwinnoch.

Where absolutely, none, none of this area could ever be considered or given up for any kind of property development.

Where we would expect to have, if necessary, full Title Deeds drawn up, or some kind of Statement of Intent, where one of the preconditions to that title / Intent would be the express statement that all of this extended site would remain as 'green land' in perpetuity, for the permanent benefits, for both the present and future residents of Lochwinnoch.

Where we would take into full consideration on our part, as we are asking the LRB to do regarding this continued Refusal of this appeal, the thoughts and opinions of the surrounding neighbours and residents of the village, if necessary, e.g., by having public meetings to highlight our proposals.

As Papers of Further Objections and Representations to the LRB Review Panel were submitted last night by email to Mr. Robert Devine as a Senior Official of RC, it is only this morning since these submissions last night that we have thought about these ideas after very brief but very hurried discussions on this, where we very importantly feel are central to our Further Representations and Further Objections to the LRB Panel Review at the end of next month.

So in spite of / whilst these ideas / proposals have not formed a central plank of our original papers, within Mr Devine's email stating that any more Further Representations / Objections should be submitted to the Head of Corporate Governance before 3.55pm tomorrow Friday 15<sup>th</sup> of December 2023 as the deadline for paper submissions, we now ask the HCG, the LRB, and the Review Panel of



Elected Officials, or Elected Councillors to take note of these proposals before and during the LRB hearing on the 30<sup>th</sup> of January next year.

By giving our proposals their full consideration in relation to both the application site, and the wider considerations / implications that the Status Quo remains intact, where the decision of the Planning Department from the 8<sup>th</sup> of September 2023 be upheld by the LRB Review Panel, to allow us as the interested parties and objectors to explore the future of our wide range of ideas to allow natural development of this area of the East End of Lochwinnoch.

Without the detrimental effects of a new property, as proposed by the applicants sitting within our own enlarged proposed woodland development site, where as we have stated on numerous occasions now during the length of these Papers, to once again 'strike down' the proposals by the applicants, which are completely at odds with our own natural development of the area, to the benefits of the complete and whole population of Lochwinnoch and beyond into the wider community in Greater Glasgow, Renfrewshire and North Ayrshire, within Muirshiel Regional Park where this natural 'woodland area' or S's & Auld Simon's Woodland Garden would be completely open to all sections of all communities, thereby hopefully increasing visitor numbers to Lochwinnoch, and Renfrewshire in general.

Whereas we are sure, as the Staff / Elected Officials of RC all know, we get large numbers of visitors from across the, e.g., Greater Glasgow area, and from Kilmarnock in East Ayrshire, with School parties on Castle Semple Loch, Less-Able-Bodied Children in wheelchairs, or more mobile Children / Teenagers with 'Special Needs', coming to Muirshiel Regional Park.

(Excuse me / Eric as one of the authors and writers of this paper getting a bit caught up in all these proposals / ideas.)

**In the meantime, to return to the present issue;**

As I / Eric and My Wife hope / plan to live close by in the years to come, with my In-Laws presently reside in the vicinity and many of the objectors also living close to the site, it would be wonderful to be living nearby to these 'gardens', knowing that we had managed to save them from any form of development, and that hopefully, for many generations to come, all sorts of people would get lots of pleasure and educational benefits from having the 'gardens' in this part of Lochwinnoch, similar but different to Lochhead Gardens at the other end of the village.

Where, it seems blindingly obvious to us as the interested parties, some of the most important of these groups would be the local schoolchildren, mainly from Lochwinnoch Primary School, but also from other Primary and Secondary Schools in the area if they wished to come visit (either) site at Lochhead or S's & Auld Simon's Gardens'??

Where we personally envisage that our project may have somewhat wilder aspects to it's development, to differentiate it from Lochhead Gardens to teach, especially the children, different aspects of flora and fauna, teaching them about the trees, and hopefully / possibly small wild animals who take up residence in a slightly wilder garden site.

Where the ideas and possibilities seem endless, in this bigger 'garden' site if we able to get a CAT from RC, where to re-assure council officials and staff, we would wish to naturally develop that piece of land in a similar manner to the site at 2 Johnshill, where we would welcome site visitations from council staff to appraise them of our progress on the CAT site, and the whole site generally.

# **10. Final Conclusion to this Paper for the LRB and the HCG, of Further Objections and Representations in relation to this Planning Appeal by the Applicant, Mr David Johnston.**

In asking for this Notice of Review with the LRB, thereby highlighting the conditions that presently exist on the planning / application site, many of our group felt that Mr And Mrs Johnston have actually done us, our group / our village / our community in Lochwinnoch an unforeseen, unintended, backhanded favour.

By bringing to our attention, in the “full glaring light of day” to the conditions that presently exist on the site of S’s beloved ‘Woodland Garden’.

If anyone on the Review Panel doubts what we are saying, then we would like to invite you down to Lochwinnoch for an anonymous visit to examine for yourself the conditions on this plot, one of the last plots of woodland in a fairly built-up area, within a rural village.

Where it also seems that the site across from the oldest building in Lochwinnoch, and a Holy Place of Worship as the remains of an ancient church, is only / has only ever been any good to the applicants if they were going to be able to build a property on it.

At this point in this Paper of Representations / Objections, we as the ‘interested parties’ wish all other parties to note that, in case it is in any doubt, that once again we object to any development on this site in the strongest possible terms.

With no caveats or compromises on our part re any form of house building or development of any kind, however small or aesthetic this may be.

The site has been a natural woodland for nearly 170 years, can we just leave it that way Please, for the benefits of this community.

In spite of the conditions that the applicants have left the plot in, over many years, we also feel compassion for them, where we fully acknowledge, realise and understand that Mr and Mrs Johnston have also held this dream close to their hearts for many years.

However, that does not compromise our intentions to bring this plot back into community ownership, where this seems to be a very black and white scenario, with very little grey area in-between their proposals and ours.

Where we feel that after 20 plus years of sustained upheld objections, within the last 170 years, that the site / plot / gardens themselves have waited long enough for someone to take decent care of them, in a manner appropriate to the surrounding, natural, God / Holy-Spirit Protected Area, where “Thy Will Be Done”, Not my will, But Thy Will, as The Will of God that seems to have keeping them waiting for someone to look after them.

With as we have now stated on numerous occasions, the obvious enduring support of Renfrewshire Council Local Authority.

When the LRB Review Panel make a ruling on this Appeal at the end of next month, if the LRB upholds the decision of their Planning Department, we will obviously be very, very grateful.

We do not wish to consider the other possibility at this point in time.

If the Appeal is again Refused like previous long-term decisions, Mr and Mrs Johnston obviously have a choice to make, both individually and together??

If they choose to accept the decision of the Review Panel, then we will enter into negotiations with them as soon as they are ready, to bring the Title Deeds back into Community Ownership.

Where we would compromise as much as possible with them through appointed lawyers, short of any future development on the site.

Even to the point of entering into financial talks with them regarding the site??

Where we would be prepared to wait an appropriate and discrete length of time to let them catch their breath, so to speak.

However should the applicants refuse to accept the ruling of the Appeal Body, we want them to understand, in no uncertain terms, that we will fight them absolutely every step of the way should they decide to appeal to any higher authority than the one they have already just had a ruling from.

Where we in no way wish to look as if we are blackmailing the applicants into withdrawing their case, but we wish them to clearly understand what **our** intentions are for the future??

Where we very, very firmly believe even now, **that whilst we are being very, very cautious and very, careful**, we also believe that we have an excellent chance of winning our case with the Review Panel.

Where we also believe, should it be necessary, that we can also win any future case to any higher authority if you should decide to go there??

But we'll leave this decision up to you, obviously depending on the decision of the Review Panel.

In the final part of this text we sincerely hope that we have presented a very strong case to the Review Panel to, once again reject and Refuse the Development Appeal by the applicants, in line with the decision by your associated Planning Department decision in September this year, and the Review Panel's decision at the end of January 2024.

We acknowledge that the applicants will respond to these Further Objections and Representations, and we await their responses to these Representations.

Where we will, once again, respond in a similar manner to the Applicants' own Representations.

Considering how very long this Representations Paper is, we wish to thank all everyone who has to read through this document.

We as the Interested Parties / Objectors do realise that this paper is a very, very long read in representing our case, and in some parts the reader may find it a bit boring or losing the thread of our arguments.

Or for where the paper, throughout its length is also very repetitive.

If this is the case for anyone, we would like to sincerely apologise.

However we have tried to make our case as strong as we can possibly make it, hence the length of it, by going through all of documents provided by both the applicants and Renfrewshire Council and trying to address each of the sections of these documents in very fine detail.

Hoping that You all have a Lovely Christmas

Regards and Best Wishes

From (Eric the Auld Gasbag) and The Team for S's & Auld Simon's 'Garden's'

## References

Other than three brief online references regarding Auld Simon and Scottish Government Legislation, nothing other than the paperwork / documents provided by the Planning Department, no other documents were used to reference any part of this Paper of Representations.

Therefore no Reference List is required in any form of an academic manner.

## Final Personal Notes:

Should anyone wish to contact me for any reason, regarding any of the contents within this Paper of Objections and Representations??

My contact details are below, at the end of this paragraph.

I also publicly wish to thank everyone who contributed towards this Paper of Further Objections and Representations, especially S for all the back and forward text messages, and M, for the ideas you gave me / us, and provided a bit of leadership, especially during our meetings, but also generally.

We were "lucky" that the right people appeared at the right time.

Where I just happened to be the one who had the time to word process this very lengthy document, my apologies to everyone reading all this as it is rather repetitive in some areas. It was a bit difficult at times to keep track of what I /we were trying to get down on paper from our discussions and texts, etc.

I shall thank you all privately for your input, but for reasons of confidentiality I don't want to name any of you publicly.

As you will all read this paper I am really pleased that we managed to get together so quickly to form this small group, where hopefully we will be able to enlarge the group further and gain more input from other people.

Some of the brainstorming sessions were really good fun and a good laugh, that was the part that I personally enjoyed the most by meeting other people that I had never met before, especially with a common purpose in mind regarding this Review / Appeal Notice.

Auld windbag that I am, away I all hear you laughing, you're not a windbag Eric, Ha! Ha! Ha!

I could say more of course, but I'll leave it there, as I really think I've said enough.

So I hope you all have a lovely Christmas.

Relax and enjoy yourselves after all this marathon 2 weeks.

My contact details are;

M: [REDACTED]

Email:

[REDACTED]

For the Attn of;  
Mr Robert Devine  
Renfrewshire Council  
Renfrewshire House  
1 Cotton Street  
Paisley.  
PA1 1WB.  
Friday 15<sup>th</sup> of December 2023.

Planning Application: 23/0179/PP. By Mr David Johnston.  
For the Site of 2 Johnshill, East End, Lochwinnoch.  
Appeal / Review of this Planning Application by the Local Review Board, (LRB).  
To be heard by the LRB on the 30<sup>th</sup> of January 2024

FN: ANNISTE HEBURN  
A1: 12 ST. WINNOC RD, LOCHWINNOCH  
A:  
PC: PA12 4ET

Dear Mr Devine,

I am aware that the Renfrewshire Council Planning Department **REFUSED** this Planning Application, as noted above, on the 8<sup>th</sup> of September 2023.

I am also aware that the applicant, Mr Johnstone appealed this decision for a Notice of Review, which Mr Devine notified Objectors to, on the 1<sup>st</sup> of December 2023, which included Mr Beattie.

Since the 1<sup>st</sup> of December I am aware that Mr Eric C. Beattie of 34 High St Lochwinnoch PA12 4AA has regularly been in touch with you by email regarding Further Objections and Representations to this Review / Appeal.

Where he has, for himself and others, as both objectors and Interested Parties, made out the main papers of these Objections / Representations.

I now ask you to note that I have freely and willingly asked Eric to submit these Representations / Objections to Renfrewshire Council, as either an Original Objector or an Interested Party.

Where I wish the Local Review Body, (LRB) to take note of these Further Objections and Representations into their consideration on the 30<sup>th</sup> of January 2024, when the LRB Review Panel will consider the appeal by the Applicant, Mr Johnston.

Regards

  
Signature of Objector / Interested Party.

Witnessed by. (If a Witness is available.)



HEAD OF CORPORATE GOVERNANCE

RENFREWSHIRE COUNCIL

FINANCE AND RESOURCES

RENFREWSHIRE HOUSE

PAISLEY

PA1 1TR.

REGARDING

PLANNING APPLICATION 23/0179/PP

BY MR DAVID JOHNSTONE.

LOCAL REVIEW BOARD

NOTICE OF REVIEW

30<sup>TH</sup> OF JANUARY 2024.

PAPERS OF FURTHER REPRESENTATIONS AND  
OBJECTIONS IN RELATION TO THIS REVIEW.

FROM THE (CONCERNED) RESIDENTS OF  
LOCHWINNOCH.

1.P.

Head of Corporate Governance,  
Renfrewshire Council,  
Finance and Resources,  
Renfrewshire House,  
Paisley,  
PA1 1TR.

N ANNETTE HEPBURN  
A 12 ST WINNOC RD, LOCHWINNOCH  
A  
P PA12 4ET

Thursday 14<sup>th</sup> of December 2023.

(Will all Individuals please note that the Head of Corporate Governance will ignore your representations/objections if you have not filled in your personal details with your Name and Address, etc, as above).

Planning Application: 23 /0179/PP.

Erection of single storey dwellinghouses and associated works,

On the Eastern Boundary Of No. 2 Johnshill, East End, Lochwinnoch,

By Mr. David Johnston.

For the Head of Corporate Governance in relation to Notice of Review to this Planning Application.

Relating to the meeting of the Local Review Body, (LRB) for this Notice of Review to be held at 2pm on the 30<sup>th</sup> of January 2024, in Renfrewshire House, Cotton Street, Paisley.

On the grounds of the Letters of Representations – Council Decision, as noted in the letters posted out to individuals, dated 8<sup>th</sup> September 2023, who objected to this Planning Application, where; ‘the application together with your representations was considered by the Council on the 8<sup>th</sup> of September’.

Where the decision of the council was;

REFUSE Consent subject to the reasons.

As noted in the accompanying letter,

Ref. 23/0179/PP.

CONDITIONS AND/OR REASONS ATTACHED TO THIS DECISION.

**For the Attention of The Head of Corporate Governance.**

**Dear Sir / Madam,**

**List of Contents for this Paper of Representations/Objections**

- 1. The Interested Parties Initial statement to the Planning Review Panel.**
- 2. Statements, Questions and Representations from the Objectors to the Johnstons regarding this Planning Review / Appeal??**
- 3. A Recent History of the Site: How we got to where we are, from 1991 to 2023.**
- 4. Objections and Further Representations to the Original Planning Application.**
- 5. Representations on the Tree Report.**
- 6. Notice of Review Document.**
- 7. Representations to the Planning Appeal Statement.**
- 8. Our Conclusion to the Planning Appeal Statement**
- 9. Our Own Proposals for the Site at 2 Johnshill, East End, Lochwinnoch.**
- 10. Final Conclusion to this Paper of Further Objections and Representations in relation to this Planning Appeal by the Applicant, Mr David Johnston.**

**1. The Interested parties Initial statement to the Planning Review Panel.**

Will the Head of Corporate Governance, hereby abbreviated to HCG, please note that we wish to make Representations/Objections in relation to the above Planning Review Appeal by the LRB, as an 'Interested Party'.

Where we hope that the HCG will note these reservations in relation to the Review Panel meeting on the noted date will also take these Representations into their considerations and deliberations when making a judgement on this Notice of Review / Appeal by the Applicants, to the LRB.

Where we wish the HCG to note that we do so in the strongest possible terms regarding this Review, not just on the grounds on which the appeal has been based, but across all possible areas of both the original planning application and the associated review.

In previous applications by Mr and Mrs Johnston, we, as interested parties have asked for all previous objections and representations to be taken into consideration regarding any present application, where historically, as far as we are aware, the Johnstons, have been the only applicants to ever apply for planning permissions for this particular site??

Where very importantly, to support our case as the interested parties, various individuals and groups in Lochwinnoch have shown a consistent pattern of objections to the planning applications by this couple over the last 20+ years.



Where, very obviously we wish the 'Woodland Garden' / Area of Woods at 2 Johnshill, East End, Lochwinnoch, across from / in very close proximity to Auld Simon, as the oldest building in Lochwinnoch, for the woodland to remain in its present state, without any property development by these applicants.

***Furthermore, after 20+ years of applications by the Johnstons, we strongly and firmly believe that we have reached an impasse in relation to this situation??***

Approximately every several years just over the last 2 decades, the Johnstons have put in an application for planning permission, and we, the objectors and interested parties have responded and objected to these applications for development on this site.

Where Renfrewshire Council staff and elected officials have consistently supported us in our objections to these applications, by also consistently refusing planning permission for this valued and treasured site within our village, where we wish to record our gratitude for these efforts, where we are very grateful to these individuals over the last 20+ years in their continued support.

For if it was not for this continuous support, we would not be here today, where once again we find ourselves having to object and make representations to this Review / Appeal by Mr and Mrs Johnston.

In spite of our opposition to these continuous Planning Applications we therefore acknowledge that this has cost the Johnstons a lot of money, time and effort in pursuing their case, as well as a lot of corresponding time and effort on our part as the objectors.

To say nothing of the time that the planning department and to a lesser extent the time and deliberations that Councillors on the review panel spend on this issue.

***So in an effort to resolve this situation to the benefit of all parties concerned, i.e., applicants, objectors, Renfrewshire Council Planning Department, Councillors on the review panel, as well as the HCG, in his considerations on this issue, we would like to set out alternative proposals for the site, which can already probably be guessed at by all concerned??***

We will briefly outline these alternative proposals as noted immediately below and elaborate further throughout this Paper of Further Objections and Representations, and towards the end of this paper in our Conclusion.

We acknowledge that this scenario may not be acceptable to Mr and Mrs Johnston in the first instance, as they have held this dream for many years, but as they lived amongst us for many years in our very beautiful village of Lochwinnoch, where they were friendly and friends with, and well known to many of us, where I personally, (Eric) had mutual friends with them.

Where we as the objectors would seriously like to ask them to consider what we propose at some length, as opposed to dismissing our ideas in a knee-jerk type of reaction??

We also recognise that, as stated earlier, that this couple have put a lot of time, effort and expense into their planning applications, but after 20+ years of objections, we would ask them to finally recognise that as a community / the village / Lochwinnoch does not and will not / never accept their proposals for this site.

Whilst some individuals in the village may accept their proposals with their present plans for a property that is visually and aesthetically pleasing in relation to, and the closeness of Auld Simon,

many more people will not, especially neighbours in the surrounding vicinity of the plot, i.e., in Johnshill, East End, St Winnoc Road, Gates Road, and various parts of High Street.

## ***2. Statements, Questions and Representations from the Objectors to the Johnstons regarding this Planning Review / Appeal??***

All of the above then leads us to ask the following questions of Mr and Mrs Johnston??

When are you finally going to accept that your planning applications for this site are absolutely not acceptable to many of residents in Lochwinnoch??

Otherwise, why has there been 20 odd years of objections to your proposals, every time you apply??

No matter how nice or pleasing to the human eye your proposed property may look on this occasion, especially in relation to Auld Simon, like previous plans, it is still not in any way acceptable to the majority of our community in Lochwinnoch.

Where this small woodland area, that has been a precious woodland just off the centre of Lochwinnoch, for approximately for the last 165-170 years, should / could / must remain a 'Woodland Garden', enhancing the local environment / surrounding area, to the benefits of the trees, local flora and fauna, wildlife, roosting birds of all kinds and especially rooks.

Without absolutely any property being built upon it.

Where ultimately all of the above, intangibly enhances and enriches the lives of the human beings who live close by this plot, and any other green spaces, both within Lochwinnoch and outside it.

As a rural village in South Renfrewshire, which we feel is the last real village that is separate from other communities, which is not a suburb of Johnstone or Paisley, as the build-up area has extended ever outwards over the years.

Which is very much obviously why Renfrewshire Council has dependably supported our objections over the last 2 decades, as the benefits of green spaces and closeness to nature are very well, and scientifically recognised, in regard to both physical and especially, mental health.

**So really, in this part of our Representations, in our own way we are also lodging an appeal, as we are appealing to your better natures, Mr And Mrs Johnston??**

**To let all this go, for your own benefit and peace of mind, as well as ours as a group of objectors.**

And ultimately, for the benefit of Lochwinnoch as a community, which you obviously love, and loved, as you lived here for many years.

Where for you to try and accept that there will always be a group of interested parties / objectors in Lochwinnoch, with hopefully, as noted above, the continuing, ongoing support of Renfrewshire Council, where some concerned individuals, as individuals or in groups will always object to your plans for this site.

Where today it is our group who are objecting / making representations, tomorrow it will be someone else, and another group.

(Personal note from Eric)

(Please do not misunderstand me, as there is absolutely nothing personal in all this, along with many others we just completely disagree with your proposals for the 'Woodland Garden' and have done so for many years).

(Where my / our personal reasons for our representations / objections are completely altruistic, to the benefits of my / our community, where we represent the wishes our community, in my (Eric's) personal case my elderly relatives live in close proximity to Auld Simon / Johnshill / East End, where I have been asked to deal with this on behalf of all my family, as well as my own very strong beliefs in what we are doing).

Ultimately this situation reminds us of the Burnfield Road / Playing field site, with planning applications by Stuart Milne Developers, at the end of Newton of Barr, Lochwinnoch.

Where in this case, the Community Council have mounted a very focused, consistent campaign by this developer, sustained over a number of years, where ironically, this is a shorter time span than the one we have mounted against your own proposals.

Where both developers, regardless of size, both own the prospective sites, but cannot do anything with them, due to the number of representations / objections Renfrewshire Council (RC) have received over the years, from Lochwinnoch residents.

Where the term 'Dead Land' could be used to describe both sites.

Where it seems you are stuck with a possible development site that you can't do anything with??

Hence the nickname of 'dead land'.

To continue with these objections and representations, as noted above, we will further outline our proposals for the site towards the end of this paper.

### **3. A Recent History of the Site: How we got to where we are, from 1991 to 2023.**

In the early 1990's S, who has lived in Lochwinnoch for at least 30+ years wanted to further develop the application site into a 'Woodland Garden', where the site had and still has to the present day has become naturally overgrown, per the applicants' paperwork showing the Ordnance Survey Map of 1856, so over approximately the last 135-140 years in 1990-93, plus another 30 years to the present.

So in total the site has therefore been undisturbed for approximately the last 165-170 years.

The following pages are copied from messages between Ms S and me to show the review panel the 'more recent' history of what has happened over the last 30 odd years regarding this plot of woodland at 2 Johnshill / East End.

I have only altered the text to tidy it up, and have been very careful to preserve the anonymity of Ms S, even although I'm sure the Johnstons know who / remember who this lady is??

**Eric**

Thanks for getting back to me S.

I'm really just looking for the process that was involved, that you went through, and the time frame /

dates involved.

I didn't realise the lawyers were involved though, I've never really understood why the Johnstons keep on applying to build on the site, but by the sound of it they have legal rights / title to it?? Which explains why they have kept on applying to build on it over the last 20 odd years x 3-4 times. The situation reminds me of Burnfoot Rd then, they own it, but can't use it as locals keep on objecting to their planning applications??

As I recall they supposedly fenced it off, supposedly maintained it for a number of years, and then claimed legal rights to it??

If you fill in some gaps for me re how long ago you were at the lawyers, that would help.

## S 1

I laid claim to the land around 1991/92.

My then lawyer did a land search and found no record of ownership, he told me to occupy the land and look after it for 10 years and if it was uncontested, it would be mine. I did this at considerable expense, fencing it off, having dead trees felled etc, but only after I got council approval.

During the 10 years, Louise Johnson started her own claim, but I was told by my lawyer I had prior claim so not to worry. When my 10 years were up, I contacted my then lawyer, I'd changed to a different firm by then to ask how to conclude the claim -she said I didn't have to do anything as it was now mine.

However it appears that wasn't the case and Mrs Johnson saw her chance and pursued her claim. By this time I'd built a shed on the plot and was making it into a woodland garden but basically I had to get off the land, remove the shed and that was it. It was heartbreaking at the time, but there didn't appear to be anything else I could do.

Unfortunately I left it too long to complain to the Law Society, so I just had to let it go.

## Eric

A quick couple of questions that I mentioned yesterday??

Do you remember more accurately when Louise Johnson put her original claim in during the 10-year period??

Any idea when she further pursued her own claim??

I'm presuming that this was after about 2001-2003??

## S 2

I've found the "Woods File".

I first enquired about the plot in Feb 1993, and it looks like my claim dates from March 1993.

I then set to work having it fenced off by Alter Landscapes, employing a Tree Surgeon to assess the plot then paying him to make the plot safe, which included having some dead elm trees felled because they were dangerous. I had to apply for permission from Renfrewshire Council for that work to be done, even providing photographic evidence that one tree had actually fallen in high winds. This cost me a lot of money.

I was then worried about the spikes on the original iron fence at the front and my lawyer advised me to remove them to avoid public injury, this I did, all 239 with a hacksaw as I recall as I didn't own a Stihl Saw.

I also took out public liability insurance. Ironically, the Council refused permission to have the canopy overhanging the pavement to be cut back even though it forced pedestrians to walk on the road in summer, which worried me.

When the owner of one of the neighbouring garages expressed concern about overhanging branches I had them professionally removed.

I loved the ground, worked on it and my children and dogs shared it with me where I had all sorts of dream for the plot.

Anyway Louise Johnston applied for planning permission 2002 and was refused then, they had laid claim to the land. I was advised that I had prior claim so not to worry, the rest is within what I've already sent you.

Like I said, I thought all was well till Louise approached me when I was gardening at the plot Spring 2009 and told me I had to leave as the ground was theirs and they were "going to build a house ". I've never fully understood what happened, but it appears they did nothing illegal, saw their chance and followed it through.

To summarize, their first attempt at receiving planning permission appears to have been made in early 2002 , which I suppose is the main point. I think at least more than one has been made since then.

### S 3

Ps- I heard Louise had told a friend they'd sold their house in Lade Court and were renting till they built their house up at the woods, so she seemed to be confident that it would go ahead.

Eric

Morning S,

No I fully realise that you have not accused them of any illegal practices.

Where nothing illegal has been done anyway, as they have included a copy of the land certificate showing ownership.

As I've said previously, I've never understood why they kept on applying for planning permission for the site, but this is now obvious as they own it.

Where this can be very expensive, as they have now applied for planning permission 3-4 times over said 20+ years.

Considering that the villagers have consistently objected to their proposals over this period, and the council planning department have also consistently upheld the objections by their refusals, I personally think the Johnsons have been, and are being very naive.

Again it's similar to Burnfield Rd, they might own the land but can't get permission to build on it, it's "dead land" so to speak.

I'm not sure if you realise but all the previous objections are very important, where we as the objectors can ask that all of this historical information be taken into consideration for this present application and appeal, it obviously shows a consistent pattern of objections over a long period of time.

I hope some of this reassures you about what happens next, but my apologies if it also brings up painful memories for you, as you very obviously loved this area of woodland years ago, and still do in the present.

Personally the Johnsons have actually done me / us a back handed favour, by giving me a wake-up call re all this, & motivating me to do something about it, to protect this historical, natural site for Lochwinnoch and the villagers.

Where if the Review panel are consistent with previous decisions??, I would personally hope to bring this plot back into public ownership by whatever means we can get it back, where we can manage this plot and keep it in the natural state that it has been in for the last 160+ years, for the benefit of everyone in Lochwinnoch, as a beautiful, natural Woodland Garden.

Where hopefully the Johnstons have done us all a big favour by appealing this council decision by settling these issues to the benefit of all parties, the community in Lochwinnoch, the Johnstons, and Renfrewshire Council ??

#### S 4

That's reminded of what happened legally, as I understand it my name was entered on the old Land Register, it should also have been put on the new one, that's how I lost the ground because my lawyer didn't do that.

Eric

All of this hassle over all these years because of one simple legal mistake.

Which would probably have taken an hour or two of work to do.

The lawyer was lucky that you didn't make a complaint to the Law Society, as you certainly had grounds to do so.

When I think about it, I was forgetting my manners.

To ask you for permission to put your story in my own paperwork???

I would be careful to maintain confidentiality, & reword your text if necessary, & use only letters like WG for Woodland Garden so that you could not be identified in any way.

The councillors wouldn't be interested anyway, although the Johnstons will likely remember??

Your story is the basis of all of this & I feel very important to our own appeal, which I / we will use to highlight why the site must be left in its present state, so that we as a community in Lochwinnoch can maintain and manage it, and really improve upon it, in a similar manner to what the LCDT are doing with Lochhead Gardens.

Even to the point of involving the LCDT for help re various aspects of these ideas & asking RC for a Community Asset Transfer, (CAT), to extend the plot with the council owned land to the rear of the garden in a similar way to the application the LCDT have done for Lochhead Gardens.

Furthermore it fundamentally shows how right from the time that even before the Johnsons made a claim to this plot, that your plans for it were the foundations of all the objections that have followed over the last 30+ years, to the present.

And into the future, if / when, as I've said above where we hopefully bring the plot back into common law, common sense, community ownership.

Which if you are still interested in, I personally hope that you would still like to be involved in?? This was your dream 30+++ years ago, after all.

So I am really hoping that you are okay with me using your story.

To be honest, personally , I like the sound of S's Garden, L Gardens, or Auld Simon's Garden???

## S 5

Well at the time I was in the process of leaving J, plus a solicitor acquaintance of mine told me she didn't think I had " what it would take", financially or otherwise to fight it, nor was there any point in complaining so I let it go. I'd have loved to have built a tiny wee L- shaped hoose there and see out my days but I always knew that would never be possible without felling healthy trees.

(NB from Eric: The fact that S had thought of building a small house on the plot in no way justifies the planning applications that the Johnstons have submitted over the years. Note the fact that S also acknowledges that healthy trees would have to be felled / sacrificed to build any property).

(Where I chose to leave this text in this part of our objections to highlight the fact that S had realised that building a property on the site was not possible).

Imagine the joy I felt when I had my wee shed built!

Anyway, back to present times and I must admit you've now got me interested in the idea of a Community Garden. I also always knew the plot was too big for me to look after it properly. There were actually some people who referred to it as S's Woods!!

God moves in mysterious ways I have found and if what I want is right, it tends to happen eventually. I would like to be involved in what goes on in the future. By the way , I'm happy to be named personally in the proceedings as I'm confident I haven't falsely accused anyone of anything, my only worry would be lawyer although I haven't named them in any of my communications with you.

There is still a chance that I've misunderstood events! Meanwhile I'll just allow myself to dream of the woodland garden. Oh, btw, there are remains of what appears to be a stone wall / foundations within the ground- I used to sit on them while I had my tea break- I'm sure you've examined the history of the area. x

## S6

Already thinking of projects to open people's eyes to what can be achieved plant wise, there's a lovely " feel" up there. I don't think Mrs Johnston would know what I mean, don't think she would understand my love for the place, but maybe I'm wrong.

Just another piece of info which might explain a lot.

I had the ground professionally valued sometime during the 2000's, as I have the papers somewhere I think. If I remember correctly, it was valued at £65k if outline planning permission was obtained, which of course would involve removal of trees. I did that out of curiosity as I always knew trees would have to go and I wasn't prepared to do that, so it was a dead end.

(2<sup>nd</sup> Note from Eric: As we would obviously not be seeking to build or develop the gardens in this way, on a 'dead plot of land', by asking for planning permission, which negates our complete and whole ambitions for the site, we would want to have the plot evaluated and priced as a garden plot).

Come to think of it, that would be a driving force for other people??

I'll shut up now- things keep coming back to me. Now that I understand your motivations , I'd be happy to meet with you in the New Year and show you the " S's Woods " files ! Till then ...

S7

Ps: I didn't do it before because I thought it would just look like sour grapes, and of course there is a small element of that, that has gone with the passage of time now that I am older and hopefully a bit wiser, but I can now see better reasons for objecting to their plans.

All of this text is rather long winded, but we have chosen to include it to emphasis the recent history of the site and the love and affection which many people in Lochwinnoch feel for the 'Woodland Garden', especially S, who still dreams of what is possible for 'her gardens' 30+ years later.

Where paradoxically to S's, and numerous other villagers' wishes for the 'gardens', like the Johnstons, (where again, within this extremely long paper, again at the risk of repeating oneself, we fully acknowledge their wishes to build on the site re their various planning applications), where they have also spent a lot of their own money in trying to develop the site, albeit it we obviously disagree and object in the strongest possible terms to the applicants building a property in this area of woodland.

Where we also strongly believe this is the wrong type of development for one of the last areas of woodland within our village, that has taken many years to naturally develop, albeit it is now overgrown, needing care and maintenance from interested parties.

#### **4. Objections and Further Representations to the Original Planning Application.**

In the Pre-Application Discussion Details Cont. section of the above, we note that there was "a major change on the site conditions", after Mr Weir's email of the 13.03.23, where the Johnstons thought that a "fresh application with a new approach" could be possible.

So per the Tree Condition Survey that the Johnstons had requested in May 2022, followed by Mr Weir noting changes to the tree plan in his email of March 2023, presumably that 4 of the trees would have to be felled, etc, that the planning department still refused the Johnstons latest planning application.

Where if the Johnstons had been more proactive with better conservation of the ground conditions, soil, tree maintenance and management, obviously these tress would never have needed felling.



Which makes us wonder just how much care of the plot the Johnstons were inclined towards by looking after the site, considering the number of applications they have submitted over nearly 2 decades??

#### **Access and Parking.**

These issues were within our original objections that we submitted against the initial planning application.

Where the site at Auld Simon is often used by local groups as a starting point for local parades, etc. E.g., Gala Day Parade in June, the Samba band have also this location on occasion, Millenium Walk of Faith. Where a large number of children often attend these first two on-going events with their parent(s).

Whilst the Johnstons have only applied for 2 parking spaces on this site, and the Health & Safety of these events can be managed by marshalling, this increase in traffic, however small, could pose a risk to both adults, especially children and the disabled, amongst large crowds of people waiting for parades to start, if the LRB Review Panel were to uphold this appeal, especially if the applicant had visitors to their home??

These points / risks may seem minor, but we wish to make the Review Panel aware of these risks.

#### **Water Supply and Drainage Arrangements.**

At the time of writing this section out, (Monday 11/12/2023 @ 14.35) we are waiting on council staff replying to queries on these points??

As the refusal was based on tree grounds, where the appeal is also based on the same, we have asked officials if the Johnstons would have been aware of further objections from close-by residents.

Where we have since been advised by Planning Department Staff that these objections were available for the applicants viewing, where no attempts were made to do so, therefore the applicants chose not to make themselves aware of any concerns that their prospective neighbours may have on their proposals.

Thereby as far as we the interested parties / objectors are concerned, weakening their case for Review.

Alternatively, if they had attempted to view these objections and addressed the associated concerns, to our mind, they would have better prepared for their Review / Appeal process, by having more answers and information with regards to the impact that this property development would have on the surrounding area, and well beyond the development site.

This lack of concern regarding other people's opinions on their proposals seems to consistent in the applicants overall approach to their Planning Application(s) over a long period of time??

Under this section of the application, new or altered water supply and drainage will be required, where this proposed property will link into the existing drainage system.

The planning application document makes no mention of sewage waste??

Where the home of one elderly widowed resident is built over one of the main drainage pipes for wastewater or sewage. This resident strongly objected to the planning application re these concerns that the existing system wouldn't be able to cope with the extra waste from the proposed new build.

We acknowledge that this waste could only be for mainly 2-4 people, where this may point may seem unlikely. Nonetheless, we feel that point must be addressed, if only to give peace of mind to this elderly villager, who is very concerned about these issues.

Where we wish the Review Panel to note the following questions on these issues??

**Questions:**

1. Are the applicants aware of these issues regarding this individual property??
2. If they are aware of them??, what measures have they taken to address these points??
3. If the applicants are aware of the issues, why have they not highlighted this in their original planning application or even their Statement in Support of their Appeal??
4. Even if this outside the grounds of both planning refusal and appeal??
5. Or what advice have they sought on these issues??
6. Have they followed up on any advice that they have been given??

Furthermore, in a more general sense.

7. Are they aware of the design, layout, and structure of the existing draining system??
8. Especially as they intend to connect to that system??
9. Did they make enquiries about these issues?? 10. Were they required to do so?? 11. Were they aware of such issues, but didn't think that they were relevant to their application??

Where the first 6 questions on the individual property also apply to the more generalised issues of how their new build might affect the surrounding properties.

Where we believe that there are more generalised issues on drainage and sewage within this locale, where we will make more representations on these issues before the meeting of the Review Panel at the end of next month, where these issues are obviously of major concerns concerning raw sewage to this residents in the surrounding area of the application site.

Whilst all of this is obviously a specialised area of Civil Engineering, considering the number of applications that they have applied for in the past, how aware of these overall issues are they, in relation to this plot of land??

The original RC planning application has an Assessment of Flood Risk.

Where they have answered No to both questions in this section.

Does this assessment include any possible damage to tree roots in either the short or long term??

With the possible increase in run-off to other properties re any possible damage, in any direction, e.g., front or back into the gardens at the start of Johnshill or in St Winnoc Rd that are situated below the site of 2 Johnshill??

**Schedule 3 Development.**

We note that the applicant ticked the No box in response to this part of the Planning application, where normally for any Planning Application within Lochwinnoch we would see something in the local press??

Some of us as objectors have discussed this point, but none of us can remember seeing any Notice of Planning Permission within any of the local newspapers, which would normally be weekly in The Gazette. (Covering Johnstone and Renfrewshire).

Whilst we would be surprised if this part of the planning process was not adhered to, we wished to query this anyway, for the reasons stated above.

#### **Certificate and Notes and the Land Ownership Certificate.**

We note both the Certificate and Notes and the Land Ownership Certificate sections towards the end of the Planning Application and acknowledge this gives the applicant full legal title to the site.

We also note that these sections do not give any dates for when Mr and Mrs Johnston gained full title to the site, as S has said in her texts if Mrs Johnston was (first) refused Planning Permission in 2002, then presumably they had title to the plot before this date.

In 2023 it is probably now a moot point, but as the interested parties / objectors we had a discussion on the timeframe involved, i.e., the time between the Johnstons first having title to the plot, and the time they first applied for planning permission, and did this comply with the legislation of the time.

Where we wish all parties to note that we are still trying to have this point clarified from other sources, albeit it may not be relevant to this Review Paper for the LRB.

Like the points in the Schedule 3 Development section, if the Review Panel are able to have this point cleared up before we act on our alternatives for the site, so that any processes have met all due legal process and requirements??

Other than these points, we have no further comments or questions to ask of the applicants for this section of the Planning Permission Document, at this point in time.

#### **5. Examination / Representations of Tree Condition Survey.**

We have listed the Tree Condition Survey here as we believe that it has important relevance to the following sections of our Paper to the Review / Appeal and the Review Panel.

As laypersons who are certainly not Arborists / Arboriculturists for the management, maintenance, and especially the felling of diseased or damaged trees, we have to abide by the recommendations of Mr Calvey.

Although we notice that the Tree Condition Survey is now presently classed as out of date by approximately 6 months in Mid-December 2023, as noted in his report by Mr Calvey himself in his own report.

As the report was only valid for 1 year from the reporting date of May 2022, and published approximately one month later on the 14<sup>th</sup> of June 2022.

Without a further tree survey we now are wondering what the overall condition or state of the site now is??

Where for our part as the objectors, only a visual inspection of the site would be possible, where that inspection would be severely hampered by the large amounts of this, difficult to walk on / passable un-maintained ivy / undergrowth.

Where we also note the conditions of the trees that required Crown Reduction and the trees that needed removal, 6 of for Crown Removal / pruning at the tops of, and 4 for removal.

We further note from the accompanying photographs and text on the 1<sup>st</sup> page of the survey that various trees have very large amounts of ivy growing both around them and up all of the trunks of these large, well-established trees, and at ground level across the whole of the site has been, as stated above un-maintained, even very badly maintained.

Which leaves us wondering how often, and how much the plot has been regularly, even sporadically looked after, in a variety of ways over the last 20 odd years??

Having noted these points in our Paper of Further Representations / Objections where we have deliberately used the full title, to object on these points alone, at the way the plot has obviously been neglected over a large period of time, by the applicants as the legal title holders.

Where we will say quite a bit more on this subject in the next sections of our Paper to the Review Panel, which we would ask the HCG to continue to note on these issues.

## **6. Representations on Notice of Review Document.**

We note that the registered address of the applicants on the 1<sup>st</sup> page of the Notice of Review is;

Flat 0/2,

174 Clarkston Road,

Glasgow,

G44 3DN.

We will make our reasons known for noting this point just very shortly, within this section of our Paper of Representations.

This may be an inappropriate point, but as the applicants now live up in Clarkston, Glasgow with this as their registered address on their appeal, we wish to ask the Review Panel why this appeal should be upheld by the applicants when they don't even live in Lochwinnoch anymore??

Where they have not done so for a number of years.

We are sure the applicants had good personal reasons for this move to Glasgow, but this still implies an absence of loyalty to a village and community that they lived in for many years??

These questions would be completely irrelevant if it were not for the fact that the applicants have, once again, applied for planning permission for this site.

It is only because of the planning permission appeal that we ask these questions.

To think otherwise would be to imply or think that people are not allowed to live where they chose to live, which would be a ludicrous suggestion, I am originally from the South side of Glasgow, but I (Eric ) personally chose to live, and plan to die in Lochwinnoch.

Furthermore, the note below is a copy of the text between S and I on Page 7 of this paper.

### S 3

Ps- I heard Louise had told a friend they'd sold their house in Lade Court and were renting till they built their house up at the woods, so she seemed to be confident that it would go ahead.

Which considering this 'house' has been very consistently objected to and refused by the council over all these years, this piece of gossip seems rather 'over-confident' on the part of Mrs Johnston??

On a more concrete note, we also wish to ask the applicants further questions in a similar vein??

After all these years of said objections and refusals of your plans for this site, apart from changes to the tree plan per the survey report;

1. Can you give us justifications for / valid reasons for why the Review Panel should now uphold this present planning application??
2. In light of the planning department decision, again for Refusal in 2023.
3. Thereby overturning the present planning department decision.
4. Which would also obviously overturn all the previous decisions made by the same department since your 1<sup>st</sup> planning application sometime just into the Millenium??
5. Which would obviously also make Null and Void all the previous Objections over this same time frame, by multiple objectors, of varying age groups including older ones like many of our present group who are now either approaching or in pensionable age, where some of us have been objecting over the last two decades.
6. Where even more so, again if this is a relevant point??

All of the objectors, past and present are obviously all Council Taxpayers, who because we choose to live in Lochwinnoch, we pay our Council tax to Renfrewshire Council as the Local Authority.

So, with all due respect, as you now live in Glasgow, thereby paying your Council Tax to the Glasgow authority, even more so why should the Renfrewshire Review Panel find in your favour, nullifying the wishes of all of these taxpayers, past and present over 20+ years.

This last inquiry might seem a very cheeky, very impertinent question, where we are most definitely not trying to place undue pressure on the Review Panel, where we expect their decisions will be fully impartial, but also meanwhile very fair in their judgement.

So all these questions are **directed solely** at the applicants, where we are interested to hear what their responses are in relation to all of the above questions, again in addition to any other questions we have asked the applicants throughout this paper, including the last one regarding council taxes.

Moving on from these possible mooted points, we would also like to ask further questions concerning this Review / Appeal.

Considering the level of objections from the community over many years, including the present one, and the fact that the Tree Condition Survey Report is now out-of-date, albeit by only 6 months from May this year;

Under the Review procedure part of the appeal, the LRB have accepted your suggestions that you as the applicants feel "is most appropriate for the handling of your Review".

So why have you as the applicants only asked for an Assessment of review documents only, with no further procedure??

Where also, you have made no statement in support of your Review for options 1 or 2, or even asked for a further Site Inspection.

Albeit the last Site Inspection was done only 9 months ago by Mr Weir.

If you as the applicants, feel that you have such a strong case by going to appeal on the Refusal, would a possible combination of procedures, as noted on the Notice of Review document, of Further written submissions, another Site Inspection, and said Assessment of review documents not have been more appropriate to your case for that appeal??

Surely you, as the applicants want to make your case as strong as possible by exploring all possible avenues to further your case, in asking the Review panel to overturn our objections in favour of your appeal??

**Or In an alternative scenario;**

As the applicants, you are very aware, that you actually have quite a weak case in only asking for an Assessment of review documents with no further procedure.

Where you may have been, and we emphasis 'may have been', advised by your Consultants that if you wish to go for a Review, this is the best / only option, that this is the minimum threshold for a Review, where the Review panel have no option but to agree to this 'paper' Review at its lowest level under appropriate legislation, to ensure that they, the Council are adhering to that legislation to ensure that you have been fairly treated within the legal guidelines under planning law.

So as we continue to ask, we are curious as to what replies to our queries you may give us on all of the above noted questions, under this section of our papers to your appeal??

Where, as we believe you do have a (fairly / very), weak case for appeal, we will outline in the next section of our Representations / Objections, the importance of the conditions of the trees, as the main grounds of Refusal by the planning department, where as far as we can see as the interested parties / objectors who all live in Lochwinnoch, the ground and surrounding growths, and more so the trees on which the grounds are sited, where there is an 'interdependent relationship' between the two, where the trees are obviously wholly dependent on these grounds, which need to be kept in decent condition for the good maintenance and management of the trees, as the main aspects of this woodland area.

## **7. Representations / Objections to the Planning Appeal Statement.**

Our representations / objections to the original planning application could be split roughly into 3 areas, i.e.,

1. Circumstances affecting the site itself, including the presence of the trees, wildlife that live on the grounds, birds that use this environment for feeding, nesting, hatching, etc, and various other aspects of a semi-urban woodland site like the one next to Auld Simon.
2. Auld Simon itself, or to give it its original name St John's Kirk, or the Kirk of St John which was dedicated to Saint John, where the name Johnshill comes from, or St Winnock's Church within the

Church of Scotland, dated from 1727-1729, all of which depends on different sites that we at looked at online.

The obvious historical significance of the church as the oldest building in the village.

Where the bell is an original from 1729 and the clock was added in about 1731.

3. How the development of this property could affect the surrounding existing properties, in various ways, of the close-by neighbours.

Where we by now all know, the grounds of Refusal were mainly based on the 1<sup>st</sup> two types of objections, where the trees were all Points 1-5, with Refusal including Auld Simon at Point 4.

So our objections were upheld on Points 1 and 2 as noted above, by the planning department, apart from the 3<sup>rd</sup> category which doesn't seem to have been included in the Refusal.

So the grounds for our original objections and the grounds for the Refusal were both very similar, albeit the Refusal largely quoted points of legislation which we expected it to do, as obviously planning officials are better versed in this type of law making, as opposed to the interested parties / objectors, who are mainly concerned lay-persons who value the 'gardens' for its intrinsic, environmental, and natural values to and for our small community in Lochwinnoch.

Which in the main part, is fine by us as the interested parties / objectors, where a Refusal is a Refusal, on whatever grounds that may be decided on by planning staff??

Where we as the interested parties / objectors obviously hope that these points of the Refusal will also be adequate to maintain this original decision by the planning department, for this present decision in 2023, which also seems similar to all previous Refusals over the long-term objection period.

Where the conditions of the trees are important to all parties concerned in this process, whether from an interested party / objector's, applicant's or officials point of view.

From the Tree Survey Report outlining the most professional opinion on the recent conditions of the site, (May 2022), in contrast to the Appeal Application Supplementary (proposed) Planting Plan, and the detailed Planning Appeal Statement, it is obvious that in these parts of your appeal, you have gone into some detail in support of that appeal.

In direct contrast to the existing state of the of both the ground that is covered in masses of ivy, with that same ivy growing up many of the trees, to at least average head height.

On a personal visit of the site on Wednesday on the 13<sup>th</sup> of December 2023 / the week of 1<sup>st</sup> submissions, I (Eric) walked around the iron fence and take a walk on the grounds, which I did at some risk, where I often found it difficult to keep my footing, due to the undulating ground, which is very uneven across the whole site, which could only be a hinderance for property development, adversely affecting the substantial tree root systems from the various large trees with their foundations underneath these hilly grounds.

I am 5 ft 5-6 inches in height, on tree trunks with ivy, it is well above my head height.

Where quite frankly, in all objective, impartial honesty the plot is in a seriously overgrown condition, which is easily visible even from some distance away, and when driving past the site in the car.

(Eric: Where I chose to take some videos of the site for my own personal reference).

(Note from Eric: For all parties reading this paper, we have chosen not to include these photographs, which were taken my own phone, as we plan to include them in further representations / objections and as part of a much wider photographic portfolio as an ongoing record of the physical conditions that exist at the site.)

Regarding the present conditions on the site, and your plans for the maintenance of the existing trees, as well as new planting on the site, strong contradictions of a paradoxical nature seem to exist on the site.

Where on the one hand, you claim / imply that you will sensitively care for and manage the existing tree outline, presumably pruning back and getting rid of lots of undergrowth, from both across the ground and well up beyond ground level.

Also and obviously to do the same regarding the ivy and other overgrown material up all the trucks of the surviving trees within the boundaries of the plot.

Yet on the other hand, the remaining trees are still all in a seriously overgrown state, where the ivy is still heavily present, even during the winter months where the ivy and undergrowth has reduced, but only because of the colder weather conditions coming up to the winter months within the next 9 days at the Winter Equinox, on the 22<sup>nd</sup> of December for this year.

Where obviously all of this growth that is presently dormant, will return again in the spring and summer months next year and beyond, probably in a worse state that it has been in previous years, as without proper care and management, all this growth is cumulative, especially over long periods of time.

Which is nothing to say of the 4 trees that had to be cut down this last summer due to the fact that they were heavily diseased, again per the Tree Survey Report.

So very frankly, which is it??

Is it care and maintenance of existing woodland, with new growth and planting??

But only if your appeal is successful??

Or

Is it allowing the plot to become more overgrow, requiring more trees to be felled, etc, etc??

If your appeal is refused??

As witnessed by the lack of care for the plot, by yourselves as the Legal Title Owners over the last 20 odd years.

Where in fact, as the facts seem abundantly obvious, the trees have actually been your greatest hinderance to building any kind of property on this plot of woodland over all these years.

We contend as the interested parties / objectors, that in fact your lack of care and maintenance of the site has been a very deliberate part of a very long-term plan to build a house on this site??

By knowing and hoping that with the lack of your care of the site, the trees would eventually through time become diseased, ultimately requiring felling, thereby allowing you to build some kind of property on the site through extra space being created??



Where obviously, if the trees come down through said felling, the greater your chances, as the only applicants over 20 years as the only Legal Title Holders.

Furthermore, as the owners of the plot, no one else in Lochwinnoch is going to do anything about tidying up the site, where that is your prerogative / responsibility and no one else's.

Where all this is witnessed by the fact, that your latest original Planning Application that was submitted in May this year after, and I quote;

"Due to a major change on the site conditions, following previous objections in 2015, we met Planning Officer James Weir on site."

"After his email of 13.03.23, we came to the conclusion that a fresh application with a new approach could be considered favourably."

So for the HCG and the Review Panel, we ask you to note;

The 2 points to note here are;

1. "A major change on the site conditions."
2. "A new approach could be considered favourably."

On Point 1 that yet again we wish to state that these changes had occurred due to lack of care, maintenance, and management of the trees on the site in the long term 20-year period, resulting in Point 2, where "a new approach could be considered favourably."

Where this new approach consists of a smaller property, in the form of a small bungalow type cottage, as opposed to the 2-storey house, with up and down stairs, that the applicants thought would pass due to the similar type of brickwork to Auld Simon.

Which we still find, as oft stated before, highly objectional.

## **8. Our Conclusion of the Planning Appeal Statement.**

As our suppositions to the Planning Appeal Statement are largely contained in the previous section, the conclusions to us seem very obvious.

This situation is a 'Catch 22' situation for both the Applicants and us as the Objectors.

As the applicants have never been able to build on the plot, i.e., 'dead land' as we have previously mentioned, they have never really been interested in caring for the site as it should be and could be cared for.

Even more so now in the present as they presently now live up in Glasgow, with it obviously being further to travel to, as opposed to walking up the street from their previous home in the village.

They have only ever been interested in the site if / when they could build a property on it, contradicting and overturning the wishes of a long history of objectors within Lochwinnoch, where if they had tried approaching some of the neighbours in the local vicinity of 2 Johnshill, they might have met with slightly more success.

Which having spoken to most of the neighbours in the surrounding area, some of whom are elderly long-term residents, we very firmly believe would not have made the slightest bit of difference.

As far as we are aware this never actually previously happened, again as some of the residents in this area have lived in their homes since before the Johnstons put in their 1<sup>st</sup> Planning Application in the early Millenium.

Where we wish to make it absolutely clear, we do not wish to slander Mr and Mrs Johnston, but we no longer wish to see the plot left in its present state of extremely untidy, disrepair, when we feel very strongly that it could be put to much better use.

As the local community we have never been able to maintain the site either, which on reflection could be described as short sighted on our part, but again in a contradictory manner, it has been suggested that some locals did try to briefly maintain the site, but ironically enough, it has been suggested that the applicants also objected to this work being carried out by concerned local residents, who were upset and concerned about the state of the site a number of years ago.

So to the Million Dollar Question??

To try and resolve the Catch 22 Situation that both the applicants and we as the community of Lochwinnoch find ourselves in??

## **9. Our Own Proposals for the Site at 2 Johnshill, East End, Lochwinnoch.**

So to move on to further our own proposals for 'Our Gardens'.

As an Elder and Worship leader in the Church of Scotland, I Praise and Thank the Good Lord that the staff and elected officials of Renfrewshire Council have seen fit to reject the applicants' proposals for the site over a long period of time, thereby leaving the possibilities of our community being able to develop the plot in a careful, considerate, sensitive manner that is in keeping with Renfrewshire Council's Environmental and Sustainable programmes.

In a manner that is similar to the proposals / ideas for the Lochwinnoch Community Development Trust, (LCDT), site at Lochhead Gardens, which we as a group of volunteers / amateur gardeners would bring "S's and Auld Simon's Garden's" to a state of a beautiful, blossoming Woodland Garden. Where, especially with the guidance of S, who loves the ground, in case the LRB Review Panel need reminding of this point??

Where if possible we would also approach Renfrewshire Council to ask about a Community Asset Transfer, (CAT) as we may have mentioned in other previous parts of our Representations, again in a similar manner to the way the LCDT have sought one for Lochhead Gardens.

**NB:** Where we as the interested parties / objectors have privately discussed this idea of a CAT, I (Eric) casually and briefly spoke to one of the local Councillors for the first time ever on this issue, on the afternoon of Wednesday 13<sup>th</sup> of December 2023 regarding this idea, who certainly didn't poo-poo me on it, and who seemed to consider it a reasonable option, for a site of council owned land that has lain unused for a long time, similar to the Lochhead Gardens site.

As a group of concerned locals or 'redevelopment interested parties', if we were able to get a CAT from RC for this part of the woodland area, it would obviously and dramatically increase the size of the area for said redevelopment as the woodland garden.

Where we would even consider making enquiries about the plot of land across from the application site, the lane known as 'Skipper's Path' going down to Gates Road, at the left side of Skipper's Path, where the lane as a Public Right of Way that runs from East End to Gates Road.

This area of land has, like other plots of land in this area of the Lochwinnoch has remained unused for many years in a very overgrown state of ground growth, shrubbery, and trees, which is also very unsightly to the local residents.

Like the application site, it could also be described as 'dead land'.

The 'Skipper's Path Site' is enclosed on 4 sides, with no legal vehicular access, where a number of developers have looked at it over a long number of years, and discounted it for any kind of property development, due to the lack of this access.

Any of this, in part or whole, RC owned land or Skipper's Path would obviously dramatically increase the area of the 'Woodland Gardens', which would considerably widen the scope of activities that we would be able to undertake within this woodland space.

Where if we were given a CAT, we would seek the opinions of the owners of the garages on the council owned land, even if they are mainly run down.

Where furthermore, these proposals seems to fit in with Scottish Government, (SG) Legislation of June 2018, with the;

'Community right to buy abandoned, neglected or detrimental land, (ANDL).

Where we would explore the possibilities of these proposals and form the necessary and relevant community bodies to allow these proposals to come to fruition.

If all these ideas came together, to bring all this land / these plots into community ownership this would be a huge undertaking for us as a community.

Where, very, very importantly the present application site, whilst not physically so, would be a very central and strategic part of these proposals to completely regenerate this whole area of the East End part of the village of Lochwinnoch.

Where absolutely, none, none of this area could ever be considered or given up for any kind of property development.

Where we would expect to have, if necessary, full Title Deeds drawn up, or some kind of Statement of Intent, where one of the preconditions to that title / Intent would be the express statement that all of this extended site would remain as 'green land' in perpetuity, for the permanent benefits, for both the present and future residents of Lochwinnoch.

Where we would take into full consideration on our part, as we are asking the LRB to do regarding this continued Refusal of this appeal, the thoughts and opinions of the surrounding neighbours and residents of the village, if necessary, e.g., by having public meetings to highlight our proposals.

As Papers of Further Objections and Representations to the LRB Review Panel were submitted last night by email to Mr. Robert Devine as a Senior Official of RC, it is only this morning since these submissions last night that we have thought about these ideas after very brief but very hurried discussions on this, where we very importantly feel are central to our Further Representations and Further Objections to the LRB Panel Review at the end of next month.

So in spite of / whilst these ideas / proposals have not formed a central plank of our original papers, within Mr Devine's email stating that any more Further Representations / Objections should be submitted to the Head of Corporate Governance before 3.55pm tomorrow Friday 15<sup>th</sup> of December 2023 as the deadline for paper submissions, we now ask the HCG, the LRB, and the Review Panel of

Elected Officials, or Elected Councillors to take note of these proposals before and during the LRB hearing on the 30<sup>th</sup> of January next year.

By giving our proposals their full consideration in relation to both the application site, and the wider considerations / implications that the Status Quo remains intact, where the decision of the Planning Department from the 8<sup>th</sup> of September 2023 be upheld by the LRB Review Panel, to allow us as the interested parties and objectors to explore the future of our wide range of ideas to allow natural development of this area of the East End of Lochwinnoch.

Without the detrimental effects of a new property, as proposed by the applicants sitting within our own enlarged proposed woodland development site, where as we have stated on numerous occasions now during the length of these Papers, to once again 'strike down' the proposals by the applicants, which are completely at odds with our own natural development of the area, to the benefits of the complete and whole population of Lochwinnoch and beyond into the wider community in Greater Glasgow, Renfrewshire and North Ayrshire, within Muirshiel Regional Park where this natural 'woodland area' or S's & Auld Simon's Woodland Garden would be completely open to all sections of all communities, thereby hopefully increasing visitor numbers to Lochwinnoch, and Renfrewshire in general.

Whereas we are sure, as the Staff / Elected Officials of RC all know, we get large numbers of visitors from across the, e.g., Greater Glasgow area, and from Kilmarnock in East Ayrshire, with School parties on Castle Semple Loch, Less-Able-Bodied Children in wheelchairs, or more mobile Children / Teenagers with 'Special Needs', coming to Muirshiel Regional Park.

(Excuse me / Eric as one of the authors and writers of this paper getting a bit caught up in all these proposals / ideas.)

**In the meantime, to return to the present issue;**

As I / Eric and My Wife hope / plan to live close by in the years to come, with my In-Laws presently reside in the vicinity and many of the objectors also living close to the site, it would be wonderful to be living nearby to these 'gardens', knowing that we had managed to save them from any form of development, and that hopefully, for many generations to come, all sorts of people would get lots of pleasure and educational benefits from having the 'gardens' in this part of Lochwinnoch, similar but different to Lochhead Gardens at the other end of the village.

Where, it seems blindingly obvious to us as the interested parties, some of the most important of these groups would be the local schoolchildren, mainly from Lochwinnoch Primary School, but also from other Primary and Secondary Schools in the area if they wished to come visit (either) site at Lochhead or S's & Auld Simon's Gardens'??

Where we personally envisage that our project may have somewhat wilder aspects to it's development, to differentiate it from Lochhead Gardens to teach, especially the children, different aspects of flora and fauna, teaching them about the trees, and hopefully / possibly small wild animals who take up residence in a slightly wilder garden site.

Where the ideas and possibilities seem endless, in this bigger 'garden' site if we able to get a CAT from RC, where to re-assure council officials and staff, we would wish to naturally develop that piece of land in a similar manner to the site at 2 Johnshill, where we would welcome site visitations from council staff to appraise them of our progress on the CAT site, and the whole site generally.

**10. Final Conclusion to this Paper for the LRB and the HCG, of Further Objections and Representations in relation to this Planning Appeal by the Applicant, Mr David Johnston.**

In asking for this Notice of Review with the LRB, thereby highlighting the conditions that presently exist on the planning / application site, many of our group felt that Mr And Mrs Johnston have actually done us, our group / our village / our community in Lochwinnoch an unforeseen, unintended, backhanded favour.

By bringing to our attention, in the "full glaring light of day" to the conditions that presently exist on the site of S's beloved 'Woodland Garden'.

If anyone on the Review Panel doubts what we are saying, then we would like to invite you down to Lochwinnoch for an anonymous visit to examine for yourself the conditions on this plot, one of the last plots of woodland in a fairly built-up area, within a rural village.

Where it also seems that the site across from the oldest building in Lochwinnoch, and a Holy Place of Worship as the remains of an ancient church, is only / has only ever been any good to the applicants if they were going to be able to build a property on it.

At this point in this Paper of Representations / Objections, we as the 'interested parties' wish all other parties to note that, in case it is in any doubt, that once again we object to any development on this site in the strongest possible terms.

With no caveats or compromises on our part re any form of house building or development of any kind, however small or aesthetic this may be.

The site has been a natural woodland for nearly 170 years, can we just leave it that way Please, for the benefits of this community.

In spite of the conditions that the applicants have left the plot in, over many years, we also feel compassion for them, where we fully acknowledge, realise and understand that Mr and Mrs Johnston have also held this dream close to their hearts for many years.

However, that does not compromise our intentions to bring this plot back into community ownership, where this seems to be a very black and white scenario, with very little grey area in-between their proposals and ours.

Where we feel that after 20 plus years of sustained upheld objections, within the last 170 years, that the site / plot / gardens themselves have waited long enough for someone to take decent care of them, in a manner appropriate to the surrounding, natural, God / Holy-Spirit Protected Area, where "Thy Will Be Done", Not my will, But Thy Will, as The Will of God that seems to have keeping them waiting for someone to look after them.

With as we have now stated on numerous occasions, the obvious enduring support of Renfrewshire Council Local Authority.

When the LRB Review Panel make a ruling on this Appeal at the end of next month, if the LRB upholds the decision of their Planning Department, we will obviously be very, very grateful.

We do not wish to consider the other possibility at this point in time.

If the Appeal is again Refused like previous long-term decisions, Mr and Mrs Johnston obviously have a choice to make, both individually and together??

If they choose to accept the decision of the Review Panel, then we will enter into negotiations with them as soon as they are ready, to bring the Title Deeds back into Community Ownership.

Where we would compromise as much as possible with them through appointed lawyers, short of any future development on the site.

Even to the point of entering into financial talks with them regarding the site??

Where we would be prepared to wait an appropriate and discrete length of time to let them catch their breath, so to speak.

However should the applicants refuse to accept the ruling of the Appeal Body, we want them to understand, in no uncertain terms, that we will fight them absolutely every step of the way should they decide to appeal to any higher authority than the one they have already just had a ruling from.

Where we in no way wish to look as if we are blackmailing the applicants into withdrawing their case, but we wish them to clearly understand what our intentions are for the future??

Where we very, very firmly believe even now, **that whilst we are being very, very cautious and very, careful**, we also believe that we have an excellent chance of winning our case with the Review Panel.

Where we also believe, should it be necessary, that we can also win any future case to any higher authority if you should decide to go there??

But we'll leave this decision up to you, obviously depending on the decision of the Review Panel.

In the final part of this text we sincerely hope that we have presented a very strong case to the Review Panel to, once again reject and Refuse the Development Appeal by the applicants, in line with the decision by your associated Planning Department decision in September this year, and the Review Panel's decision at the end of January 2024.

We acknowledge that the applicants will respond to these Further Objections and Representations, and we await their responses to these Representations.

Where we will, once again, respond in a similar manner to the Applicants' own Representations.

Considering how very long this Representations Paper is, we wish to thank all everyone who has to read through this document.

We as the Interested Parties / Objectors do realise that this paper is a very, very long read in representing our case, and in some parts the reader may find it a bit boring or losing the thread of our arguments.

Or for where the paper, throughout its length is also very repetitive.

If this is the case for anyone, we would like to sincerely apologise.

However we have tried to make our case as strong as we can possibly make it, hence the length of it, by going through all of documents provided by both the applicants and Renfrewshire Council and trying to address each of the sections of these documents in very fine detail.

Hoping that You all have a Lovely Christmas

Regards and Best Wishes

From (Eric the Auld Gasbag) and The Team for S's & Auld Simon's 'Garden's'

## References

Other than three brief online references regarding Auld Simon and Scottish Government Legislation, nothing other than the paperwork / documents provided by the Planning Department, no other documents were used to reference any part of this Paper of Representations.

Therefore no Reference List is required in any form of an academic manner.

## Final Personal Notes:

Should anyone wish to contact me for any reason, regarding any of the contents within this Paper of Objections and Representations??

My contact details are below, at the end of this paragraph.

I also publicly wish to thank everyone who contributed towards this Paper of Further Objections and Representations, especially S for all the back and forward text messages, and M, for the ideas you gave me / us, and provided a bit of leadership, especially during our meetings, but also generally.

We were "lucky" that the right people appeared at the right time.

Where I just happened to be the one who had the time to word process this very lengthy document, my apologies to everyone reading all this as it is rather repetitive in some areas. It was a bit difficult at times to keep track of what I /we were trying to get down on paper from our discussions and texts, etc.

I shall thank you all privately for your input, but for reasons of confidentiality I don't want to name any of you publicly.

As you will all read this paper I am really pleased that we managed to get together so quickly to form this small group, where hopefully we will be able to enlarge the group further and gain more input from other people.

Some of the brainstorming sessions were really good fun and a good laugh, that was the part that I personally enjoyed the most by meeting other people that I had never met before, especially with a common purpose in mind regarding this Review / Appeal Notice.

Auld windbag that I am, away I all hear you laughing, you're not a windbag Eric, Ha! Ha! Ha!

I could say more of course, but I'll leave it there, as I really think I've said enough.

So I hope you all have a lovely Christmas.

Relax and enjoy yourselves after all this marathon 2 weeks.

My contact details are;

M: [REDACTED]

Email:

[REDACTED]

For the Attn of;

Mr Robert Devine

Renfrewshire Council

Renfrewshire House

1 Cotton Street

Paisley.

PA1 1WB.

Friday 15<sup>th</sup> of December 2023.

Planning Application: 23/0179/PP. By Mr David Johnston.

For the Site of 2 Johnshill, East End, Lochwinnoch.

Appeal / Review of this Planning Application by the Local Review Board, (LRB).

To be heard by the LRB on the 30<sup>th</sup> of January 2024

FN: BRIAN CALDERWOOD

A1: 15 CALDER DRIVE

A: LOCHWINNOCH

PC: PA12 4AU

Dear Mr Devine,

I am aware that the Renfrewshire Council Planning Department **REFUSED** this Planning Application, as noted above, on the 8<sup>th</sup> of September 2023.

I am also aware that the applicant, Mr Johnstone appealed this decision for a Notice of Review, which Mr Devine notified Objectors to, on the 1<sup>st</sup> of December 2023, which included Mr Beattie.

Since the 1<sup>st</sup> of December I am aware that Mr Eric C. Beattie of 34 High St Lochwinnoch PA12 4AA has regularly been in touch with you by email regarding Further Objections and Representations to this Review / Appeal.

Where he has, for himself and others, as both objectors and Interested Parties, made out the main papers of these Objections / Representations.

I now ask you to note that I have freely and willingly asked Eric to submit these Representations / Objections to Renfrewshire Council, as either an Original Objector or an Interested Party.

Where I wish the Local Review Body, (LRB) to take note of these Further Objections and Representations into their consideration on the 30<sup>th</sup> of January 2024, when the LRB Review Panel will consider the appeal by the Applicant, Mr Johnston.

Regards

Signature of Objector / Interested Party.

Witnessed by. (If a Witness is available.)

A large black rectangular redaction box covering the signature area of the document.



*BRIAN  
CALDERWOOD*

HEAD OF CORPORATE GOVERNANCE  
RENFREWSHIRE COUNCIL  
FINANCE AND RESOURCES  
RENFREWSHIRE HOUSE  
PAISLEY  
PA1 1TR.  
REGARDING  
PLANNING APPLICATION 23/0179/PP  
BY MR DAVID JOHNSTONE.  
LOCAL REVIEW BOARD  
NOTICE OF REVIEW  
30<sup>TH</sup> OF JANUARY 2024.  
PAPERS OF FURTHER REPRESENTATIONS AND  
OBJECTIONS IN RELATION TO THIS REVIEW.  
FROM THE (CONCERNED) RESIDENTS OF  
LOCHWINNOCH.

Head of Corporate Governance,  
Renfrewshire Council,  
Finance and Resources,  
Renfrewshire House,  
Paisley,  
PA1 1TR.

N MR BRIAN CALDERWOOD  
A 15 CALDER DV  
A LOCHWINNOCH  
P PA12 4AV

Thursday 14<sup>th</sup> of December 2023.

(Will all individuals please note that the Head of Corporate Governance will ignore your representations/objections if you have not filled in your personal details with your Name and Address, etc, as above).

Planning Application: 23 /0179/PP.

Erection of single storey dwellinghouses and associated works,

On the Eastern Boundary Of No. 2 Johnshill, East End, Lochwinnoch,

By Mr. David Johnston.

For the Head of Corporate Governance In relation to Notice of Review to this Planning Application.

Relating to the meeting of the Local Review Body, (LRB) for this Notice of Review to be held at 2pm on the 30<sup>th</sup> of January 2024, In Renfrewshire House, Cotton Street, Paisley.

On the grounds of the Letters of Representations – Council Decision, as noted in the letters posted out to individuals, dated 8<sup>th</sup> September 2023, who objected to this Planning Application, where; 'the application together with your representations was considered by the Council on the 8<sup>th</sup> of September'.

Where the decision of the council was;

REFUSE Consent subject to the reasons.

As noted in the accompanying letter,

Ref. 23/0179/PP.

CONDITIONS AND/OR REASONS ATTACHED TO THIS DECISION.

**For the Attention of The Head of Corporate Governance.**

**Dear Sir / Madam,**

**List of Contents for this Paper of Representations/Objections**

- 1. The Interested Parties Initial statement to the Planning Review Panel.**
- 2. Statements, Questions and Representations from the Objectors to the Johnstons regarding this Planning Review / Appeal??**
- 3. A Recent History of the Site: How we got to where we are, from 1991 to 2023.**
- 4. Objections and Further Representations to the Original Planning Application.**
- 5. Representations on the Tree Report.**
- 6. Notice of Review Document.**
- 7. Representations to the Planning Appeal Statement.**
- 8. Our Conclusion to the Planning Appeal Statement**
- 9. Our Own Proposals for the Site at 2 Johnshill, East End, Lochwinnoch.**
- 10. Final Conclusion to this Paper of Further Objections and Representations in relation to this Planning Appeal by the Applicant, Mr David Johnston.**

**1. The Interested parties Initial statement to the Planning Review Panel.**

Will the Head of Corporate Governance, hereby abbreviated to HCG, please note that we wish to make Representations/Objections in relation to the above Planning Review Appeal by the LRB, as an 'Interested Party'.

Where we hope that the HCG will note these reservations in relation to the Review Panel meeting on the noted date will also take these Representations into their considerations and deliberations when making a judgement on this Notice of Review / Appeal by the Applicants, to the LRB.

Where we wish the HCG to note that we do so in the strongest possible terms regarding this Review, not just on the grounds on which the appeal has been based, but across all possible areas of both the original planning application and the associated review.

In previous applications by Mr and Mrs Johnston, we, as interested parties have asked for all previous objections and representations to be taken into consideration regarding any present application, where historically, as far as we are aware, the Johnstons, have been the only applicants to ever apply for planning permissions for this particular site??

Where very importantly, to support our case as the interested parties, various individuals and groups in Lochwinnoch have shown a consistent pattern of objections to the planning applications by this couple over the last 20+ years.

Where, very obviously we wish the 'Woodland Garden' / Area of Woods at 2 Johnshill, East End, Lochwinnoch, across from / in very close proximity to Auld Simon, as the oldest building in Lochwinnoch, for the woodland to remain in its present state, without any property development by these applicants.

***Furthermore, after 20+ years of applications by the Johnstons, we strongly and firmly believe that we have reached an impasse in relation to this situation??***

Approximately every several years just over the last 2 decades, the Johnstons have put in an application for planning permission, and we, the objectors and interested parties have responded and objected to these applications for development on this site.

Where Renfrewshire Council staff and elected officials have consistently supported us in our objections to these applications, by also consistently refusing planning permission for this valued and treasured site within our village, where we wish to record our gratitude for these efforts, where we are very grateful to these individuals over the last 20+ years in their continued support.

For if it was not for this continuous support, we would not be here today, where once again we find ourselves having to object and make representations to this Review / Appeal by Mr and Mrs Johnston.

In spite of our opposition to these continuous Planning Applications we therefore acknowledge that this has cost the Johnstons a lot of money, time and effort in pursuing their case, as well as a lot of corresponding time and effort on our part as the objectors.

To say nothing of the time that the planning department and to a lesser extent the time and deliberations that Councillors on the review panel spend on this issue.

***So in an effort to resolve this situation to the benefit of all parties concerned, i.e., applicants, objectors, Renfrewshire Council Planning Department, Councillors on the review panel, as well as the HCG, in his considerations on this issue, we would like to set out alternative proposals for the site, which can already probably be guessed at by all concerned??***

We will briefly outline these alternative proposals as noted immediately below and elaborate further throughout this Paper of Further Objections and Representations, and towards the end of this paper in our Conclusion.

We acknowledge that this scenario may not be acceptable to Mr and Mrs Johnston in the first instance, as they have held this dream for many years, but as they lived amongst us for many years in our very beautiful village of Lochwinnoch, where they were friendly and friends with, and well known to many of us, where I personally, (Eric) had mutual friends with them.

Where we as the objectors would seriously like to ask them to consider what we propose at some length, as opposed to dismissing our ideas in a knee-jerk type of reaction??

We also recognise that, as stated earlier, that this couple have put a lot of time, effort and expense into their planning applications, but after 20+ years of objections, we would ask them to finally recognise that as a community / the village / Lochwinnoch does not and will not / never accept their proposals for this site.

Whilst some individuals in the village may accept their proposals with their present plans for a property that is visually and aesthetically pleasing in relation to, and the closeness of Auld Simon,

many more people will not, especially neighbours in the surrounding vicinity of the plot, i.e., in Johnshill, East End, St Winnoc Road, Gates Road, and various parts of High Street.

## ***2. Statements, Questions and Representations from the Objectors to the Johnstons regarding this Planning Review / Appeal??***

All of the above then leads us to ask the following questions of Mr and Mrs Johnston??

When are you finally going to accept that your planning applications for this site are absolutely not acceptable to many of residents in Lochwinnoch??

Otherwise, why has there been 20 odd years of objections to your proposals, every time you apply??

No matter how nice or pleasing to the human eye your proposed property may look on this occasion, especially in relation to Auld Simon, like previous plans, it is still not in any way acceptable to the majority of our community in Lochwinnoch.

Where this small woodland area, that has been a precious woodland just off the centre of Lochwinnoch, for approximately for the last 165-170 years, should / could / must remain a 'Woodland Garden', enhancing the local environment / surrounding area, to the benefits of the trees, local flora and fauna, wildlife, roosting birds of all kinds and especially rooks.

Without absolutely any property being built upon it.

Where ultimately all of the above, intangibly enhances and enriches the lives of the human beings who live close by this plot, and any other green spaces, both within Lochwinnoch and outside it.

As a rural village in South Renfrewshire, which we feel is the last real village that is separate from other communities, which is not a suburb of Johnstone or Paisley, as the build-up area has extended ever outwards over the years.

Which is very much obviously why Renfrewshire Council has dependably supported our objections over the last 2 decades, as the benefits of green spaces and closeness to nature are very well, and scientifically recognised, in regard to both physical and especially, mental health.

**So really, in this part of our Representations, in our own way we are also lodging an appeal, as we are appealing to your better natures, Mr And Mrs Johnston??**

**To let all this go, for your own benefit and peace of mind, as well as ours as a group of objectors.**

And ultimately, for the benefit of Lochwinnoch as a community, which you obviously love, and loved, as you lived here for many years.

Where for you to try and accept that there will always be a group of interested parties / objectors in Lochwinnoch, with hopefully, as noted above, the continuing, ongoing support of Renfrewshire Council, where some concerned individuals, as individuals or in groups will always object to your plans for this site.

Where today it is our group who are objecting / making representations, tomorrow it will be someone else, and another group.

(Personal note from Eric)

(Please do not misunderstand me, as there is absolutely nothing personal in all this, along with many others we just completely disagree with your proposals for the 'Woodland Garden' and have done so for many years).

(Where my / our personal reasons for our representations / objections are completely altruistic, to the benefits of my / our community, where we represent the wishes our community, in my (Eric's) personal case my elderly relatives live in close proximity to Auld Simon / Johnshill / East End, where I have been asked to deal with this on behalf of all my family, as well as my own very strong beliefs in what we are doing).

Ultimately this situation reminds us of the Burnfield Road / Playing field site, with planning applications by Stuart Milne Developers, at the end of Newton of Barr, Lochwinnoch.

Where in this case, the Community Council have mounted a very focused, consistent campaign by this developer, sustained over a number of years, where ironically, this is a shorter time span than the one we have mounted against your own proposals.

Where both developers, regardless of size, both own the prospective sites, but cannot do anything with them, due to the number of representations / objections Renfrewshire Council (RC) have received over the years, from Lochwinnoch residents.

Where the term 'Dead Land' could be used to describe both sites.

Where it seems you are stuck with a possible development site that you can't do anything with??

Hence the nickname of 'dead land'.

To continue with these objections and representations, as noted above, we will further outline our proposals for the site towards the end of this paper.

### **3. A Recent History of the Site: How we got to where we are, from 1991 to 2023.**

In the early 1990's S, who has lived in Lochwinnoch for at least 30+ years wanted to further develop the application site into a 'Woodland Garden', where the site had and still has to the present day has become naturally overgrown, per the applicants' paperwork showing the Ordnance Survey Map of 1856, so over approximately the last 135-140 years in 1990-93, plus another 30 years to the present.

So in total the site has therefore been undisturbed for approximately the last 165-170 years.

The following pages are copied from messages between Ms S and me to show the review panel the 'more recent' history of what has happened over the last 30 odd years regarding this plot of woodland at 2 Johnshill / East End.

I have only altered the text to tidy it up, and have been very careful to preserve the anonymity of Ms S, even although I'm sure the Johnstons know who / remember who this lady is??

**Eric**

Thanks for getting back to me S.

I'm really just looking for the process that was involved, that you went through, and the time frame /

dates involved.

I didn't realise the lawyers were involved though, I've never really understood why the Johnstons keep on applying to build on the site, but by the sound of it they have legal rights / title to it?? Which explains why they have kept on applying to build on it over the last 20 odd years x 3-4 times. The situation reminds me of Burnfoot Rd then, they own it, but can't use it as locals keep on objecting to their planning applications??

As I recall they supposedly fenced it off, supposedly maintained it for a number of years, and then claimed legal rights to it??

If you fill in some gaps for me re how long ago you were at the lawyers, that would help.

## S 1

I laid claim to the land around 1991/92.

My then lawyer did a land search and found no record of ownership, he told me to occupy the land and look after it for 10 years and if it was uncontested, it would be mine. I did this at considerable expense, fencing it off, having dead trees felled etc, but only after I got council approval.

During the 10 years, Louise Johnson started her own claim, but I was told by my lawyer I had prior claim so not to worry. When my 10 years were up, I contacted my then lawyer, I'd changed to a different firm by then to ask how to conclude the claim -she said I didn't have to do anything as it was now mine.

However it appears that wasn't the case and Mrs Johnson saw her chance and pursued her claim. By this time I'd built a shed on the plot and was making it into a woodland garden but basically I had to get off the land, remove the shed and that was it. It was heartbreaking at the time, but there didn't appear to be anything else I could do.

Unfortunately I left it too long to complain to the Law Society, so I just had to let it go.

## Eric

A quick couple of questions that I mentioned yesterday??

Do you remember more accurately when Louise Johnson put her original claim in during the 10-year period??

Any idea when she further pursued her own claim??

I'm presuming that this was after about 2001-2003??

## S 2

I've found the "Woods File".

I first enquired about the plot in Feb 1993, and it looks like my claim dates from March 1993.

I then set to work having it fenced off by Alter Landscapes, employing a Tree Surgeon to assess the plot then paying him to make the plot safe, which included having some dead elm trees felled because they were dangerous. I had to apply for permission from Renfrewshire Council for that work to be done, even providing photographic evidence that one tree had actually fallen in high winds. This cost me a lot of money.

I was then worried about the spikes on the original iron fence at the front and my lawyer advised me to remove them to avoid public injury, this I did, all 239 with a hacksaw as I recall as I didn't own a Stihl Saw.

I also took out public liability insurance. Ironically, the Council refused permission to have the canopy overhanging the pavement to be cut back even though it forced pedestrians to walk on the road in summer, which worried me.

When the owner of one of the neighbouring garages expressed concern about overhanging branches I had them professionally removed.

I loved the ground, worked on it and my children and dogs shared it with me where I had all sorts of dream for the plot.

Anyway Louise Johnston applied for planning permission 2002 and was refused then, they had laid claim to the land. I was advised that I had prior claim so not to worry, the rest is within what I've already sent you.

Like I said, I thought all was well till Louise approached me when I was gardening at the plot Spring 2009 and told me I had to leave as the ground was theirs and they were "going to build a house ". I've never fully understood what happened, but it appears they did nothing illegal, saw their chance and followed it through.

To summarize, their first attempt at receiving planning permission appears to have been made in early 2002 , which I suppose is the main point. I think at least more than one has been made since then.

### S 3

Ps- I heard Louise had told a friend they'd sold their house in Lade Court and were renting till they built their house up at the woods, so she seemed to be confident that it would go ahead.

Eric

Morning S,

No I fully realise that you have not accused them of any illegal practices.

Where nothing illegal has been done anyway, as they have included a copy of the land certificate showing ownership.

As I've said previously, I've never understood why they kept on applying for planning permission for the site, but this is now obvious as they own it.

Where this can be very expensive, as they have now applied for planning permission 3-4 times over said 20+ years.

Considering that the villagers have consistently objected to their proposals over this period, and the council planning department have also consistently upheld the objections by their refusals, I personally think the Johnsons have been, and are being very naive.

Again it's similar to Burnfield Rd, they might own the land but can't get permission to build on it, it's "dead land" so to speak.



I'm not sure if you realise but all the previous objections are very important, where we as the objectors can ask that all of this historical information be taken into consideration for this present application and appeal, it obviously shows a consistent pattern of objections over a long period of time.

I hope some of this reassures you about what happens next, but my apologies if it also brings up painful memories for you, as you very obviously loved this area of woodland years ago, and still do in the present.

Personally the Johnsons have actually done me / us a back handed favour, by giving me a wake-up call re all this, & motivating me to do something about it, to protect this historical, natural site for Lochwinnoch and the villagers.

Where if the Review panel are consistent with previous decisions??, I would personally hope to bring this plot back into public ownership by whatever means we can get it back, where we can manage this plot and keep it in the natural state that it has been in for the last 160+ years, for the benefit of everyone in Lochwinnoch, as a beautiful, natural Woodland Garden.

Where hopefully the Johnstons have done us all a big favour by appealing this council decision by settling these issues to the benefit of all parties, the community in Lochwinnoch, the Johnstons, and Renfrewshire Council ??

#### S 4

That's reminded of what happened legally, as I understand it my name was entered on the old Land Register, it should also have been put on the new one, that's how I lost the ground because my lawyer didn't do that.

#### Eric

All of this hassle over all these years because of one simple legal mistake.

Which would probably have taken an hour or two of work to do.

The lawyer was lucky that you didn't make a complaint to the Law Society, as you certainly had grounds to do so.

When I think about it, I was forgetting my manners.

To ask you for permission to put your story in my own paperwork???

I would be careful to maintain confidentiality, & reword your text if necessary, & use only letters like WG for Woodland Garden so that you could not be identified in any way.

The councillors wouldn't be interested anyway, although the Johnstons will likely remember??

Your story is the basis of all of this & I feel very important to our own appeal, which I / we will use to highlight why the site must be left in its present state, so that we as a community in Lochwinnoch can maintain and manage it, and really improve upon it, in a similar manner to what the LCDT are doing with Lochhead Gardens.

Even to the point of involving the LCDT for help re various aspects of these ideas & asking RC for a Community Asset Transfer, (CAT), to extend the plot with the council owned land to the rear of the garden in a similar way to the application the LCDT have done for Lochhead Gardens.

Furthermore it fundamentally shows how right from the time that even before the Johnsons made a claim to this plot, that your plans for it were the foundations of all the objections that have followed over the last 30+ years, to the present.

And into the future, if / when, as I've said above where we hopefully bring the plot back into common law, common sense, community ownership.

Which if you are still interested in, I personally hope that you would still like to be involved in?? This was your dream 30+++ years ago, after all.

So I am really hoping that you are okay with me using your story.  
To be honest, personally , I like the sound of S's Garden, L Gardens, or Auld Simon's Garden???

## S 5

Well at the time I was in the process of leaving J, plus a solicitor acquaintance of mine told me she didn't think I had " what it would take", financially or otherwise to fight it, nor was there any point in complaining so I let it go. I'd have loved to have built a tiny wee L- shaped hoose there and see out my days but I always knew that would never be possible without felling healthy trees.

(NB from Eric: The fact that S had thought of building a small house on the plot in no way justifies the planning applications that the Johnstons have submitted over the years. Note the fact that S also acknowledges that healthy trees would have to be felled / sacrificed to build any property).

(Where I chose to leave this text in this part of our objections to highlight the fact that S had realised that building a property on the site was not possible).

Imagine the joy I felt when I had my wee shed built!

Anyway, back to present times and I must admit you've now got me interested in the idea of a Community Garden. I also always knew the plot was too big for me to look after it properly. There were actually some people who referred to it as S's Woods!!

God moves in mysterious ways I have found and if what I want is right, it tends to happen eventually. I would like to be involved in what goes on in the future. By the way , I'm happy to be named personally in the proceedings as I'm confident I haven't falsely accused anyone of anything, my only worry would be lawyer although I haven't named them in any of my communications with you.

There is still a chance that I've misunderstood events! Meanwhile I'll just allow myself to dream of the woodland garden. Oh, btw, there are remains of what appears to be a stone wall / foundations within the ground- I used to sit on them while I had my tea break- I'm sure you've examined the history of the area. x

## S6

Already thinking of projects to open people's eyes to what can be achieved plant wise, there's a lovely " feel" up there. I don't think Mrs Johnston would know what I mean, don't think she would understand my love for the place, but maybe I'm wrong.

Just another piece of info which might explain a lot.

I had the ground professionally valued sometime during the 2000's, as I have the papers somewhere I think. If I remember correctly, it was valued at £65k if outline planning permission was obtained, which of course would involve removal of trees. I did that out of curiosity as I always knew trees would have to go and I wasn't prepared to do that, so it was a dead end.

(2<sup>nd</sup> Note from Eric: As we would obviously not be seeking to build or develop the gardens in this way, on a 'dead plot of land', by asking for planning permission, which negates our complete and whole ambitions for the site, we would want to have the plot evaluated and priced as a garden plot).

Come to think of it, that would be a driving force for other people??

I'll shut up now- things keep coming back to me. Now that I understand your motivations , I'd be happy to meet with you in the New Year and show you the " S's Woods " files ! Till then ...

S7

Ps: I didn't do it before because I thought it would just look like sour grapes, and of course there is a small element of that, that has gone with the passage of time now that I am older and hopefully a bit wiser, but I can now see better reasons for objecting to their plans.

All of this text is rather long winded, but we have chosen to include it to emphasis the recent history of the site and the love and affection which many people in Lochwinnoch feel for the 'Woodland Garden', especially S, who still dreams of what is possible for 'her gardens' 30+ years later.

Where paradoxically to S's, and numerous other villagers' wishes for the 'gardens', like the Johnstons, (where again, within this extremely long paper, again at the risk of repeating oneself, we fully acknowledge their wishes to build on the site re their various planning applications), where they have also spent a lot of their own money in trying to develop the site, albeit it we obviously disagree and object in the strongest possible terms to the applicants building a property in this area of woodland.

Where we also strongly believe this is the wrong type of development for one of the last areas of woodland within our village, that has taken many years to naturally develop, albeit it is now overgrown, needing care and maintenance from interested parties.

#### **4. Objections and Further Representations to the Original Planning Application.**

In the Pre-Application Discussion Details Cont. section of the above, we note that there was "a major change on the site conditions", after Mr Weir's email of the 13.03.23, where the Johnstons thought that a "fresh application with a new approach" could be possible.

So per the Tree Condition Survey that the Johnstons had requested in May 2022, followed by Mr Weir noting changes to the tree plan in his email of March 2023, presumably that 4 of the trees would have to be felled, etc, that the planning department still refused the Johnstons latest planning application.

Where if the Johnstons had been more proactive with better conservation of the ground conditions, soil, tree maintenance and management, obviously these trees would never have needed felling.

Which makes us wonder just how much care of the plot the Johnstons were inclined towards by looking after the site, considering the number of applications they have submitted over nearly 2 decades??

#### **Access and Parking.**

These issues were within our original objections that we submitted against the initial planning application.

Where the site at Auld Simon is often used by local groups as a starting point for local parades, etc. E.g., Gala Day Parade in June, the Samba band have also this location on occasion, Millenium Walk of Faith. Where a large number of children often attend these first two on-going events with their parent(s).

Whilst the Johnstons have only applied for 2 parking spaces on this site, and the Health & Safety of these events can be managed by marshalling, this increase in traffic, however small, could pose a risk to both adults, especially children and the disabled, amongst large crowds of people waiting for parades to start, if the LRB Review Panel were to uphold this appeal, especially if the applicant had visitors to their home??

These points / risks may seem minor, but we wish to make the Review Panel aware of these risks.

#### **Water Supply and Drainage Arrangements.**

At the time of writing this section out, (Monday 11/12/2023 @ 14.35) we are waiting on council staff replying to queries on these points??

As the refusal was based on tree grounds, where the appeal is also based on the same, we have asked officials if the Johnstons would have been aware of further objections from close-by residents.

Where we have since been advised by Planning Department Staff that these objections were available for the applicants viewing, where no attempts were made to do so, therefore the applicants chose not to make themselves aware of any concerns that their prospective neighbours may have on their proposals.

Thereby as far as we the interested parties / objectors are concerned, weakening their case for Review.

Alternatively, if they had attempted to view these objections and addressed the associated concerns, to our mind, they would have better prepared for their Review / Appeal process, by having more answers and information with regards to the impact that this property development would have on the surrounding area, and well beyond the development site.

This lack of concern regarding other people's opinions on their proposals seems to consistent in the applicants overall approach to their Planning Application(s) over a long period of time??

Under this section of the application, new or altered water supply and drainage will be required, where this proposed property will link into the existing drainage system.

The planning application document makes no mention of sewage waste??

Where the home of one elderly widowed resident is built over one of the main drainage pipes for wastewater or sewage. This resident strongly objected to the planning application re these concerns that the existing system wouldn't be able to cope with the extra waste from the proposed new build.

We acknowledge that this waste could only be for mainly 2-4 people, where this may point may seem unlikely. Nonetheless, we feel that point must be addressed, if only to give peace of mind to this elderly villager, who is very concerned about these issues.

Where we wish the Review Panel to note the following questions on these issues??

**Questions:**

1. Are the applicants aware of these issues regarding this individual property??
2. If they are aware of them??, what measures have they taken to address these points??
3. If the applicants are aware of the issues, why have they not highlighted this in their original planning application or even their Statement in Support of their Appeal??
4. Even if this outside the grounds of both planning refusal and appeal??
5. Or what advice have they sought on these issues??
6. Have they followed up on any advice that they have been given??

Furthermore, in a more general sense.

7. Are they aware of the design, layout, and structure of the existing draining system??
8. Especially as they intend to connect to that system??
9. Did they make enquiries about these issues?? 10. Were they required to do so?? 11. Were they aware of such issues, but didn't think that they were relevant to their application??

Where the first 6 questions on the individual property also apply to the more generalised issues of how their new build might affect the surrounding properties.

Where we believe that there are more generalised issues on drainage and sewage within this locale, where we will make more representations on these issues before the meeting of the Review Panel at the end of next month, where these issues are obviously of major concerns concerning raw sewage to this residents in the surrounding area of the application site.

Whilst all of this is obviously a specialised area of Civil Engineering, considering the number of applications that they have applied for in the past, how aware of these overall issues are they, in relation to this plot of land??

The original RC planning application has an Assessment of Flood Risk.

Where they have answered No to both questions in this section.

Does this assessment include any possible damage to tree roots in either the short or long term??

With the possible increase in run-off to other properties re any possible damage, in any direction, e.g., front or back into the gardens at the start of Johnshill or in St Winnoc Rd that are situated below the site of 2 Johnshill??

**Schedule 3 Development.**

We note that the applicant ticked the No box in response to this part of the Planning application, where normally for any Planning Application within Lochwinnoch we would see something in the local press??

Some of us as objectors have discussed this point, but none of us can remember seeing any Notice of Planning Permission within any of the local newspapers, which would normally be weekly in The Gazette. (Covering Johnstone and Renfrewshire).

Whilst we would be surprised if this part of the planning process was not adhered to, we wished to query this anyway, for the reasons stated above.

#### **Certificate and Notes and the Land Ownership Certificate.**

We note both the Certificate and Notes and the Land Ownership Certificate sections towards the end of the Planning Application and acknowledge this gives the applicant full legal title to the site.

We also note that these sections do not give any dates for when Mr and Mrs Johnston gained full title to the site, as S has said in her texts if Mrs Johnston was (first) refused Planning Permission in 2002, then presumably they had title to the plot before this date.

In 2023 it is probably now a moot point, but as the interested parties / objectors we had a discussion on the timeframe involved, i.e., the time between the Johnstons first having title to the plot, and the time they first applied for planning permission, and did this comply with the legislation of the time.

Where we wish all parties to note that we are still trying to have this point clarified from other sources, albeit it may not be relevant to this Review Paper for the LRB.

Like the points in the Schedule 3 Development section, if the Review Panel are able to have this point cleared up before we act on our alternatives for the site, so that any processes have met all due legal process and requirements??

Other than these points, we have no further comments or questions to ask of the applicants for this section of the Planning Permission Document, at this point in time.

#### **5. Examination / Representations of Tree Condition Survey.**

We have listed the Tree Condition Survey here as we believe that it has important relevance to the following sections of our Paper to the Review / Appeal and the Review Panel.

As laypersons who are certainly not Arborists / Arboriculturists for the management, maintenance, and especially the felling of diseased or damaged trees, we have to abide by the recommendations of Mr Calvey.

Although we notice that the Tree Condition Survey is now presently classed as out of date by approximately 6 months in Mid-December 2023, as noted in his report by Mr Calvey himself in his own report.

As the report was only valid for 1 year from the reporting date of May 2022, and published approximately one month later on the 14<sup>th</sup> of June 2022.

Without a further tree survey we now are wondering what the overall condition or state of the site now is??

Where for our part as the objectors, only a visual inspection of the site would be possible, where that inspection would be severely hampered by the large amounts of this, difficult to walk on / passable un-maintained ivy / undergrowth.

Where we also note the conditions of the trees that required Crown Reduction and the trees that needed removal, 6 of for Crown Removal / pruning at the tops of, and 4 for removal.

We further note from the accompanying photographs and text on the 1<sup>st</sup> page of the survey that various trees have very large amounts of ivy growing both around them and up all of the trunks of these large, well-established trees, and at ground level across the whole of the site has been, as stated above un-maintained, even very badly maintained.

Which leaves us wondering how often, and how much the plot has been regularly, even sporadically looked after, in a variety of ways over the last 20 odd years??

Having noted these points in our Paper of Further Representations / Objections where we have deliberately used the full title, to object on these points alone, at the way the plot has obviously been neglected over a large period of time, by the applicants as the legal title holders.

Where we will say quite a bit more on this subject in the next sections of our Paper to the Review Panel, which we would ask the HCG to continue to note on these issues.

## **6. Representations on Notice of Review Document.**

We note that the registered address of the applicants on the 1<sup>st</sup> page of the Notice of Review is;

Flat 0/2,

174 Clarkston Road,

Glasgow,

G44 3DN.

We will make our reasons known for noting this point just very shortly, within this section of our Paper of Representations.

This may be an inappropriate point, but as the applicants now live up in Clarkston, Glasgow with this as their registered address on their appeal, we wish to ask the Review Panel why this appeal should be upheld by the applicants when they don't even live in Lochwinnoch anymore??

Where they have not done so for a number of years.

We are sure the applicants had good personal reasons for this move to Glasgow, but this still implies an absence of loyalty to a village and community that they lived in for many years??

These questions would be completely irrelevant if it were not for the fact that the applicants have, once again, applied for planning permission for this site.

It is only because of the planning permission appeal that we ask these questions.

To think otherwise would be to imply or think that people are not allowed to live where they chose to live, which would be a ludicrous suggestion, I am originally from the South side of Glasgow, but I (Eric ) personally chose to live, and plan to die in Lochwinnoch.

Furthermore, the note below is a copy of the text between S and I on Page 7 of this paper.

### S 3

Ps- I heard Louise had told a friend they'd sold their house in Lade Court and were renting till they built their house up at the woods, so she seemed to be confident that it would go ahead.

Which considering this 'house' has been very consistently objected to and refused by the council over all these years, this piece of gossip seems rather 'over-confident' on the part of Mrs Johnston??

On a more concrete note, we also wish to ask the applicants further questions in a similar vein??

After all these years of said objections and refusals of your plans for this site, apart from changes to the tree plan per the survey report;

1. Can you give us justifications for / valid reasons for why the Review Panel should now uphold this present planning application??
2. In light of the planning department decision, again for Refusal in 2023.
3. Thereby overturning the present planning department decision.
4. Which would also obviously overturn all the previous decisions made by the same department since your 1<sup>st</sup> planning application sometime just into the Millenium??
5. Which would obviously also make Null and Void all the previous Objections over this same time frame, by multiple objectors, of varying age groups including older ones like many of our present group who are now either approaching or in pensionable age, where some of us have been objecting over the last two decades.
6. Where even more so, again if this is a relevant point??

All of the objectors, past and present are obviously all Council Taxpayers, who because we choose to live in Lochwinnoch, we pay our Council tax to Renfrewshire Council as the Local Authority.

So, with all due respect, as you now live in Glasgow, thereby paying your Council Tax to the Glasgow authority, even more so why should the Renfrewshire Review Panel find in your favour, nullifying the wishes of all of these taxpayers, past and present over 20+ years.

This last inquiry might seem a very cheeky, very impertinent question, where we are most definitely not trying to place undue pressure on the Review Panel, where we expect their decisions will be fully impartial, but also meanwhile very fair in their judgement.

So all these questions are **directed solely** at the applicants, where we are interested to hear what their responses are in relation to all of the above questions, again in addition to any other questions we have asked the applicants throughout this paper, including the last one regarding council taxes.

Moving on from these possible mooted points, we would also like to ask further questions concerning this Review / Appeal.

Considering the level of objections from the community over many years, including the present one, and the fact that the Tree Condition Survey Report is now out-of-date, albeit by only 6 months from May this year;

Under the Review procedure part of the appeal, the LRB have accepted your suggestions that you as the applicants feel "is most appropriate for the handling of your Review".



So why have you as the applicants only asked for an Assessment of review documents only, with no further procedure??

Where also, you have made no statement in support of your Review for options 1 or 2, or even asked for a further Site Inspection.

Albeit the last Site Inspection was done only 9 months ago by Mr Weir.

If you as the applicants, feel that you have such a strong case by going to appeal on the Refusal, would a possible combination of procedures, as noted on the Notice of Review document, of Further written submissions, another Site Inspection, and said Assessment of review documents not have been more appropriate to your case for that appeal??

Surely you, as the applicants want to make your case as strong as possible by exploring all possible avenues to further your case, in asking the Review panel to overturn our objections in favour of your appeal??

**Or in an alternative scenario;**

As the applicants, you are very aware, that you actually have quite a weak case in only asking for an Assessment of review documents with no further procedure.

Where you may have been, and we emphasis 'may have been', advised by your Consultants that if you wish to go for a Review, this is the best / only option, that this is the minimum threshold for a Review, where the Review panel have no option but to agree to this 'paper' Review at its lowest level under appropriate legislation, to ensure that they, the Council are adhering to that legislation to ensure that you have been fairly treated within the legal guidelines under planning law.

So as we continue to ask, we are curious as to what replies to our queries you may give us on all of the above noted questions, under this section of our papers to your appeal??

Where, as we believe you do have a (fairly / very), weak case for appeal, we will outline in the next section of our Representations / Objections, the importance of the conditions of the trees, as the main grounds of Refusal by the planning department, where as far as we can see as the interested parties / objectors who all live in Lochwinnoch, the ground and surrounding growths, and more so the trees on which the grounds are sited, where there is an 'interdependent relationship' between the two, where the trees are obviously wholly dependent on these grounds, which need to be kept in decent condition for the good maintenance and management of the trees, as the main aspects of this woodland area.

## **7. Representations / Objections to the Planning Appeal Statement.**

Our representations / objections to the original planning application could be split roughly into 3 areas, i.e.,

1. Circumstances affecting the site itself, including the presence of the trees, wildlife that live on the grounds, birds that use this environment for feeding, nesting, hatching, etc, and various other aspects of a semi-urban woodland site like the one next to Auld Simon.

2. Auld Simon itself, or to give it its original name St John's Kirk, or the Kirk of St John which was dedicated to Saint John, where the name Johnshill comes from, or St Winnock's Church within the

Church of Scotland, dated from 1727-1729, all of which depends on different sites that we at looked at online.

The obvious historical significance of the church as the oldest building in the village.

Where the bell is an original from 1729 and the clock was added in about 1731.

3. How the development of this property could affect the surrounding existing properties, in various ways, of the close-by neighbours.

Where we by now all know, the grounds of Refusal were mainly based on the 1<sup>st</sup> two types of objections, where the trees were all Points 1-5, with Refusal including Auld Simon at Point 4.

So our objections were upheld on Points 1 and 2 as noted above, by the planning department, apart from the 3<sup>rd</sup> category which doesn't seem to have been included in the Refusal.

So the grounds for our original objections and the grounds for the Refusal were both very similar, albeit the Refusal largely quoted points of legislation which we expected it to do, as obviously planning officials are better versed in this type of law making, as opposed to the interested parties / objectors, who are mainly concerned lay-persons who value the 'gardens' for its intrinsic, environmental, and natural values to and for our small community in Lochwinnoch.

Which in the main part, is fine by us as the interested parties / objectors, where a Refusal is a Refusal, on whatever grounds that may be decided on by planning staff??

Where we as the interested parties / objectors obviously hope that these points of the Refusal will also be adequate to maintain this original decision by the planning department, for this present decision in 2023, which also seems similar to all previous Refusals over the long-term objection period.

Where the conditions of the trees are important to all parties concerned in this process, whether from an interested party / objector's, applicant's or officials point of view.

From the Tree Survey Report outlining the most professional opinion on the recent conditions of the site, (May 2022), in contrast to the Appeal Application Supplementary (proposed) Planting Plan, and the detailed Planning Appeal Statement, it is obvious that in these parts of your appeal, you have gone into some detail in support of that appeal.

In direct contrast to the existing state of the of both the ground that is covered in masses of ivy, with that same ivy growing up many of the trees, to at least average head height.

On a personal visit of the site on Wednesday on the 13<sup>th</sup> of December 2023 / the week of 1<sup>st</sup> submissions, I (Eric) walked around the iron fence and take a walk on the grounds, which I did at some risk, where I often found it difficult to keep my footing, due to the undulating ground, which is very uneven across the whole site, which could only be a hinderance for property development, adversely affecting the substantial tree root systems from the various large trees with their foundations underneath these hilly grounds.

I am 5 ft 5-6 inches in height, on tree trunks with ivy, it is well above my head height.

Where quite frankly, in all objective, impartial honesty the plot is in a seriously overgrown condition, which is easily visible even from some distance away, and when driving past the site in the car.

(Eric: Where I chose to take some videos of the site for my own personal reference).

(Note from Eric: For all parties reading this paper, we have chosen not to include these photographs, which were taken my own phone, as we plan to include them in further representations / objections and as part of a much wider photographic portfolio as an ongoing record of the physical conditions that exist at the site.)

Regarding the present conditions on the site, and your plans for the maintenance of the existing trees, as well as new planting on the site, strong contradictions of a paradoxical nature seem to exist on the site.

Where on the one hand, you claim / imply that you will sensitively care for and manage the existing tree outline, presumably pruning back and getting rid of lots of undergrowth, from both across the ground and well up beyond ground level.

Also and obviously to do the same regarding the ivy and other overgrown material up all the trucks of the surviving trees within the boundaries of the plot.

Yet on the other hand, the remaining trees are still all in a seriously overgrown state, where the ivy is still heavily present, even during the winter months where the ivy and undergrowth has reduced, but only because of the colder weather conditions coming up to the winter months within the next 9 days at the Winter Equinox, on the 22<sup>nd</sup> of December for this year.

Where obviously all of this growth that is presently dormant, will return again in the spring and summer months next year and beyond, probably in a worse state that it has been in previous years, as without proper care and management, all this growth is cumulative, especially over long periods of time.

Which is nothing to say of the 4 trees that had to be cut down this last summer due to the fact that they were heavily diseased, again per the Tree Survey Report.

So very frankly, which is it??

Is it care and maintenance of existing woodland, with new growth and planting??

But only if your appeal is successful??

Or

Is it allowing the plot to become more overgrowth, requiring more trees to be felled, etc, etc??

If your appeal is refused??

As witnessed by the lack of care for the plot, by yourselves as the Legal Title Owners over the last 20 odd years.

Where in fact, as the facts seem abundantly obvious, the trees have actually been your greatest hinderance to building any kind of property on this plot of woodland over all these years.

We contend as the interested parties / objectors, that in fact your lack of care and maintenance of the site has been a very deliberate part of a very long-term plan to build a house on this site??

By knowing and hoping that with the lack of your care of the site, the trees would eventually through time become diseased, ultimately requiring felling, thereby allowing you to build some kind of property on the site through extra space being created??

Where obviously, if the trees come down through said felling, the greater your chances, as the only applicants over 20 years as the only Legal Title Holders.

Furthermore, as the owners of the plot, no one else in Lochwinnoch is going to do anything about tidying up the site, where that is your prerogative / responsibility and no one else's.

Where all this is witnessed by the fact, that your latest original Planning Application that was submitted in May this year after, and I quote;

"Due to a major change on the site conditions, following previous objections in 2015, we met Planning Officer James Weir on site."

"After his email of 13.03.23, we came to the conclusion that a fresh application with a new approach could be considered favourably."

So for the HCG and the Review Panel, we ask you to note;

The 2 points to note here are;

1. "A major change on the site conditions."
2. "A new approach could be considered favourably."

On Point 1 that yet again we wish to state that these changes had occurred due to lack of care, maintenance, and management of the trees on the site in the long term 20-year period, resulting in Point 2, where "a new approach could be considered favourably."

Where this new approach consists of a smaller property, in the form of a small bungalow type cottage, as opposed to the 2-storey house, with up and down stairs, that the applicants thought would pass due to the similar type of brickwork to Auld Simon.

Which we still find , as oft stated before, highly objectional.

## **8. Our Conclusion of the Planning Appeal Statement.**

As our suppositions to the Planning Appeal Statement are largely contained in the previous section, the conclusions to us seem very obvious.

This situation is a 'Catch 22' situation for both the Applicants and us as the Objectors.

As the applicants have never been able to build on the plot, i.e., 'dead land' as we have previously mentioned, they have never really been interested in caring for the site as it should be and could be cared for.

Even more so now in the present as they presently now live up in Glasgow, with it obviously being further to travel to, as opposed to walking up the street from their previous home in the village.

They have only ever been interested in the site if / when they could build a property on it, contradicting and overturning the wishes of a long history of objectors within Lochwinnoch, where if they had tried approaching some of the neighbours in the local vicinity of 2 Johnshill, they might have met with slightly more success.

Which having spoken to most of the neighbours in the surrounding area, some of whom are elderly long-term residents, we very firmly believe would not have made the slightest bit of difference.

As far as we are aware this never actually previously happened, again as some of the residents in this area have lived in their homes since before the Johnstons put in their 1<sup>st</sup> Planning Application in the early Millenium.

Where we wish to make it absolutely clear, we do not wish to slander Mr and Mrs Johnston, but we no longer wish to see the plot left in its present state of extremely untidy, disrepair, when we feel very strongly that it could be put to much better use.

As the local community we have never been able to maintain the site either, which on reflection could be described as short sighted on our part, but again in a contradictory manner, it has been suggested that some locals did try to briefly maintain the site, but ironically enough, it has been suggested that the applicants also objected to this work being carried out by concerned local residents, who were upset and concerned about the state of the site a number of years ago.

So to the Million Dollar Question??

To try and resolve the Catch 22 Situation that both the applicants and we as the community of Lochwinnoch find ourselves in??

## **9. Our Own Proposals for the Site at 2 Johnshill, East End, Lochwinnoch.**

So to move on to further our own proposals for 'Our Gardens'.

As an Elder and Worship leader in the Church of Scotland, I Praise and Thank the Good Lord that the staff and elected officials of Renfrewshire Council have seen fit to reject the applicants' proposals for the site over a long period of time, thereby leaving the possibilities of our community being able to develop the plot in a careful, considerate, sensitive manner that is in keeping with Renfrewshire Council's Environmental and Sustainable programmes.

In a manner that is similar to the proposals / ideas for the Lochwinnoch Community Development Trust, (LCDT), site at Lochhead Gardens, which we as a group of volunteers / amateur gardeners would bring "S's and Auld Simon's Garden's" to a state of a beautiful, blossoming Woodland Garden. Where, especially with the guidance of S, who loves the ground, in case the LRB Review Panel need reminding of this point??

Where if possible we would also approach Renfrewshire Council to ask about a Community Asset Transfer, (CAT) as we may have mentioned in other previous parts of our Representations, again in a similar manner to the way the LCDT have sought one for Lochhead Gardens.

**NB:** Where we as the interested parties / objectors have privately discussed this idea of a CAT, I (Eric) casually and briefly spoke to one of the local Councillors for the first time ever on this issue, on the afternoon of Wednesday 13<sup>th</sup> of December 2023 regarding this idea, who certainly didn't poo-poo me on it, and who seemed to consider it a reasonable option, for a site of council owned land that has lain unused for a long time, similar to the Lochhead Gardens site.

As a group of concerned locals or 'redevelopment interested parties', if we were able to get a CAT from RC for this part of the woodland area, it would obviously and dramatically increase the size of the area for said redevelopment as the woodland garden.

Where we would even consider making enquiries about the plot of land across from the application site, the lane known as 'Skipper's Path' going down to Gates Road, at the left side of Skipper's Path, where the lane as a Public Right of Way that runs from East End to Gates Road.

This area of land has, like other plots of land in this area of the Lochwinnoch has remained unused for many years in a very overgrown state of ground growth, shrubbery, and trees, which is also very unsightly to the local residents.

Like the application site, it could also be described as 'dead land'.

The 'Skipper's Path Site' is enclosed on 4 sides, with no legal vehicular access, where a number of developers have looked at it over a long number of years, and discounted it for any kind of property development, due to the lack of this access.

Any of this, in part or whole, RC owned land or Skipper's Path would obviously dramatically increase the area of the 'Woodland Gardens', which would considerably widen the scope of activities that we would be able to undertake within this woodland space.

Where if we were given a CAT, we would seek the opinions of the owners of the garages on the council owned land, even if they are mainly run down.

Where furthermore, these proposals seems to fit in with Scottish Government, (SG) Legislation of June 2018, with the;

'Community right to buy abandoned, neglected or detrimental land, (ANDL).

Where we would explore the possibilities of these proposals and form the necessary and relevant community bodies to allow these proposals to come to fruition.

If all these ideas came together, to bring all this land / these plots into community ownership this would be a huge undertaking for us as a community.

Where, very, very importantly the present application site, whilst not physically so, would be a very central and strategic part of these proposals to completely regenerate this whole area of the East End part of the village of Lochwinnoch.

Where absolutely, none, none of this area could ever be considered or given up for any kind of property development.

Where we would expect to have, if necessary, full Title Deeds drawn up, or some kind of Statement of Intent, where one of the preconditions to that title / Intent would be the express statement that all of this extended site would remain as 'green land' in perpetuity, for the permanent benefits, for both the present and future residents of Lochwinnoch.

Where we would take into full consideration on our part, as we are asking the LRB to do regarding this continued Refusal of this appeal, the thoughts and opinions of the surrounding neighbours and residents of the village, if necessary, e.g., by having public meetings to highlight our proposals.

As Papers of Further Objections and Representations to the LRB Review Panel were submitted last night by email to Mr. Robert Devine as a Senior Official of RC, it is only this morning since these submissions last night that we have thought about these ideas after very brief but very hurried discussions on this, where we very importantly feel are central to our Further Representations and Further Objections to the LRB Panel Review at the end of next month.

So in spite of / whilst these ideas / proposals have not formed a central plank of our original papers, within Mr Devine's email stating that any more Further Representations / Objections should be submitted to the Head of Corporate Governance before 3.55pm tomorrow Friday 15<sup>th</sup> of December 2023 as the deadline for paper submissions, we now ask the HCG, the LRB, and the Review Panel of

Elected Officials, or Elected Councillors to take note of these proposals before and during the LRB hearing on the 30<sup>th</sup> of January next year.

By giving our proposals their full consideration in relation to both the application site, and the wider considerations / implications that the Status Quo remains intact, where the decision of the Planning Department from the 8<sup>th</sup> of September 2023 be upheld by the LRB Review Panel, to allow us as the interested parties and objectors to explore the future of our wide range of ideas to allow natural development of this area of the East End of Lochwinnoch.

Without the detrimental effects of a new property, as proposed by the applicants sitting within our own enlarged proposed woodland development site, where as we have stated on numerous occasions now during the length of these Papers, to once again 'strike down' the proposals by the applicants, which are completely at odds with our own natural development of the area, to the benefits of the complete and whole population of Lochwinnoch and beyond into the wider community in Greater Glasgow, Renfrewshire and North Ayrshire, within Muirshiel Regional Park where this natural 'woodland area' or S's & Auld Simon's Woodland Garden would be completely open to all sections of all communities, thereby hopefully increasing visitor numbers to Lochwinnoch, and Renfrewshire in general.

Whereas we are sure, as the Staff / Elected Officials of RC all know, we get large numbers of visitors from across the, e.g., Greater Glasgow area, and from Kilmarnock in East Ayrshire, with School parties on Castle Semple Loch, Less-Able-Bodied Children in wheelchairs, or more mobile Children / Teenagers with 'Special Needs', coming to Muirshiel Regional Park.

(Excuse me / Eric as one of the authors and writers of this paper getting a bit caught up in all these proposals / ideas.)

#### **In the meantime, to return to the present issue;**

As I / Eric and My Wife hope / plan to live close by in the years to come, with my In-Laws presently reside in the vicinity and many of the objectors also living close to the site, it would be wonderful to be living nearby to these 'gardens', knowing that we had managed to save them from any form of development, and that hopefully, for many generations to come, all sorts of people would get lots of pleasure and educational benefits from having the 'gardens' in this part of Lochwinnoch, similar but different to Lochhead Gardens at the other end of the village.

Where, it seems blindingly obvious to us as the interested parties, some of the most important of these groups would be the local schoolchildren, mainly from Lochwinnoch Primary School, but also from other Primary and Secondary Schools in the area if they wished to come visit (either) site at Lochhead or S's & Auld Simon's Gardens'??

Where we personally envisage that our project may have somewhat wilder aspects to it's development, to differentiate it from Lochhead Gardens to teach, especially the children, different aspects of flora and fauna, teaching them about the trees, and hopefully / possibly small wild animals who take up residence in a slightly wilder garden site.

Where the ideas and possibilities seem endless, in this bigger 'garden' site if we able to get a CAT from RC, where to re-assure council officials and staff, we would wish to naturally develop that piece of land in a similar manner to the site at 2 Johnshill, where we would welcome site visitations from council staff to appraise them of our progress on the CAT site, and the whole site generally.

# **10. Final Conclusion to this Paper for the LRB and the HCG, of Further Objections and Representations in relation to this Planning Appeal by the Applicant, Mr David Johnston.**

In asking for this Notice of Review with the LRB, thereby highlighting the conditions that presently exist on the planning / application site, many of our group felt that Mr And Mrs Johnston have actually done us, our group / our village / our community in Lochwinnoch an unforeseen, unintended, backhanded favour.

By bringing to our attention, in the "full glaring light of day" to the conditions that presently exist on the site of S's beloved 'Woodland Garden'.

If anyone on the Review Panel doubts what we are saying, then we would like to invite you down to Lochwinnoch for an anonymous visit to examine for yourself the conditions on this plot, one of the last plots of woodland in a fairly built-up area, within a rural village.

Where it also seems that the site across from the oldest building in Lochwinnoch, and a Holy Place of Worship as the remains of an ancient church, is only / has only ever been any good to the applicants if they were going to be able to build a property on it.

At this point in this Paper of Representations / Objections, we as the 'interested parties' wish all other parties to note that, in case it is in any doubt, that once again we object to any development on this site in the strongest possible terms.

With no caveats or compromises on our part re any form of house building or development of any kind, however small or aesthetic this may be.

The site has been a natural woodland for nearly 170 years, can we just leave it that way Please, for the benefits of this community.

In spite of the conditions that the applicants have left the plot in, over many years, we also feel compassion for them, where we fully acknowledge, realise and understand that Mr and Mrs Johnston have also held this dream close to their hearts for many years.

However, that does not compromise our intentions to bring this plot back into community ownership, where this seems to be a very black and white scenario, with very little grey area in-between their proposals and ours.

Where we feel that after 20 plus years of sustained upheld objections, within the last 170 years, that the site / plot / gardens themselves have waited long enough for someone to take decent care of them, in a manner appropriate to the surrounding, natural, God / Holy-Spirit Protected Area, where "Thy Will Be Done", Not my will, But Thy Will, as The Will of God that seems to have keeping them waiting for someone to look after them.

With as we have now stated on numerous occasions, the obvious enduring support of Renfrewshire Council Local Authority.

When the LRB Review Panel make a ruling on this Appeal at the end of next month, if the LRB upholds the decision of their Planning Department, we will obviously be very, very grateful.

We do not wish to consider the other possibility at this point in time.

If the Appeal is again Refused like previous long-term decisions, Mr and Mrs Johnston obviously have a choice to make, both individually and together??



If they choose to accept the decision of the Review Panel, then we will enter into negotiations with them as soon as they are ready, to bring the Title Deeds back into Community Ownership.

Where we would compromise as much as possible with them through appointed lawyers, short of any future development on the site.

Even to the point of entering into financial talks with them regarding the site??

Where we would be prepared to wait an appropriate and discrete length of time to let them catch their breath, so to speak.

However should the applicants refuse to accept the ruling of the Appeal Body, we want them to understand, in no uncertain terms, that we will fight them absolutely every step of the way should they decide to appeal to any higher authority than the one they have already just had a ruling from.

Where we in no way wish to look as if we are blackmailing the applicants into withdrawing their case, but we wish them to clearly understand what **our** intentions are for the future??

Where we very, very firmly believe even now, **that whilst we are being very, very cautious and very, careful**, we also believe that we have an excellent chance of winning our case with the Review Panel.

Where we also believe, should it be necessary, that we can also win any future case to any higher authority if you should decide to go there??

But we'll leave this decision up to you, obviously depending on the decision of the Review Panel.

In the final part of this text we sincerely hope that we have presented a very strong case to the Review Panel to, once again reject and Refuse the Development Appeal by the applicants, in line with the decision by your associated Planning Department decision in September this year, and the Review Panel's decision at the end of January 2024.

We acknowledge that the applicants will respond to these Further Objections and Representations, and we await their responses to these Representations.

Where we will, once again, respond in a similar manner to the Applicants' own Representations.

Considering how very long this Representations Paper is, we wish to thank all everyone who has to read through this document.

We as the Interested Parties / Objectors do realise that this paper is a very, very long read in representing our case, and in some parts the reader may find it a bit boring or losing the thread of our arguments.

Or for where the paper, throughout its length is also very repetitive.

If this is the case for anyone, we would like to sincerely apologise.

However we have tried to make our case as strong as we can possibly make it, hence the length of it, by going through all of documents provided by both the applicants and Renfrewshire Council and trying to address each of the sections of these documents in very fine detail.

Hoping that You all have a Lovely Christmas

Regards and Best Wishes

From (Eric the Auld Gasbag) and The Team for S's & Auld Simon's 'Garden's'

## References

Other than three brief online references regarding Auld Simon and Scottish Government Legislation, nothing other than the paperwork / documents provided by the Planning Department, no other documents were used to reference any part of this Paper of Representations.

Therefore no Reference List is required in any form of an academic manner.

## Final Personal Notes:

Should anyone wish to contact me for any reason, regarding any of the contents within this Paper of Objections and Representations??

My contact details are below, at the end of this paragraph.

I also publicly wish to thank everyone who contributed towards this Paper of Further Objections and Representations, especially S for all the back and forward text messages, and M, for the ideas you gave me / us, and provided a bit of leadership, especially during our meetings, but also generally.

We were "lucky" that the right people appeared at the right time.

Where I just happened to be the one who had the time to word process this very lengthy document, my apologies to everyone reading all this as it is rather repetitive in some areas. It was a bit difficult at times to keep track of what I /we were trying to get down on paper from our discussions and texts, etc.

I shall thank you all privately for your input, but for reasons of confidentiality I don't want to name any of you publicly.

As you will all read this paper I am really pleased that we managed to get together so quickly to form this small group, where hopefully we will be able to enlarge the group further and gain more input from other people.

Some of the brainstorming sessions were really good fun and a good laugh, that was the part that I personally enjoyed the most by meeting other people that I had never met before, especially with a common purpose in mind regarding this Review / Appeal Notice.

Auld windbag that I am, away I all hear you laughing, you're not a windbag Eric, Ha! Ha! Ha!

I could say more of course, but I'll leave it there, as I really think I've said enough.

So I hope you all have a lovely Christmas.

Relax and enjoy yourselves after all this marathon 2 weeks.

My contact details are;

M: [REDACTED]

Email:

[REDACTED]

For the Attn of;  
Mr Robert Devine  
Renfrewshire Council  
Renfrewshire House

1 Cotton Street

Paisley.

PA1 1WB.

Friday 15<sup>th</sup> of December 2023.

(OO)  
ORIGINAL  
OBJECTOR

Planning Application: 23/0179/PP. By Mr David Johnston.

For the Site of 2 Johnshill, East End, Lochwinnoch.

Appeal / Review of this Planning Application by the Local Review Board, (LRB).

To be heard by the LRB on the 30<sup>th</sup> of January 2024

FN: David L. Hutton  
A1: 12 SE WINNOCH ROAD  
A: LOCHWINNOCH  
PC: PA12 4EG

Dear Mr Devine,

I am aware that the Renfrewshire Council Planning Department **REFUSED** this Planning Application, as noted above, on the 8<sup>th</sup> of September 2023.

I am also aware that the applicant, Mr Johnstone appealed this decision for a Notice of Review, which Mr Devine notified Objectors to, on the 1<sup>st</sup> of December 2023, which included Mr Beattie.

Since the 1<sup>st</sup> of December I am aware that Mr Eric C. Beattie of 34 High St Lochwinnoch PA12 4AA has regularly been in touch with you by email regarding Further Objections and Representations to this Review / Appeal.

Where he has, for himself and others, as both objectors and Interested Parties, made out the main papers of these Objections / Representations.

I now ask you to note that I have freely and willing asked Eric to submit these Representations / Objections to Renfrewshire Council, as either an Original Objector or an Interested Party.

Where I wish the Local Review Body, (LRB) to take note of these Further Objections and Representations into their consideration on the 30<sup>th</sup> of January 2024, when the LRB Review Panel will consider the appeal by the Applicant, Mr Johnston.

Regards

Signature of Objector / Interested Party.

Witnessed by. (If a Witness is available.)

For the Attn of;

Mr Robert Devine

Renfrewshire Council

Renfrewshire House

1 Cotton Street

Paisley.

PA1 1WB.

Friday 15<sup>th</sup> of December 2023.

Planning Application: 23/0179/PP. By Mr David Johnston.

For the Site of 2 Johnshill, East End, Lochwinnoch.

Appeal / Review of this Planning Application by the Local Review Board, (LRB).

To be heard by the LRB on the 30<sup>th</sup> of January 2024

FN: DAVID PATTERSON (0225)  
A1: 1 ST WINNOCH RD  
A: LOCHWINNOCH  
PC: PA12 4ET

Dear Mr Devine,

I am aware that the Renfrewshire Council Planning Department **REFUSED** this Planning Application, as noted above, on the 8<sup>th</sup> of September 2023.

I am also aware that the applicant, Mr Johnstone appealed this decision for a Notice of Review, which Mr Devine notified Objectors to, on the 1<sup>st</sup> of December 2023, which included Mr Beattie.

Since the 1<sup>st</sup> of December I am aware that Mr Eric C. Beattie of 34 High St Lochwinnoch PA12 4AA has regularly been in touch with you by email regarding Further Objections and Representations to this Review / Appeal.

Where he has, for himself and others, as both objectors and Interested Parties, made out the main papers of these Objections / Representations.

I now ask you to note that I have freely and willingly asked Eric to submit these Representations / Objections to Renfrewshire Council, as either an Original Objector or an Interested Party.

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Regards

Signature of Objector / Interested Party.

Witnessed by. (If a Witness is available.)

HEAD OF CORPORATE GOVERNANCE  
RENFREWSHIRE COUNCIL  
FINANCE AND RESOURCES  
RENFREWSHIRE HOUSE  
PAISLEY  
PA1 1TR.  
REGARDING  
PLANNING APPLICATION 23/0179/PP  
BY MR DAVID JOHNSTONE.  
LOCAL REVIEW BOARD  
NOTICE OF REVIEW  
30<sup>TH</sup> OF JANUARY 2024.

PAPERS OF FURTHER REPRESENTATIONS AND  
OBJECTIONS IN RELATION TO THIS REVIEW.  
FROM THE (CONCERNED) RESIDENTS OF  
LOCHWINNOCH.

Head of Corporate Governance,  
Renfrewshire Council,  
Finance and Resources,  
Renfrewshire House,  
Paisley,  
PA1 1TR.

N MR DAVID PATERSON  
A 1ST WINNOCH RD  
A  
P LOCHWINNOCH, PA12 4ET.

Thursday 14<sup>th</sup> of December 2023.

(Will all individuals please note that the Head of Corporate Governance will ignore your representations/objections if you have not filled in your personal details with your Name and Address, etc, as above).

Planning Application: 23 /0179/PP.

Erection of single storey dwellinghouses and associated works,

On the Eastern Boundary Of No. 2 Johnshill, East End, Lochwinnoch,

By Mr. David Johnston.

For the Head of Corporate Governance in relation to Notice of Review to this Planning Application.

Relating to the meeting of the Local Review Body, (LRB) for this Notice of Review to be held at 2pm on the 30<sup>th</sup> of January 2024, in Renfrewshire House, Cotton Street, Paisley.

On the grounds of the Letters of Representations – Council Decision, as noted in the letters posted out to individuals, dated 8<sup>th</sup> September 2023, who objected to this Planning Application, where; 'the application together with your representations was considered by the Council on the 8<sup>th</sup> of September'.

Where the decision of the council was;

REFUSE Consent subject to the reasons.

As noted in the accompanying letter,

Ref. 23/0179/PP.

CONDITIONS AND/OR REASONS ATTACHED TO THIS DECISION.

**For the Attention of The Head of Corporate Governance.**

**Dear Sir / Madam,**

**List of Contents for this Paper of Representations/Objections**

- 1. The Interested Parties Initial statement to the Planning Review Panel.**
- 2. Statements, Questions and Representations from the Objectors to the Johnstons regarding this Planning Review / Appeal??**
- 3. A Recent History of the Site: How we got to where we are, from 1991 to 2023.**
- 4. Objections and Further Representations to the Original Planning Application.**
- 5. Representations on the Tree Report.**
- 6. Notice of Review Document.**
- 7. Representations to the Planning Appeal Statement.**
- 8. Our Conclusion to the Planning Appeal Statement**
- 9. Our Own Proposals for the Site at 2 Johnshill, East End, Lochwinnoch.**
- 10. Final Conclusion to this Paper of Further Objections and Representations in relation to this Planning Appeal by the Applicant, Mr David Johnston.**

**1. The Interested parties Initial statement to the Planning Review Panel.**

Will the Head of Corporate Governance, hereby abbreviated to HCG, please note that we wish to make Representations/Objections in relation to the above Planning Review Appeal by the LRB, as an 'Interested Party'.

Where we hope that the HCG will note these reservations in relation to the Review Panel meeting on the noted date will also take these Representations into their considerations and deliberations when making a judgement on this Notice of Review / Appeal by the Applicants, to the LRB.

Where we wish the HCG to note that we do so in the strongest possible terms regarding this Review, not just on the grounds on which the appeal has been based, but across all possible areas of both the original planning application and the associated review.

In previous applications by Mr and Mrs Johnston, we, as interested parties have asked for all previous objections and representations to be taken into consideration regarding any present application, where historically, as far as we are aware, the Johnstons, have been the only applicants to ever apply for planning permissions for this particular site??

Where very importantly, to support our case as the interested parties, various individuals and groups in Lochwinnoch have shown a consistent pattern of objections to the planning applications by this couple over the last 20+ years.

Where, very obviously we wish the 'Woodland Garden' / Area of Woods at 2 Johnshill, East End, Lochwinnoch, across from / in very close proximity to Auld Simon, as the oldest building in Lochwinnoch, for the woodland to remain in its present state, without any property development by these applicants.

***Furthermore, after 20+ years of applications by the Johnstons, we strongly and firmly believe that we have reached an impasse in relation to this situation??***

Approximately every several years just over the last 2 decades, the Johnstons have put in an application for planning permission, and we, the objectors and interested parties have responded and objected to these applications for development on this site.

Where Renfrewshire Council staff and elected officials have consistently supported us in our objections to these applications, by also consistently refusing planning permission for this valued and treasured site within our village, where we wish to record our gratitude for these efforts, where we are very grateful to these individuals over the last 20+ years in their continued support.

For if it was not for this continuous support, we would not be here today, where once again we find ourselves having to object and make representations to this Review / Appeal by Mr and Mrs Johnston.

In spite of our opposition to these continuous Planning Applications we therefore acknowledge that this has cost the Johnstons a lot of money, time and effort in pursuing their case, as well as a lot of corresponding time and effort on our part as the objectors.

To say nothing of the time that the planning department and to a lesser extent the time and deliberations that Councillors on the review panel spend on this issue.

***So in an effort to resolve this situation to the benefit of all parties concerned, i.e., applicants, objectors, Renfrewshire Council Planning Department, Councillors on the review panel, as well as the HCG, in his considerations on this issue, we would like to set out alternative proposals for the site, which can already probably be guessed at by all concerned??***

We will briefly outline these alternative proposals as noted immediately below and elaborate further throughout this Paper of Further Objections and Representations, and towards the end of this paper in our Conclusion.

We acknowledge that this scenario may not be acceptable to Mr and Mrs Johnston in the first instance, as they have held this dream for many years, but as they lived amongst us for many years in our very beautiful village of Lochwinnoch, where they were friendly and friends with, and well known to many of us, where I personally, (Eric) had mutual friends with them.

Where we as the objectors would seriously like to ask them to consider what we propose at some length, as opposed to dismissing our ideas in a knee-jerk type of reaction??

We also recognise that, as stated earlier, that this couple have put a lot of time, effort and expense into their planning applications, but after 20+ years of objections, we would ask them to finally recognise that as a community / the village / Lochwinnoch does not and will not / never accept their proposals for this site.

Whilst some individuals in the village may accept their proposals with their present plans for a property that is visually and aesthetically pleasing in relation to, and the closeness of Auld Simon,



many more people will not, especially neighbours in the surrounding vicinity of the plot, i.e., in Johnshill, East End, St Winnoc Road, Gates Road, and various parts of High Street.

## ***2. Statements, Questions and Representations from the Objectors to the Johnstons regarding this Planning Review / Appeal??***

All of the above then leads us to ask the following questions of Mr and Mrs Johnston??

When are you finally going to accept that your planning applications for this site are absolutely not acceptable to many of residents in Lochwinnoch??

Otherwise, why has there been 20 odd years of objections to your proposals, every time you apply??

No matter how nice or pleasing to the human eye your proposed property may look on this occasion, especially in relation to Auld Simon, like previous plans, it is still not in any way acceptable to the majority of our community in Lochwinnoch.

Where this small woodland area, that has been a precious woodland just off the centre of Lochwinnoch, for approximately for the last 165-170 years, should / could / must remain a 'Woodland Garden', enhancing the local environment / surrounding area, to the benefits of the trees, local flora and fauna, wildlife, roosting birds of all kinds and especially rooks.

Without absolutely any property being built upon it.

Where ultimately all of the above, intangibly enhances and enriches the lives of the human beings who live close by this plot, and any other green spaces, both within Lochwinnoch and outside it.

As a rural village in South Renfrewshire, which we feel is the last real village that is separate from other communities, which is not a suburb of Johnstone or Paisley, as the build-up area has extended ever outwards over the years.

Which is very much obviously why Renfrewshire Council has dependably supported our objections over the last 2 decades, as the benefits of green spaces and closeness to nature are very well, and scientifically recognised, in regard to both physical and especially, mental health.

**So really, in this part of our Representations, in our own way we are also lodging an appeal, as we are appealing to your better natures, Mr And Mrs Johnston??**

**To let all this go, for your own benefit and peace of mind, as well as ours as a group of objectors.**

And ultimately, for the benefit of Lochwinnoch as a community, which you obviously love, and loved, as you lived here for many years.

Where for you to try and accept that there will always be a group of interested parties / objectors in Lochwinnoch, with hopefully, as noted above, the continuing, ongoing support of Renfrewshire Council, where some concerned individuals, as individuals or in groups will always object to your plans for this site.

Where today it is our group who are objecting / making representations, tomorrow it will be someone else, and another group.

(Personal note from Eric)

(Please do not misunderstand me, as there is absolutely nothing personal in all this, along with many others we just completely disagree with your proposals for the 'Woodland Garden' and have done so for many years).

(Where my / our personal reasons for our representations / objections are completely altruistic, to the benefits of my / our community, where we represent the wishes our community, in my (Eric's) personal case my elderly relatives live in close proximity to Auld Simon / Johnshill / East End, where I have been asked to deal with this on behalf of all my family, as well as my own very strong beliefs in what we are doing).

Ultimately this situation reminds us of the Burnfield Road / Playing field site, with planning applications by Stuart Milne Developers, at the end of Newton of Barr, Lochwinnoch.

Where in this case, the Community Council have mounted a very focused, consistent campaign by this developer, sustained over a number of years, where ironically, this is a shorter time span than the one we have mounted against your own proposals.

Where both developers, regardless of size, both own the prospective sites, but cannot do anything with them, due to the number of representations / objections Renfrewshire Council (RC) have received over the years, from Lochwinnoch residents.

Where the term 'Dead Land' could be used to describe both sites.

Where it seems you are stuck with a possible development site that you can't do anything with??

Hence the nickname of 'dead land'.

To continue with these objections and representations, as noted above, we will further outline our proposals for the site towards the end of this paper.

### **3. A Recent History of the Site: How we got to where we are, from 1991 to 2023.**

In the early 1990's S, who has lived in Lochwinnoch for at least 30+ years wanted to further develop the application site into a 'Woodland Garden', where the site had and still has to the present day has become naturally overgrown, per the applicants' paperwork showing the Ordnance Survey Map of 1856, so over approximately the last 135-140 years in 1990-93, plus another 30 years to the present.

So in total the site has therefore been undisturbed for approximately the last 165-170 years.

The following pages are copied from messages between Ms S and me to show the review panel the 'more recent' history of what has happened over the last 30 odd years regarding this plot of woodland at 2 Johnshill / East End.

I have only altered the text to tidy it up, and have been very careful to preserve the anonymity of Ms S, even although I'm sure the Johnstons know who / remember who this lady is??

**Eric**

Thanks for getting back to me S.

I'm really just looking for the process that was involved, that you went through, and the time frame /

dates involved.

I didn't realise the lawyers were involved though, I've never really understood why the Johnstons keep on applying to build on the site, but by the sound of it they have legal rights / title to it?? Which explains why they have kept on applying to build on it over the last 20 odd years x 3-4 times. The situation reminds me of Burnfoot Rd then, they own it, but can't use it as locals keep on objecting to their planning applications??

As I recall they supposedly fenced it off, supposedly maintained it for a number of years, and then claimed legal rights to it??

If you fill in some gaps for me re how long ago you were at the lawyers, that would help.

## S 1

I laid claim to the land around 1991/92.

My then lawyer did a land search and found no record of ownership, he told me to occupy the land and look after it for 10 years and if it was uncontested, it would be mine. I did this at considerable expense, fencing it off, having dead trees felled etc, but only after I got council approval.

During the 10 years, Louise Johnson started her own claim, but I was told by my lawyer I had prior claim so not to worry. When my 10 years were up, I contacted my then lawyer, I'd changed to a different firm by then to ask how to conclude the claim -she said I didn't have to do anything as it was now mine.

However it appears that wasn't the case and Mrs Johnson saw her chance and pursued her claim. By this time I'd built a shed on the plot and was making it into a woodland garden but basically I had to get off the land, remove the shed and that was it. It was heartbreaking at the time, but there didn't appear to be anything else I could do.

Unfortunately I left it too long to complain to the Law Society, so I just had to let it go.

## Eric

A quick couple of questions that I mentioned yesterday??

Do you remember more accurately when Louise Johnson put her original claim in during the 10-year period??

Any idea when she further pursued her own claim??

I'm presuming that this was after about 2001-2003??

## S 2

I've found the "Woods File".

I first enquired about the plot in Feb 1993, and it looks like my claim dates from March 1993.

I then set to work having it fenced off by Alter Landscapes, employing a Tree Surgeon to assess the plot then paying him to make the plot safe, which included having some dead elm trees felled because they were dangerous. I had to apply for permission from Renfrewshire Council for that work to be done, even providing photographic evidence that one tree had actually fallen in high winds. This cost me a lot of money.

I was then worried about the spikes on the original iron fence at the front and my lawyer advised me to remove them to avoid public injury, this I did, all 239 with a hacksaw as I recall as I didn't own a Stihl Saw.

I also took out public liability insurance. Ironically, the Council refused permission to have the canopy overhanging the pavement to be cut back even though it forced pedestrians to walk on the road in summer, which worried me.

When the owner of one of the neighbouring garages expressed concern about overhanging branches I had them professionally removed.

I loved the ground, worked on it and my children and dogs shared it with me where I had all sorts of dream for the plot.

Anyway Louise Johnston applied for planning permission 2002 and was refused then, they had laid claim to the land. I was advised that I had prior claim so not to worry, the rest is within what I've already sent you.

Like I said, I thought all was well till Louise approached me when I was gardening at the plot Spring 2009 and told me I had to leave as the ground was theirs and they were "going to build a house ". I've never fully understood what happened, but it appears they did nothing illegal, saw their chance and followed it through.

To summarize, their first attempt at receiving planning permission appears to have been made in early 2002 , which I suppose is the main point. I think at least more than one has been made since then.

### S 3

Ps- I heard Louise had told a friend they'd sold their house in Lade Court and were renting till they built their house up at the woods, so she seemed to be confident that it would go ahead.

Eric

Morning S,

No I fully realise that you have not accused them of any illegal practices.

Where nothing illegal has been done anyway, as they have included a copy of the land certificate showing ownership.

As I've said previously, I've never understood why they kept on applying for planning permission for the site, but this is now obvious as they own it.

Where this can be very expensive, as they have now applied for planning permission 3-4 times over said 20+ years.

Considering that the villagers have consistently objected to their proposals over this period, and the council planning department have also consistently upheld the objections by their refusals, I personally think the Johnsons have been, and are being very naive.

Again it's similar to Burnfield Rd, they might own the land but can't get permission to build on it, it's "dead land" so to speak.

I'm not sure if you realise but all the previous objections are very important, where we as the objectors can ask that all of this historical information be taken into consideration for this present application and appeal, it obviously shows a consistent pattern of objections over a long period of time.

I hope some of this reassures you about what happens next, but my apologies if it also brings up painful memories for you, as you very obviously loved this area of woodland years ago, and still do in the present.

Personally the Johnsons have actually done me / us a back handed favour, by giving me a wake-up call re all this, & motivating me to do something about it, to protect this historical, natural site for Lochwinnoch and the villagers.

Where if the Review panel are consistent with previous decisions??, I would personally hope to bring this plot back into public ownership by whatever means we can get it back, where we can manage this plot and keep it in the natural state that it has been in for the last 160+ years, for the benefit of everyone in Lochwinnoch, as a beautiful, natural Woodland Garden.

Where hopefully the Johnstons have done us all a big favour by appealing this council decision by settling these issues to the benefit of all parties, the community in Lochwinnoch, the Johnstons, and Renfrewshire Council ??

#### S 4

That's reminded of what happened legally, as I understand it my name was entered on the old Land Register, it should also have been put on the new one, that's how I lost the ground because my lawyer didn't do that.

Eric

All of this hassle over all these years because of one simple legal mistake.

Which would probably have taken an hour or two of work to do.

The lawyer was lucky that you didn't make a complaint to the Law Society, as you certainly had grounds to do so.

When I think about it, I was forgetting my manners.

To ask you for permission to put your story in my own paperwork???

I would be careful to maintain confidentiality, & reword your text if necessary, & use only letters like WG for Woodland Garden so that you could not be identified in any way.

The councillors wouldn't be interested anyway, although the Johnstons will likely remember??

Your story is the basis of all of this & I feel very important to our own appeal, which I / we will use to highlight why the site must be left in its present state, so that we as a community in Lochwinnoch can maintain and manage it, and really improve upon it, in a similar manner to what the LCDT are doing with Lochhead Gardens.

Even to the point of involving the LCDT for help re various aspects of these ideas & asking RC for a Community Asset Transfer, (CAT), to extend the plot with the council owned land to the rear of the garden in a similar way to the application the LCDT have done for Lochhead Gardens.

Furthermore it fundamentally shows how right from the time that even before the Johnsons made a claim to this plot, that your plans for it were the foundations of all the objections that have followed over the last 30+ years, to the present.

And into the future, if / when, as I've said above where we hopefully bring the plot back into common law, common sense, community ownership.

Which if you are still interested in, I personally hope that you would still like to be involved in?? This was your dream 30+++ years ago, after all.

So I am really hoping that you are okay with me using your story.  
To be honest, personally , I like the sound of S's Garden, L Gardens, or Auld Simon's Garden???

## S 5

Well at the time I was in the process of leaving J, plus a solicitor acquaintance of mine told me she didn't think I had " what it would take", financially or otherwise to fight it, nor was there any point in complaining so I let it go. I'd have loved to have built a tiny wee L- shaped hoose there and see out my days but I always knew that would never be possible without felling healthy trees.

(NB from Eric: The fact that S had thought of building a small house on the plot in no way justifies the planning applications that the Johnstons have submitted over the years. Note the fact that S also acknowledges that healthy trees would have to be felled / sacrificed to build any property).

(Where I chose to leave this text in this part of our objections to highlight the fact that S had realised that building a property on the site was not possible).

Imagine the joy I felt when I had my wee shed built!

Anyway, back to present times and I must admit you've now got me interested in the idea of a Community Garden. I also always knew the plot was too big for me to look after it properly. There were actually some people who referred to it as S's Woods!!

God moves in mysterious ways I have found and if what I want is right, it tends to happen eventually. I would like to be involved in what goes on in the future. By the way , I'm happy to be named personally in the proceedings as I'm confident I haven't falsely accused anyone of anything, my only worry would be lawyer although I haven't named them in any of my communications with you.

There is still a chance that I've misunderstood events! Meanwhile I'll just allow myself to dream of the woodland garden. Oh, btw, there are remains of what appears to be a stone wall / foundations within the ground- I used to sit on them while I had my tea break- I'm sure you've examined the history of the area. x

## S6

Already thinking of projects to open people's eyes to what can be achieved plant wise, there's a lovely " feel" up there. I don't think Mrs Johnston would know what I mean, don't think she would understand my love for the place, but maybe I'm wrong.

Just another piece of info which might explain a lot.

I had the ground professionally valued sometime during the 2000's, as I have the papers somewhere I think. If I remember correctly, it was valued at £65k if outline planning permission was obtained, which of course would involve removal of trees. I did that out of curiosity as I always knew trees would have to go and I wasn't prepared to do that, so it was a dead end.

(2<sup>nd</sup> Note from Eric: As we would obviously not be seeking to build or develop the gardens in this way, on a 'dead plot of land', by asking for planning permission, which negates our complete and whole ambitions for the site, we would want to have the plot evaluated and priced as a garden plot).

Come to think of it, that would be a driving force for other people??

I'll shut up now- things keep coming back to me. Now that I understand your motivations , I'd be happy to meet with you in the New Year and show you the " S's Woods " files ! Till then ...

S7

Ps: I didn't do it before because I thought it would just look like sour grapes, and of course there is a small element of that, that has gone with the passage of time now that I am older and hopefully a bit wiser, but I can now see better reasons for objecting to their plans.

All of this text is rather long winded, but we have chosen to include it to emphasis the recent history of the site and the love and affection which many people in Lochwinnoch feel for the 'Woodland Garden', especially S, who still dreams of what is possible for 'her gardens' 30+ years later.

Where paradoxically to S's, and numerous other villagers' wishes for the 'gardens', like the Johnstons, (where again, within this extremely long paper, again at the risk of repeating oneself, we fully acknowledge their wishes to build on the site re their various planning applications), where they have also spent a lot of their own money in trying to develop the site, albeit it we obviously disagree and object in the strongest possible terms to the applicants building a property in this area of woodland.

Where we also strongly believe this is the wrong type of development for one of the last areas of woodland within our village, that has taken many years to naturally develop, albeit it is now overgrown, needing care and maintenance from interested parties.

#### **4. Objections and Further Representations to the Original Planning Application.**

In the Pre-Application Discussion Details Cont. section of the above, we note that there was "a major change on the site conditions", after Mr Weir's email of the 13.03.23, where the Johnstons thought that a "fresh application with a new approach" could be possible.

So per the Tree Condition Survey that the Johnstons had requested in May 2022, followed by Mr Weir noting changes to the tree plan in his email of March 2023, presumably that 4 of the trees would have to be felled, etc, that the planning department still refused the Johnstons latest planning application.

Where if the Johnstons had been more proactive with better conservation of the ground conditions, soil, tree maintenance and management, obviously these trees would never have needed felling.

Which makes us wonder just how much care of the plot the Johnstons were inclined towards by looking after the site, considering the number of applications they have submitted over nearly 2 decades??

#### **Access and Parking.**

These issues were within our original objections that we submitted against the initial planning application.

Where the site at Auld Simon is often used by local groups as a starting point for local parades, etc. E.g., Gala Day Parade in June, the Samba band have also this location on occasion, Millenium Walk of Faith. Where a large number of children often attend these first two on-going events with their parent(s).

Whilst the Johnstons have only applied for 2 parking spaces on this site, and the Health & Safety of these events can be managed by marshalling, this increase in traffic, however small, could pose a risk to both adults, especially children and the disabled, amongst large crowds of people waiting for parades to start, if the LRB Review Panel were to uphold this appeal, especially if the applicant had visitors to their home??

These points / risks may seem minor, but we wish to make the Review Panel aware of these risks.

#### **Water Supply and Drainage Arrangements.**

At the time of writing this section out, (Monday 11/12/2023 @ 14.35) we are waiting on council staff replying to queries on these points??

As the refusal was based on tree grounds, where the appeal is also based on the same, we have asked officials if the Johnstons would have been aware of further objections from close-by residents.

Where we have since been advised by Planning Department Staff that these objections were available for the applicants viewing, where no attempts were made to do so, therefore the applicants chose not to make themselves aware of any concerns that their prospective neighbours may have on their proposals.

Thereby as far as we the interested parties / objectors are concerned, weakening their case for Review.

Alternatively, if they had attempted to view these objections and addressed the associated concerns, to our mind, they would have better prepared for their Review / Appeal process, by having more answers and information with regards to the impact that this property development would have on the surrounding area, and well beyond the development site.

This lack of concern regarding other people's opinions on their proposals seems to consistent in the applicants overall approach to their Planning Application(s) over a long period of time??

Under this section of the application, new or altered water supply and drainage will be required, where this proposed property will link into the existing drainage system.

The planning application document makes no mention of sewage waste??



Where the home of one elderly widowed resident is built over one of the main drainage pipes for wastewater or sewage. This resident strongly objected to the planning application re these concerns that the existing system wouldn't be able to cope with the extra waste from the proposed new build.

We acknowledge that this waste could only be for mainly 2-4 people, where this may point may seem unlikely. Nonetheless, we feel that point must be addressed, if only to give peace of mind to this elderly villager, who is very concerned about these issues.

Where we wish the Review Panel to note the following questions on these issues??

**Questions:**

1. Are the applicants aware of these issues regarding this individual property??
2. If they are aware of them??, what measures have they taken to address these points??
3. If the applicants are aware of the issues, why have they not highlighted this in their original planning application or even their Statement in Support of their Appeal??
4. Even if this outside the grounds of both planning refusal and appeal??
5. Or what advice have they sought on these issues??
6. Have they followed up on any advice that they have been given??

Furthermore, in a more general sense.

7. Are they aware of the design, layout, and structure of the existing draining system??
8. Especially as they intend to connect to that system??
9. Did they make enquiries about these issues?? 10. Were they required to do so?? 11. Were they aware of such issues, but didn't think that they were relevant to their application??

Where the first 6 questions on the individual property also apply to the more generalised issues of how their new build might affect the surrounding properties.

Where we believe that there are more generalised issues on drainage and sewage within this locale, where we will make more representations on these issues before the meeting of the Review Panel at the end of next month, where these issues are obviously of major concerns concerning raw sewage to this residents in the surrounding area of the application site.

Whilst all of this is obviously a specialised area of Civil Engineering, considering the number of applications that they have applied for in the past, how aware of these overall issues are they, in relation to this plot of land??

The original RC planning application has an Assessment of Flood Risk.

Where they have answered No to both questions in this section.

Does this assessment include any possible damage to tree roots in either the short or long term??

With the possible increase in run-off to other properties re any possible damage, in any direction, e.g., front or back into the gardens at the start of Johnshill or in St Winnoc Rd that are situated below the site of 2 Johnshill??

**Schedule 3 Development.**

We note that the applicant ticked the No box in response to this part of the Planning application, where normally for any Planning Application within Lochwinnoch we would see something in the local press??

Some of us as objectors have discussed this point, but none of us can remember seeing any Notice of Planning Permission within any of the local newspapers, which would normally be weekly in The Gazette. (Covering Johnstone and Renfrewshire).

Whilst we would be surprised if this part of the planning process was not adhered to, we wished to query this anyway, for the reasons stated above.

#### **Certificate and Notes and the Land Ownership Certificate.**

We note both the Certificate and Notes and the Land Ownership Certificate sections towards the end of the Planning Application and acknowledge this gives the applicant full legal title to the site.

We also note that these sections do not give any dates for when Mr and Mrs Johnston gained full title to the site, as S has said in her texts if Mrs Johnston was (first) refused Planning Permission in 2002, then presumably they had title to the plot before this date.

In 2023 it is probably now a moot point, but as the interested parties / objectors we had a discussion on the timeframe involved, i.e., the time between the Johnstons first having title to the plot, and the time they first applied for planning permission, and did this comply with the legislation of the time.

Where we wish all parties to note that we are still trying to have this point clarified from other sources, albeit it may not be relevant to this Review Paper for the LRB.

Like the points in the Schedule 3 Development section, if the Review Panel are able to have this point cleared up before we act on our alternatives for the site, so that any processes have met all due legal process and requirements??

Other than these points, we have no further comments or questions to ask of the applicants for this section of the Planning Permission Document, at this point in time.

#### **5. Examination / Representations of Tree Condition Survey.**

We have listed the Tree Condition Survey here as we believe that it has important relevance to the following sections of our Paper to the Review / Appeal and the Review Panel.

As laypersons who are certainly not Arborists / Arboriculturists for the management, maintenance, and especially the felling of diseased or damaged trees, we have to abide by the recommendations of Mr Calvey.

Although we notice that the Tree Condition Survey is now presently classed as out of date by approximately 6 months in Mid-December 2023, as noted in his report by Mr Calvey himself in his own report.

As the report was only valid for 1 year from the reporting date of May 2022, and published approximately one month later on the 14<sup>th</sup> of June 2022.

Without a further tree survey we now are wondering what the overall condition or state of the site now is??

Where for our part as the objectors, only a visual inspection of the site would be possible, where that inspection would be severely hampered by the large amounts of this, difficult to walk on / passable un-maintained ivy / undergrowth.

Where we also note the conditions of the trees that required Crown Reduction and the trees that needed removal, 6 of for Crown Removal / pruning at the tops of, and 4 for removal.

We further note from the accompanying photographs and text on the 1<sup>st</sup> page of the survey that various trees have very large amounts of ivy growing both around them and up all of the trunks of these large, well-established trees, and at ground level across the whole of the site has been, as stated above un-maintained, even very badly maintained.

Which leaves us wondering how often, and how much the plot has been regularly, even sporadically looked after, in a variety of ways over the last 20 odd years??

Having noted these points in our Paper of Further Representations / Objections where we have deliberately used the full title, to object on these points alone, at the way the plot has obviously been neglected over a large period of time, by the applicants as the legal title holders.

Where we will say quite a bit more on this subject in the next sections of our Paper to the Review Panel, which we would ask the HCG to continue to note on these issues.

## **6. Representations on Notice of Review Document.**

We note that the registered address of the applicants on the 1<sup>st</sup> page of the Notice of Review is;

Flat 0/2,

174 Clarkston Road,

Glasgow,

G44 3DN.

We will make our reasons known for noting this point just very shortly, within this section of our Paper of Representations.

This may be an inappropriate point, but as the applicants now live up in Clarkston, Glasgow with this as their registered address on their appeal, we wish to ask the Review Panel why this appeal should be upheld by the applicants when they don't even live in Lochwinnoch anymore??

Where they have not done so for a number of years.

We are sure the applicants had good personal reasons for this move to Glasgow, but this still implies an absence of loyalty to a village and community that they lived in for many years??

These questions would be completely irrelevant if it were not for the fact that the applicants have, once again, applied for planning permission for this site.

It is only because of the planning permission appeal that we ask these questions.

To think otherwise would be to imply or think that people are not allowed to live where they chose to live, which would be a ludicrous suggestion, I am originally from the South side of Glasgow, but I (Eric ) personally chose to live, and plan to die in Lochwinnoch.

Furthermore, the note below is a copy of the text between S and I on Page 7 of this paper.

### S3

Ps- I heard Louise had told a friend they'd sold their house in Lade Court and were renting till they built their house up at the woods, so she seemed to be confident that it would go ahead.

Which considering this 'house' has been very consistently objected to and refused by the council over all these years, this piece of gossip seems rather 'over-confident' on the part of Mrs Johnston??

On a more concrete note, we also wish to ask the applicants further questions in a similar vein??

After all these years of said objections and refusals of your plans for this site, apart from changes to the tree plan per the survey report;

1. Can you give us justifications for / valid reasons for why the Review Panel should now uphold this present planning application??
2. In light of the planning department decision, again for Refusal in 2023.
3. Thereby overturning the present planning department decision.
4. Which would also obviously overturn all the previous decisions made by the same department since your 1<sup>st</sup> planning application sometime just into the Millenium??
5. Which would obviously also make Null and Void all the previous Objections over this same time frame, by multiple objectors, of varying age groups including older ones like many of our present group who are now either approaching or in pensionable age, where some of us have been objecting over the last two decades.
6. Where even more so, again if this is a relevant point??

All of the objectors, past and present are obviously all Council Taxpayers, who because we choose to live in Lochwinnoch, we pay our Council tax to Renfrewshire Council as the Local Authority.

So, with all due respect, as you now live in Glasgow, thereby paying your Council Tax to the Glasgow authority, even more so why should the Renfrewshire Review Panel find in your favour, nullifying the wishes of all of these taxpayers, past and present over 20+ years.

This last inquiry might seem a very cheeky, very impertinent question, where we are most definitely not trying to place undue pressure on the Review Panel, where we expect their decisions will be fully impartial, but also meanwhile very fair in their judgement.

So all these questions are **directed solely** at the applicants, where we are interested to hear what their responses are in relation to all of the above questions, again in addition to any other questions we have asked the applicants throughout this paper, including the last one regarding council taxes.

Moving on from these possible mooted points, we would also like to ask further questions concerning this Review / Appeal.

Considering the level of objections from the community over many years, including the present one, and the fact that the Tree Condition Survey Report is now out-of-date, albeit by only 6 months from May this year;

Under the Review procedure part of the appeal, the LRB have accepted your suggestions that you as the applicants feel "is most appropriate for the handling of your Review".

So why have you as the applicants only asked for an Assessment of review documents only, with no further procedure??

Where also, you have made no statement in support of your Review for options 1 or 2, or even asked for a further Site Inspection.

Albeit the last Site Inspection was done only 9 months ago by Mr Weir.

If you as the applicants, feel that you have such a strong case by going to appeal on the Refusal, would a possible combination of procedures, as noted on the Notice of Review document, of Further written submissions, another Site Inspection, and said Assessment of review documents not have been more appropriate to your case for that appeal??

Surely you, as the applicants want to make your case as strong as possible by exploring all possible avenues to further your case, in asking the Review panel to overturn our objections in favour of your appeal??

**Or in an alternative scenario;**

As the applicants, you are very aware, that you actually have quite a weak case in only asking for an Assessment of review documents with no further procedure.

Where you may have been, and we emphasis 'may have been', advised by your Consultants that if you wish to go for a Review, this is the best / only option, that this is the minimum threshold for a Review, where the Review panel have no option but to agree to this 'paper' Review at its lowest level under appropriate legislation, to ensure that they, the Council are adhering to that legislation to ensure that you have been fairly treated within the legal guidelines under planning law.

So as we continue to ask, we are curious as to what replies to our queries you may give us on all of the above noted questions, under this section of our papers to your appeal??

Where, as we believe you do have a (fairly / very), weak case for appeal, we will outline in the next section of our Representations / Objections, the importance of the conditions of the trees, as the main grounds of Refusal by the planning department, where as far as we can see as the interested parties / objectors who all live in Lochwinnoch, the ground and surrounding growths, and more so the trees on which the grounds are sited, where there is an 'interdependent relationship' between the two, where the trees are obviously wholly dependent on these grounds, which need to be kept in decent condition for the good maintenance and management of the trees, as the main aspects of this woodland area.

## **7. Representations / Objections to the Planning Appeal Statement.**

Our representations / objections to the original planning application could be split roughly into 3 areas, i.e.,

1. Circumstances affecting the site itself, including the presence of the trees, wildlife that live on the grounds, birds that use this environment for feeding, nesting, hatching, etc, and various other aspects of a semi-urban woodland site like the one next to Auld Simon.
2. Auld Simon itself, or to give it its original name St John's Kirk, or the Kirk of St John which was dedicated to Saint John, where the name Johnshill comes from, or St Winnock's Church within the

Church of Scotland, dated from 1727-1729, all of which depends on different sites that we at looked at online.

The obvious historical significance of the church as the oldest building in the village.

Where the bell is an original from 1729 and the clock was added in about 1731.

3. How the development of this property could affect the surrounding existing properties, in various ways, of the close-by neighbours.

Where we by now all know, the grounds of Refusal were mainly based on the 1<sup>st</sup> two types of objections, where the trees were all Points 1-5, with Refusal including Auld Simon at Point 4.

So our objections were upheld on Points 1 and 2 as noted above, by the planning department, apart from the 3<sup>rd</sup> category which doesn't seem to have been included in the Refusal.

So the grounds for our original objections and the grounds for the Refusal were both very similar, albeit the Refusal largely quoted points of legislation which we expected it to do, as obviously planning officials are better versed in this type of law making, as opposed to the interested parties / objectors, who are mainly concerned lay-persons who value the 'gardens' for its intrinsic, environmental, and natural values to and for our small community in Lochwinnoch.

Which in the main part, is fine by us as the interested parties / objectors, where a Refusal is a Refusal, on whatever grounds that may be decided on by planning staff??

Where we as the interested parties / objectors obviously hope that these points of the Refusal will also be adequate to maintain this original decision by the planning department, for this present decision in 2023, which also seems similar to all previous Refusals over the long-term objection period.

Where the conditions of the trees are important to all parties concerned in this process, whether from an interested party / objector's, applicant's or officials point of view.

From the Tree Survey Report outlining the most professional opinion on the recent conditions of the site, (May 2022), in contrast to the Appeal Application Supplementary (proposed) Planting Plan, and the detailed Planning Appeal Statement, it is obvious that in these parts of your appeal, you have gone into some detail in support of that appeal.

In direct contrast to the existing state of the of both the ground that is covered in masses of ivy, with that same ivy growing up many of the trees, to at least average head height.

On a personal visit of the site on Wednesday on the 13<sup>th</sup> of December 2023 / the week of 1<sup>st</sup> submissions, I (Eric) walked around the iron fence and take a walk on the grounds, which I did at some risk, where I often found it difficult to keep my footing, due to the undulating ground, which is very uneven across the whole site, which could only be a hinderance for property development, adversely affecting the substantial tree root systems from the various large trees with their foundations underneath these hilly grounds.

I am 5 ft 5-6 inches in height, on tree trunks with ivy, it is well above my head height.

Where quite frankly, in all objective, impartial honesty the plot is in a seriously overgrown condition, which is easily visible even from some distance away, and when driving past the site in the car.

(Eric: Where I chose to take some videos of the site for my own personal reference).

(Note from Eric: For all parties reading this paper, we have chosen not to include these photographs, which were taken by my own phone, as we plan to include them in further representations / objections and as part of a much wider photographic portfolio as an ongoing record of the physical conditions that exist at the site.)

Regarding the present conditions on the site, and your plans for the maintenance of the existing trees, as well as new planting on the site, strong contradictions of a paradoxical nature seem to exist on the site.

Where on the one hand, you claim / imply that you will sensitively care for and manage the existing tree outline, presumably pruning back and getting rid of lots of undergrowth, from both across the ground and well up beyond ground level.

Also and obviously to do the same regarding the ivy and other overgrown material up all the trunks of the surviving trees within the boundaries of the plot.

Yet on the other hand, the remaining trees are still all in a seriously overgrown state, where the ivy is still heavily present, even during the winter months where the ivy and undergrowth has reduced, but only because of the colder weather conditions coming up to the winter months within the next 9 days at the Winter Equinox, on the 22<sup>nd</sup> of December for this year.

Where obviously all of this growth that is presently dormant, will return again in the spring and summer months next year and beyond, probably in a worse state than it has been in previous years, as without proper care and management, all this growth is cumulative, especially over long periods of time.

Which is nothing to say of the 4 trees that had to be cut down this last summer due to the fact that they were heavily diseased, again per the Tree Survey Report.

So very frankly, which is it??

Is it care and maintenance of existing woodland, with new growth and planting??

But only if your appeal is successful??

Or

Is it allowing the plot to become more overgrown, requiring more trees to be felled, etc, etc??

If your appeal is refused??

As witnessed by the lack of care for the plot, by yourselves as the Legal Title Owners over the last 20 odd years.

Where in fact, as the facts seem abundantly obvious, the trees have actually been your greatest hindrance to building any kind of property on this plot of woodland over all these years.

We contend as the interested parties / objectors, that in fact your lack of care and maintenance of the site has been a very deliberate part of a very long-term plan to build a house on this site??

By knowing and hoping that with the lack of your care of the site, the trees would eventually through time become diseased, ultimately requiring felling, thereby allowing you to build some kind of property on the site through extra space being created??

Where obviously, if the trees come down through said felling, the greater your chances, as the only applicants over 20 years as the only Legal Title Holders.

Furthermore, as the owners of the plot, no one else in Lochwinnoch is going to do anything about tidying up the site, where that is your prerogative / responsibility and no one else's.

Where all this is witnessed by the fact, that your latest original Planning Application that was submitted in May this year after, and I quote;

"Due to a major change on the site conditions, following previous objections in 2015, we met Planning Officer James Weir on site."

"After his email of 13.03.23, we came to the conclusion that a fresh application with a new approach could be considered favourably."

So for the HCG and the Review Panel, we ask you to note;

The 2 points to note here are;

1. "A major change on the site conditions."
2. "A new approach could be considered favourably."

On Point 1 that yet again we wish to state that these changes had occurred due to lack of care, maintenance, and management of the trees on the site in the long term 20-year period, resulting in Point 2, where "a new approach could be considered favourably."

Where this new approach consists of a smaller property, in the form of a small bungalow type cottage, as opposed to the 2-storey house, with up and down stairs, that the applicants thought would pass due to the similar type of brickwork to Auld Simon.

Which we still find , as oft stated before, highly objectional.

## **8. Our Conclusion of the Planning Appeal Statement.**

As our suppositions to the Planning Appeal Statement are largely contained in the previous section, the conclusions to us seem very obvious.

This situation is a 'Catch 22' situation for both the Applicants and us as the Objectors.

As the applicants have never been able to build on the plot, i.e., 'dead land' as we have previously mentioned, they have never really been interested in caring for the site as it should be and could be cared for.

Even more so now in the present as they presently now live up in Glasgow, with it obviously being further to travel to, as opposed to walking up the street from their previous home in the village.

They have only ever been interested in the site if / when they could build a property on it, contradicting and overturning the wishes of a long history of objectors within Lochwinnoch, where if they had tried approaching some of the neighbours in the local vicinity of 2 Johnshill, they might have met with slightly more success.

Which having spoken to most of the neighbours in the surrounding area, some of whom are elderly long-term residents, we very firmly believe would not have made the slightest bit of difference.



As far as we are aware this never actually previously happened, again as some of the residents in this area have lived in their homes since before the Johnstons put in their 1<sup>st</sup> Planning Application in the early Millenium.

Where we wish to make it absolutely clear, we do not wish to slander Mr and Mrs Johnston, but we no longer wish to see the plot left in its present state of extremely untidy, disrepair, when we feel very strongly that it could be put to much better use.

As the local community we have never been able to maintain the site either, which on reflection could be described as short sighted on our part, but again in a contradictory manner, it has been suggested that some locals did try to briefly maintain the site, but ironically enough, it has been suggested that the applicants also objected to this work being carried out by concerned local residents, who were upset and concerned about the state of the site a number of years ago.

So to the Million Dollar Question??

To try and resolve the Catch 22 Situation that both the applicants and we as the community of Lochwinnoch find ourselves in??

## **9. Our Own Proposals for the Site at 2 Johnshill, East End, Lochwinnoch.**

So to move on to further our own proposals for 'Our Gardens'.

As an Elder and Worship leader in the Church of Scotland, I Praise and Thank the Good Lord that the staff and elected officials of Renfrewshire Council have seen fit to reject the applicants' proposals for the site over a long period of time, thereby leaving the possibilities of our community being able to develop the plot in a careful, considerate, sensitive manner that is in keeping with Renfrewshire Council's Environmental and Sustainable programmes.

In a manner that is similar to the proposals / ideas for the Lochwinnoch Community Development Trust, (LCDT), site at Lochhead Gardens, which we as a group of volunteers / amateur gardeners would bring "S's and Auld Simon's Garden's" to a state of a beautiful, blossoming Woodland Garden. Where, especially with the guidance of S, who loves the ground, in case the LRB Review Panel need reminding of this point??

Where if possible we would also approach Renfrewshire Council to ask about a Community Asset Transfer, (CAT) as we may have mentioned in other previous parts of our Representations, again in a similar manner to the way the LCDT have sought one for Lochhead Gardens.

**NB:** Where we as the interested parties / objectors have privately discussed this idea of a CAT, I (Eric) casually and briefly spoke to one of the local Councillors for the first time ever on this issue, on the afternoon of Wednesday 13<sup>th</sup> of December 2023 regarding this idea, who certainly didn't poo-poo me on it, and who seemed to consider it a reasonable option, for a site of council owned land that has lain unused for a long time, similar to the Lochhead Gardens site.

As a group of concerned locals or 'redevelopment interested parties', if we were able to get a CAT from RC for this part of the woodland area, it would obviously and dramatically increase the size of the area for said redevelopment as the woodland garden.

Where we would even consider making enquiries about the plot of land across from the application site, the lane known as 'Skipper's Path' going down to Gates Road, at the left side of Skipper's Path, where the lane as a Public Right of Way that runs from East End to Gates Road.

This area of land has, like other plots of land in this area of the Lochwinnoch has remained unused for many years in a very overgrown state of ground growth, shrubbery, and trees, which is also very unsightly to the local residents.

Like the application site, it could also be described as 'dead land'.

The 'Skipper's Path Site' is enclosed on 4 sides, with no legal vehicular access, where a number of developers have looked at it over a long number of years, and discounted it for any kind of property development, due to the lack of this access.

Any of this, in part or whole, RC owned land or Skipper's Path would obviously dramatically increase the area of the 'Woodland Gardens', which would considerably widen the scope of activities that we would be able to undertake within this woodland space.

Where if we were given a CAT, we would seek the opinions of the owners of the garages on the council owned land, even if they are mainly run down.

Where furthermore, these proposals seems to fit in with Scottish Government, (SG) Legislation of June 2018, with the;

'Community right to buy abandoned, neglected or detrimental land, (ANDL).

Where we would explore the possibilities of these proposals and form the necessary and relevant community bodies to allow these proposals to come to fruition.

If all these ideas came together, to bring all this land / these plots into community ownership this would be a huge undertaking for us as a community.

Where, very, very importantly the present application site, whilst not physically so, would be a very central and strategic part of these proposals to completely regenerate this whole area of the East End part of the village of Lochwinnoch.

Where absolutely, none, none of this area could ever be considered or given up for any kind of property development.

Where we would expect to have, if necessary, full Title Deeds drawn up, or some kind of Statement of Intent, where one of the preconditions to that title / Intent would be the express statement that all of this extended site would remain as 'green land' in perpetuity, for the permanent benefits, for both the present and future residents of Lochwinnoch.

Where we would take into full consideration on our part, as we are asking the LRB to do regarding this continued Refusal of this appeal, the thoughts and opinions of the surrounding neighbours and residents of the village, if necessary, e.g., by having public meetings to highlight our proposals.

As Papers of Further Objections and Representations to the LRB Review Panel were submitted last night by email to Mr. Robert Devine as a Senior Official of RC, it is only this morning since these submissions last night that we have thought about these ideas after very brief but very hurried discussions on this, where we very importantly feel are central to our Further Representations and Further Objections to the LRB Panel Review at the end of next month.

So in spite of / whilst these ideas / proposals have not formed a central plank of our original papers, within Mr Devine's email stating that any more Further Representations / Objections should be submitted to the Head of Corporate Governance before 3.55pm tomorrow Friday 15<sup>th</sup> of December 2023 as the deadline for paper submissions, we now ask the HCG, the LRB, and the Review Panel of

Elected Officials, or Elected Councillors to take note of these proposals before and during the LRB hearing on the 30<sup>th</sup> of January next year.

By giving our proposals their full consideration in relation to both the application site, and the wider considerations / implications that the Status Quo remains intact, where the decision of the Planning Department from the 8<sup>th</sup> of September 2023 be upheld by the LRB Review Panel, to allow us as the interested parties and objectors to explore the future of our wide range of ideas to allow natural development of this area of the East End of Lochwinnoch.

Without the detrimental effects of a new property, as proposed by the applicants sitting within our own enlarged proposed woodland development site, where as we have stated on numerous occasions now during the length of these Papers, to once again 'strike down' the proposals by the applicants, which are completely at odds with our own natural development of the area, to the benefits of the complete and whole population of Lochwinnoch and beyond into the wider community in Greater Glasgow, Renfrewshire and North Ayrshire, within Muirshiel Regional Park where this natural 'woodland area' or S's & Auld Simon's Woodland Garden would be completely open to all sections of all communities, thereby hopefully increasing visitor numbers to Lochwinnoch, and Renfrewshire in general.

Whereas we are sure, as the Staff / Elected Officials of RC all know, we get large numbers of visitors from across the, e.g., Greater Glasgow area, and from Kilmarnock in East Ayrshire, with School parties on Castle Semple Loch, Less-Able-Bodied Children in wheelchairs, or more mobile Children / Teenagers with 'Special Needs', coming to Muirshiel Regional Park.

(Excuse me / Eric as one of the authors and writers of this paper getting a bit caught up in all these proposals / ideas.)

#### **In the meantime, to return to the present issue;**

As I / Eric and My Wife hope / plan to live close by in the years to come, with my In-Laws presently reside in the vicinity and many of the objectors also living close to the site, it would be wonderful to be living nearby to these 'gardens', knowing that we had managed to save them from any form of development, and that hopefully, for many generations to come, all sorts of people would get lots of pleasure and educational benefits from having the 'gardens' in this part of Lochwinnoch, similar but different to Lochhead Gardens at the other end of the village.

Where, it seems blindingly obvious to us as the interested parties, some of the most important of these groups would be the local schoolchildren, mainly from Lochwinnoch Primary School, but also from other Primary and Secondary Schools in the area if they wished to come visit (either) site at Lochhead or S's & Auld Simon's Gardens'??

Where we personally envisage that our project may have somewhat wilder aspects to it's development, to differentiate it from Lochhead Gardens to teach, especially the children, different aspects of flora and fauna, teaching them about the trees, and hopefully / possibly small wild animals who take up residence in a slightly wilder garden site.

Where the ideas and possibilities seem endless, in this bigger 'garden' site if we able to get a CAT from RC, where to re-assure council officials and staff, we would wish to naturally develop that piece of land in a similar manner to the site at 2 Johnshill, where we would welcome site visitations from council staff to appraise them of our progress on the CAT site, and the whole site generally.

# **10. Final Conclusion to this Paper for the LRB and the HCG, of Further Objections and Representations in relation to this Planning Appeal by the Applicant, Mr David Johnston.**

In asking for this Notice of Review with the LRB, thereby highlighting the conditions that presently exist on the planning / application site, many of our group felt that Mr And Mrs Johnston have actually done us, our group / our village / our community in Lochwinnoch an unforeseen, unintended, backhanded favour.

By bringing to our attention, in the "full glaring light of day" to the conditions that presently exist on the site of S's beloved 'Woodland Garden'.

If anyone on the Review Panel doubts what we are saying, then we would like to invite you down to Lochwinnoch for an anonymous visit to examine for yourself the conditions on this plot, one of the last plots of woodland in a fairly built-up area, within a rural village.

Where it also seems that the site across from the oldest building in Lochwinnoch, and a Holy Place of Worship as the remains of an ancient church, is only / has only ever been any good to the applicants if they were going to be able to build a property on it.

At this point in this Paper of Representations / Objections, we as the 'interested parties' wish all other parties to note that, in case it is in any doubt, that once again we object to any development on this site in the strongest possible terms.

With no caveats or compromises on our part re any form of house building or development of any kind, however small or aesthetic this may be.

The site has been a natural woodland for nearly 170 years, can we just leave it that way Please, for the benefits of this community.

In spite of the conditions that the applicants have left the plot in, over many years, we also feel compassion for them, where we fully acknowledge, realise and understand that Mr and Mrs Johnston have also held this dream close to their hearts for many years.

However, that does not compromise our intentions to bring this plot back into community ownership, where this seems to be a very black and white scenario, with very little grey area in-between their proposals and ours.

Where we feel that after 20 plus years of sustained upheld objections, within the last 170 years, that the site / plot / gardens themselves have waited long enough for someone to take decent care of them, in a manner appropriate to the surrounding, natural, God / Holy-Spirit Protected Area, where "Thy Will Be Done", Not my will, But Thy Will, as The Will of God that seems to have keeping them waiting for someone to look after them.

With as we have now stated on numerous occasions, the obvious enduring support of Renfrewshire Council Local Authority.

When the LRB Review Panel make a ruling on this Appeal at the end of next month, if the LRB upholds the decision of their Planning Department, we will obviously be very, very grateful.

We do not wish to consider the other possibility at this point in time.

If the Appeal is again Refused like previous long-term decisions, Mr and Mrs Johnston obviously have a choice to make, both individually and together??

If they choose to accept the decision of the Review Panel, then we will enter into negotiations with them as soon as they are ready, to bring the Title Deeds back into Community Ownership.

Where we would compromise as much as possible with them through appointed lawyers, short of any future development on the site.

Even to the point of entering into financial talks with them regarding the site??

Where we would be prepared to wait an appropriate and discrete length of time to let them catch their breath, so to speak.

However should the applicants refuse to accept the ruling of the Appeal Body, we want them to understand, in no uncertain terms, that we will fight them absolutely every step of the way should they decide to appeal to any higher authority than the one they have already just had a ruling from.

Where we in no way wish to look as if we are blackmailing the applicants into withdrawing their case, but we wish them to clearly understand what **our** intentions are for the future??

Where we very, very firmly believe even now, **that whilst we are being very, very cautious and very, careful**, we also believe that we have an excellent chance of winning our case with the Review Panel.

Where we also believe, should it be necessary, that we can also win any future case to any higher authority if you should decide to go there??

But we'll leave this decision up to you, obviously depending on the decision of the Review Panel.

In the final part of this text we sincerely hope that we have presented a very strong case to the Review Panel to, once again reject and Refuse the Development Appeal by the applicants, in line with the decision by your associated Planning Department decision in September this year, and the Review Panel's decision at the end of January 2024.

We acknowledge that the applicants will respond to these Further Objections and Representations, and we await their responses to these Representations.

Where we will, once again, respond in a similar manner to the Applicants' own Representations.

Considering how very long this Representations Paper is, we wish to thank all everyone who has to read through this document.

We as the Interested Parties / Objectors do realise that this paper is a very, very long read in representing our case, and in some parts the reader may find it a bit boring or losing the thread of our arguments.

Or for where the paper, throughout its length is also very repetitive.

If this is the case for anyone, we would like to sincerely apologise.

However we have tried to make our case as strong as we can possibly make it, hence the length of it, by going through all of documents provided by both the applicants and Renfrewshire Council and trying to address each of the sections of these documents in very fine detail.

Hoping that You all have a Lovely Christmas

Regards and Best Wishes

From (Eric the Auld Gasbag) and The Team for S's & Auld Simon's 'Garden's'

## References

Other than three brief online references regarding Auld Simon and Scottish Government Legislation, nothing other than the paperwork / documents provided by the Planning Department, no other documents were used to reference any part of this Paper of Representations.

Therefore no Reference List is required in any form of an academic manner.

## Final Personal Notes:

Should anyone wish to contact me for any reason, regarding any of the contents within this Paper of Objections and Representations??

My contact details are below, at the end of this paragraph.

I also publicly wish to thank everyone who contributed towards this Paper of Further Objections and Representations, especially S for all the back and forward text messages, and M, for the ideas you gave me / us, and provided a bit of leadership, especially during our meetings, but also generally.

We were "lucky" that the right people appeared at the right time.

Where I just happened to be the one who had the time to word process this very lengthy document, my apologies to everyone reading all this as it is rather repetitive in some areas. It was a bit difficult at times to keep track of what I /we were trying to get down on paper from our discussions and texts, etc.

I shall thank you all privately for your input, but for reasons of confidentiality I don't want to name any of you publicly.

As you will all read this paper I am really pleased that we managed to get together so quickly to form this small group, where hopefully we will be able to enlarge the group further and gain more input from other people.

Some of the brainstorming sessions were really good fun and a good laugh, that was the part that I personally enjoyed the most by meeting other people that I had never met before, especially with a common purpose in mind regarding this Review / Appeal Notice.

Auld windbag that I am, away I all hear you laughing, you're not a windbag Eric, Ha! Ha! Ha!

I could say more of course, but I'll leave it there, as I really think I've said enough.

So I hope you all have a lovely Christmas.

Relax and enjoy yourselves after all this marathon 2 weeks.

My contact details are;

M: [REDACTED]

Email:

[REDACTED]

EMailed  
OBJECTION

For the Attn of;

Mr Robert Devine

Renfrewshire Council

Renfrewshire House

1 Cotton Street

Paisley.

PA1 1WB.

Friday 15<sup>th</sup> of December 2023.

Planning Application: 23/0179/PP. By Mr David Johnston.

For the Site of 2 Johnshill, East End, Lochwinnoch.

Appeal / Review of this Planning Application by the Local Review Board, (LRB).

To be heard by the LRB on the 30<sup>th</sup> of January 2024

FN:

MR ERIC BEATTIE

A1:

34 HIGH ST

A:

LOCHWINNOCH

PC:

PA12 4AA

Dear Mr Devine,

I am aware that the Renfrewshire Council Planning Department **REFUSED** this Planning Application, as noted above, on the 8<sup>th</sup> of September 2023.

I am also aware that the applicant, Mr Johnstone appealed this decision for a Notice of Review, which Mr Devine notified Objectors to, on the 1<sup>st</sup> of December 2023, which included Mr Beattie.

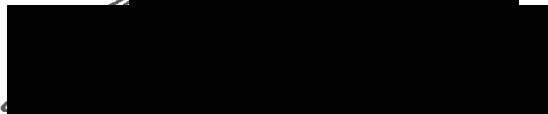
Since the 1<sup>st</sup> of December I am aware that Mr Eric C. Beattie of 34 High St Lochwinnoch PA12 4AA has regularly been in touch with you by email regarding Further Objections and Representations to this Review / Appeal.

Where he has, for himself and others, as both objectors and Interested Parties, made out the main papers of these Objections / Representations.

I now ask you to note that I have freely and willingly asked Eric to submit these Representations / Objections to Renfrewshire Council, as either an Original Objector or an Interested Party.

Where I wish the Local Review Body, (LRB) to take note of these Further Objections and Representations into their consideration on the 30<sup>th</sup> of January 2024, when the LRB Review Panel will consider the appeal by the Applicant, Mr Johnston.

Regards



Signature of Objector / Interested Party.

Witnessed by. (If a Witness is available.)

For the Attn of;  
Mr Robert Devine  
Renfrewshire Council  
Renfrewshire House  
1 Cotton Street  
Paisley.  
PA1 1WB.

Friday 15<sup>th</sup> of December 2023.

Planning Application: 23/0179/PP. By Mr David Johnston.

For the Site of 2 Johnshill, East End, Lochwinnoch.

Appeal / Review of this Planning Application by the Local Review Board, (LRB).

To be heard by the LRB on the 30<sup>th</sup> of January 2024

FN: MRS LYNN BEATTIE  
A1: 34 HIGH ST  
A: LOCHWINNOCH  
PC: PA12 4AA

Dear Mr Devine,

I am aware that the Renfrewshire Council Planning Department **REFUSED** this Planning Application, as noted above, on the 8<sup>th</sup> of September 2023.

I am also aware that the applicant, Mr Johnstone appealed this decision for a Notice of Review, which Mr Devine notified Objectors to, on the 1<sup>st</sup> of December 2023, which included Mr Beattie.

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Where I wish the Local Review Body, (LRB) to take note of these Further Objections and Representations into their consideration on the 30<sup>th</sup> of January 2024, when the LRB Review Panel will consider the appeal by the Applicant, Mr Johnston.

Regards

Signature of Objector / Interested Party:

Witnessed by. (If a Witness is available.)

00.  
EMAIL  
OF  
OBJECTION



For the Attn of;  
Mr Robert Devine  
Renfrewshire Council  
Renfrewshire House  
1 Cotton Street  
Paisley.  
PA1 1WB.

Friday 15<sup>th</sup> of December 2023.

Planning Application: 23/0179/PP. By Mr David Johnston.

For the Site of 2 Johnshill, East End, Lochwinnoch.

Appeal / Review of this Planning Application by the Local Review Board, (LRB).

To be heard by the LRB on the 30<sup>th</sup> of January 2024

FN: MRS SANDRA RIDDELL  
A1: 13 ST WINNOCH RD  
A: LOCHWINNOCH  
PC: PA12 4ET.

Dear Mr Devine,

I am aware that the Renfrewshire Council Planning Department **REFUSED** this Planning Application, as noted above, on the 8<sup>th</sup> of September 2023.

I am also aware that the applicant, Mr Johnstone appealed this decision for a Notice of Review, which Mr Devine notified Objectors to, on the 1<sup>st</sup> of December 2023, which included Mr Beattie.

Since the 1<sup>st</sup> of December I am aware that Mr Eric C. Beattie of 34 High St Lochwinnoch PA12 4AA has regularly been in touch with you by email regarding Further Objections and Representations to this Review / Appeal.

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Where I wish the Local Review Body, (LRB) to take note of these Further Objections and Representations into their consideration on the 30<sup>th</sup> of January 2024, when the LRB Review Panel will consider the appeal by the Applicant, Mr Johnston.

Regards

Signature of Objector / Interested Party.

Witnessed by. (If a Witness is available.)



00.  
Emailed  
Objection

For the Attn of;  
Mr Robert Devine  
Renfrewshire Council  
Renfrewshire House  
1 Cotton Street  
Paisley.  
PA1 1WB.  
Friday 15<sup>th</sup> of December 2023.

*Emailed  
Objection*

Planning Application: 23/0179/PP. By Mr David Johnston.

For the Site of 2 Johnshill, East End, Lochwinnoch.

Appeal / Review of this Planning Application by the Local Review Board, (LRB).

To be heard by the LRB on the 30<sup>th</sup> of January 2024

FN: MRS. JANE MILLAR  
A1: 11 ST WINNOC ROAD  
A: LOCHWINNOCH.  
PC: PA12.4 ET.

Dear Mr Devine,

I am aware that the Renfrewshire Council Planning Department **REFUSED** this Planning Application, as noted above, on the 8<sup>th</sup> of September 2023.

I am also aware that the applicant, Mr Johnstone appealed this decision for a Notice of Review, which Mr Devine notified Objectors to, on the 1<sup>st</sup> of December 2023, which included Mr Beattie.

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Where he has, for himself and others, as both objectors and Interested Parties, made out the main papers of these Objections / Representations.

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Where I wish the Local Review Body, (LRB) to take note of these Further Objections and Representations into their consideration on the 30<sup>th</sup> of January 2024, when the LRB Review Panel will consider the appeal by the Applicant, Mr Johnston.

Regards

Signature of Objector / Interested Party.

Witnessed by. (If a Witness is available.)

For the Attn of;  
Mr Robert Devine  
Renfrewshire Council  
Renfrewshire House  
1 Cotton Street  
Paisley.  
PA1 1WB.

Friday 15<sup>th</sup> of December 2023.

Planning Application: 23/0179/PP. By Mr David Johnston.

For the Site of 2 Johnshill, East End, Lochwinnoch.

Appeal / Review of this Planning Application by the Local Review Board, (LRB).

To be heard by the LRB on the 30<sup>th</sup> of January 2024

FN: *FIONA CARDWELL / 10 ST WINNOCH ROAD*  
A1: *PA12 4ET*  
A:  
PC:

Dear Mr Devine,

I am aware that the Renfrewshire Council Planning Department **REFUSED** this Planning Application, as noted above, on the 8<sup>th</sup> of September 2023.

I am also aware that the applicant, Mr Johnstone appealed this decision for a Notice of Review, which Mr Devine notified Objectors to, on the 1<sup>st</sup> of December 2023, which included Mr Beattie.

Since the 1<sup>st</sup> of December I am aware that Mr Eric C. Beattie of 34 High St Lochwinnoch PA12 4AA has regularly been in touch with you by email regarding Further Objections and Representations to this Review / Appeal.

Where he has, for himself and others, as both objectors and Interested Parties, made out the main papers of these Objections / Representations.

I now ask you to note that I have freely and willingly asked Eric to submit these Representations / Objections to Renfrewshire Council, as either an Original Objector or an Interested Party.

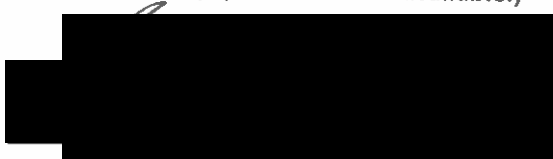
Where I wish the Local Review Body, (LRB) to take note of these Further Objections and Representations into their consideration on the 30<sup>th</sup> of January 2024, when the LRB Review Panel will consider the appeal by the Applicant, Mr Johnston.

Regards

Signature of Objector / Interested Party.



Witnessed by. (If a Witness is available.)



HEAD OF CORPORATE GOVERNANCE  
RENFREWSHIRE COUNCIL  
FINANCE AND RESOURCES  
RENFREWSHIRE HOUSE  
PAISLEY  
PA1 1TR.  
REGARDING  
PLANNING APPLICATION 23/0179/PP  
BY MR DAVID JOHNSTONE.  
LOCAL REVIEW BOARD  
NOTICE OF REVIEW  
30<sup>TH</sup> OF JANUARY 2024.

PAPERS OF FURTHER REPRESENTATIONS AND  
OBJECTIONS IN RELATION TO THIS REVIEW.  
FROM THE (CONCERNED) RESIDENTS OF  
LOCHWINNOCH.



Head of Corporate Governance,  
Renfrewshire Council,  
Finance and Resources,  
Renfrewshire House,  
Paisley,  
PA1 1TR.

N FIONA CARDWELL  
A 10 ST WINNOC RD  
A  
P LOCHWINNOCH, PA12 4AA ET.

Thursday 14<sup>th</sup> of December 2023.

(Will all individuals please note that the Head of Corporate Governance will ignore your representations/objections if you have not filled in your personal details with your Name and Address, etc, as above).

Planning Application: 23 /0179/PP.

Erection of single storey dwellinghouses and associated works,

On the Eastern Boundary Of No. 2 Johnshill, East End, Lochwinnoch,

By Mr. David Johnston.

For the Head of Corporate Governance in relation to Notice of Review to this Planning Application.

Relating to the meeting of the Local Review Body, (LRB) for this Notice of Review to be held at 2pm on the 30<sup>th</sup> of January 2024, in Renfrewshire House, Cotton Street, Paisley.

On the grounds of the Letters of Representations – Council Decision, as noted in the letters posted out to individuals, dated 8<sup>th</sup> September 2023, who objected to this Planning Application, where; 'the application together with your representations was considered by the Council on the 8<sup>th</sup> of September'.

Where the decision of the council was;

REFUSE Consent subject to the reasons.

As noted in the accompanying letter,

Ref. 23/0179/PP.

CONDITIONS AND/OR REASONS ATTACHED TO THIS DECISION.



**For the Attention of The Head of Corporate Governance.**

**Dear Sir / Madam,**

**List of Contents for this Paper of Representations/Objections**

- 1. The Interested Parties Initial statement to the Planning Review Panel.**
- 2. Statements, Questions and Representations from the Objectors to the Johnstons regarding this Planning Review / Appeal??**
- 3. A Recent History of the Site: How we got to where we are, from 1991 to 2023.**
- 4. Objections and Further Representations to the Original Planning Application.**
- 5. Representations on the Tree Report.**
- 6. Notice of Review Document.**
- 7. Representations to the Planning Appeal Statement.**
- 8. Our Conclusion to the Planning Appeal Statement**
- 9. Our Own Proposals for the Site at 2 Johnshill, East End, Lochwinnoch.**
- 10. Final Conclusion to this Paper of Further Objections and Representations in relation to this Planning Appeal by the Applicant, Mr David Johnston.**

**1. The Interested parties Initial statement to the Planning Review Panel.**

Will the Head of Corporate Governance, hereby abbreviated to HCG, please note that we wish to make Representations/Objections in relation to the above Planning Review Appeal by the LRB, as an 'Interested Party'.

Where we hope that the HCG will note these reservations in relation to the Review Panel meeting on the noted date will also take these Representations into their considerations and deliberations when making a judgement on this Notice of Review / Appeal by the Applicants, to the LRB.

Where we wish the HCG to note that we do so in the strongest possible terms regarding this Review, not just on the grounds on which the appeal has been based, but across all possible areas of both the original planning application and the associated review.

In previous applications by Mr and Mrs Johnston, we, as interested parties have asked for all previous objections and representations to be taken into consideration regarding any present application, where historically, as far as we are aware, the Johnstons, have been the only applicants to ever apply for planning permissions for this particular site??

Where very importantly, to support our case as the interested parties, various individuals and groups in Lochwinnoch have shown a consistent pattern of objections to the planning applications by this couple over the last 20+ years.



Where, very obviously we wish the 'Woodland Garden' / Area of Woods at 2 Johnshill, East End, Lochwinnoch, across from / in very close proximity to Auld Simon, as the oldest building in Lochwinnoch, for the woodland to remain in its present state, without any property development by these applicants.

***Furthermore, after 20+ years of applications by the Johnstons, we strongly and firmly believe that we have reached an impasse in relation to this situation??***

Approximately every several years just over the last 2 decades, the Johnstons have put in an application for planning permission, and we, the objectors and interested parties have responded and objected to these applications for development on this site.

Where Renfrewshire Council staff and elected officials have consistently supported us in our objections to these applications, by also consistently refusing planning permission for this valued and treasured site within our village, where we wish to record our gratitude for these efforts, where we are very grateful to these individuals over the last 20+ years in their continued support.

For if it was not for this continuous support, we would not be here today, where once again we find ourselves having to object and make representations to this Review / Appeal by Mr and Mrs Johnston.

In spite of our opposition to these continuous Planning Applications we therefore acknowledge that this has cost the Johnstons a lot of money, time and effort in pursuing their case, as well as a lot of corresponding time and effort on our part as the objectors.

To say nothing of the time that the planning department and to a lesser extent the time and deliberations that Councillors on the review panel spend on this issue.

***So in an effort to resolve this situation to the benefit of all parties concerned, i.e., applicants, objectors, Renfrewshire Council Planning Department, Councillors on the review panel, as well as the HCG, in his considerations on this issue, we would like to set out alternative proposals for the site, which can already probably be guessed at by all concerned??***

We will briefly outline these alternative proposals as noted immediately below and elaborate further throughout this Paper of Further Objections and Representations, and towards the end of this paper in our Conclusion.

We acknowledge that this scenario may not be acceptable to Mr and Mrs Johnston in the first instance, as they have held this dream for many years, but as they lived amongst us for many years in our very beautiful village of Lochwinnoch, where they were friendly and friends with, and well known to many of us, where I personally, (Eric) had mutual friends with them.

Where we as the objectors would seriously like to ask them to consider what we propose at some length, as opposed to dismissing our ideas in a knee-jerk type of reaction??

We also recognise that, as stated earlier, that this couple have put a lot of time, effort and expense into their planning applications, but after 20+ years of objections, we would ask them to finally recognise that as a community / the village / Lochwinnoch does not and will not / never accept their proposals for this site.

Whilst some individuals in the village may accept their proposals with their present plans for a property that is visually and aesthetically pleasing in relation to, and the closeness of Auld Simon,



many more people will not, especially neighbours in the surrounding vicinity of the plot, i.e., in Johnshill, East End, St Winnoc Road, Gates Road, and various parts of High Street.

## ***2. Statements, Questions and Representations from the Objectors to the Johnstons regarding this Planning Review / Appeal??***

All of the above then leads us to ask the following questions of Mr and Mrs Johnston??

When are you finally going to accept that your planning applications for this site are absolutely not acceptable to many of residents in Lochwinnoch??

Otherwise, why has there been 20 odd years of objections to your proposals, every time you apply??

No matter how nice or pleasing to the human eye your proposed property may look on this occasion, especially in relation to Auld Simon, like previous plans, it is still not in any way acceptable to the majority of our community in Lochwinnoch.

Where this small woodland area, that has been a precious woodland just off the centre of Lochwinnoch, for approximately for the last 165-170 years, should / could / must remain a 'Woodland Garden', enhancing the local environment / surrounding area, to the benefits of the trees, local flora and fauna, wildlife, roosting birds of all kinds and especially rooks.

Without absolutely any property being built upon it.

Where ultimately all of the above, intangibly enhances and enriches the lives of the human beings who live close by this plot, and any other green spaces, both within Lochwinnoch and outside it.

As a rural village in South Renfrewshire, which we feel is the last real village that is separate from other communities, which is not a suburb of Johnstone or Paisley, as the build-up area has extended ever outwards over the years.

Which is very much obviously why Renfrewshire Council has dependably supported our objections over the last 2 decades, as the benefits of green spaces and closeness to nature are very well, and scientifically recognised, in regard to both physical and especially, mental health.

So really, in this part of our Representations, in our own way we are also lodging an appeal, as we are appealing to your better natures, Mr And Mrs Johnston??

To let all this go, for your own benefit and peace of mind, as well as ours as a group of objectors.

And ultimately, for the benefit of Lochwinnoch as a community, which you obviously love, and loved, as you lived here for many years.

Where for you to try and accept that there will always be a group of interested parties / objectors in Lochwinnoch, with hopefully, as noted above, the continuing, ongoing support of Renfrewshire Council, where some concerned individuals, as individuals or in groups will always object to your plans for this site.

Where today it is our group who are objecting / making representations, tomorrow it will be someone else, and another group.



(Personal note from Eric)

(Please do not misunderstand me, as there is absolutely nothing personal in all this, along with many others we just completely disagree with your proposals for the 'Woodland Garden' and have done so for many years).

(Where my / our personal reasons for our representations / objections are completely altruistic, to the benefits of my / our community, where we represent the wishes our community, in my (Eric's) personal case my elderly relatives live in close proximity to Auld Simon / Johnshill / East End, where I have been asked to deal with this on behalf of all my family, as well as my own very strong beliefs in what we are doing).

Ultimately this situation reminds us of the Burnfield Road / Playing field site, with planning applications by Stuart Milne Developers, at the end of Newton of Barr, Lochwinnoch.

Where in this case, the Community Council have mounted a very focused, consistent campaign by this developer, sustained over a number of years, where ironically, this is a shorter time span than the one we have mounted against your own proposals.

Where both developers, regardless of size, both own the prospective sites, but cannot do anything with them, due to the number of representations / objections Renfrewshire Council (RC) have received over the years, from Lochwinnoch residents.

Where the term 'Dead Land' could be used to describe both sites.

Where it seems you are stuck with a possible development site that you can't do anything with??

Hence the nickname of 'dead land'.

To continue with these objections and representations, as noted above, we will further outline our proposals for the site towards the end of this paper.

### **3. A Recent History of the Site: How we got to where we are, from 1991 to 2023.**

In the early 1990's S, who has lived in Lochwinnoch for at least 30+ years wanted to further develop the application site into a 'Woodland Garden', where the site had and still has to the present day has become naturally overgrown, per the applicants' paperwork showing the Ordnance Survey Map of 1856, so over approximately the last 135-140 years in 1990-93, plus another 30 years to the present.

So in total the site has therefore been undisturbed for approximately the last 165-170 years.

The following pages are copied from messages between Ms S and me to show the review panel the 'more recent' history of what has happened over the last 30 odd years regarding this plot of woodland at 2 Johnshill / East End.

I have only altered the text to tidy it up, and have been very careful to preserve the anonymity of Ms S, even although I'm sure the Johnstons know who / remember who this lady is??

**Eric**

Thanks for getting back to me S.

I'm really just looking for the process that was involved, that you went through, and the time frame /



dates involved.

I didn't realise the lawyers were involved though, I've never really understood why the Johnstons keep on applying to build on the site, but by the sound of it they have legal rights / title to it?? Which explains why they have kept on applying to build on it over the last 20 odd years x 3-4 times. The situation reminds me of Burnfoot Rd then, they own it, but can't use it as locals keep on objecting to their planning applications??

As I recall they supposedly fenced it off, supposedly maintained it for a number of years, and then claimed legal rights to it??

If you fill in some gaps for me re how long ago you were at the lawyers, that would help.

## S 1

I laid claim to the land around 1991/92.

My then lawyer did a land search and found no record of ownership, he told me to occupy the land and look after it for 10 years and if it was uncontested, it would be mine. I did this at considerable expense, fencing it off, having dead trees felled etc, but only after I got council approval.

During the 10 years, Louise Johnson started her own claim, but I was told by my lawyer I had prior claim so not to worry. When my 10 years were up, I contacted my then lawyer, I'd changed to a different firm by then to ask how to conclude the claim -she said I didn't have to do anything as it was now mine.

However it appears that wasn't the case and Mrs Johnson saw her chance and pursued her claim. By this time I'd built a shed on the plot and was making it into a woodland garden but basically I had to get off the land, remove the shed and that was it. It was heartbreaking at the time, but there didn't appear to be anything else I could do.

Unfortunately I left it too long to complain to the Law Society, so I just had to let it go.

## Eric

A quick couple of questions that I mentioned yesterday??

Do you remember more accurately when Louise Johnson put her original claim in during the 10-year period??

Any idea when she further pursued her own claim??

I'm presuming that this was after about 2001-2003??

## S 2

I've found the "Woods File".

I first enquired about the plot in Feb 1993, and it looks like my claim dates from March 1993.

I then set to work having it fenced off by Alter Landscapes, employing a Tree Surgeon to assess the plot then paying him to make the plot safe, which included having some dead elm trees felled because they were dangerous. I had to apply for permission from Renfrewshire Council for that work to be done, even providing photographic evidence that one tree had actually fallen in high winds. This cost me a lot of money.



I was then worried about the spikes on the original iron fence at the front and my lawyer advised me to remove them to avoid public injury, this I did, all 239 with a hacksaw as I recall as I didn't own a Stihl Saw.

I also took out public liability insurance. Ironically, the Council refused permission to have the canopy overhanging the pavement to be cut back even though it forced pedestrians to walk on the road in summer, which worried me.

When the owner of one of the neighbouring garages expressed concern about overhanging branches I had them professionally removed.

I loved the ground, worked on it and my children and dogs shared it with me where I had all sorts of dream for the plot.

Anyway Louise Johnston applied for planning permission 2002 and was refused then, they had laid claim to the land. I was advised that I had prior claim so not to worry, the rest is within what I've already sent you.

Like I said, I thought all was well till Louise approached me when I was gardening at the plot Spring 2009 and told me I had to leave as the ground was theirs and they were "going to build a house ". I've never fully understood what happened, but it appears they did nothing illegal, saw their chance and followed it through.

To summarize, their first attempt at receiving planning permission appears to have been made in early 2002 , which I suppose is the main point. I think at least more than one has been made since then.

### S 3

Ps- I heard Louise had told a friend they'd sold their house in Lade Court and were renting till they built their house up at the woods, so she seemed to be confident that it would go ahead.

Eric

Morning S,

No I fully realise that you have not accused them of any illegal practices. Where nothing illegal has been done anyway, as they have included a copy of the land certificate showing ownership.

As I've said previously, I've never understood why they kept on applying for planning permission for the site, but this is now obvious as they own it.

Where this can be very expensive, as they have now applied for planning permission 3-4 times over said 20+ years.

Considering that the villagers have consistently objected to their proposals over this period, and the council planning department have also consistently upheld the objections by their refusals, I personally think the Johnsons have been, and are being very naive.

Again it's similar to Burnfield Rd, they might own the land but can't get permission to build on it, it's "dead land" so to speak.



I'm not sure if you realise but all the previous objections are very important, where we as the objectors can ask that all of this historical information be taken into consideration for this present application and appeal, it obviously shows a consistent pattern of objections over a long period of time.

I hope some of this reassures you about what happens next, but my apologies if it also brings up painful memories for you, as you very obviously loved this area of woodland years ago, and still do in the present.

Personally the Johnsons have actually done me / us a back handed favour, by giving me a wake-up call re all this, & motivating me to do something about it, to protect this historical, natural site for Lochwinnoch and the villagers.

Where if the Review panel are consistent with previous decisions??, I would personally hope to bring this plot back into public ownership by whatever means we can get it back, where we can manage this plot and keep it in the natural state that it has been in for the last 160+ years, for the benefit of everyone in Lochwinnoch, as a beautiful, natural Woodland Garden.

Where hopefully the Johnstons have done us all a big favour by appealing this council decision by settling these issues to the benefit of all parties, the community in Lochwinnoch, the Johnstons, and Renfrewshire Council ??

#### S 4

That's reminded of what happened legally, as I understand it my name was entered on the old Land Register, it should also have been put on the new one, that's how I lost the ground because my lawyer didn't do that.

#### Eric

All of this hassle over all these years because of one simple legal mistake.

Which would probably have taken an hour or two of work to do.

The lawyer was lucky that you didn't make a complaint to the Law Society, as you certainly had grounds to do so.

When I think about it, I was forgetting my manners.

To ask you for permission to put your story in my own paperwork???

I would be careful to maintain confidentiality, & reword your text if necessary, & use only letters like WG for Woodland Garden so that you could not be identified in any way.

The councillors wouldn't be interested anyway, although the Johnstons will likely remember??

Your story is the basis of all of this & I feel very important to our own appeal, which I / we will use to highlight why the site must be left in its present state, so that we as a community in Lochwinnoch can maintain and manage it, and really improve upon it, in a similar manner to what the LCDT are doing with Lochhead Gardens.

Even to the point of involving the LCDT for help re various aspects of these ideas & asking RC for a Community Asset Transfer, (CAT), to extend the plot with the council owned land to the rear of the garden in a similar way to the application the LCDT have done for Lochhead Gardens.



Furthermore it fundamentally shows how right from the time that even before the Johnsons made a claim to this plot, that your plans for it were the foundations of all the objections that have followed over the last 30+ years, to the present.

And into the future, if / when, as I've said above where we hopefully bring the plot back into common law, common sense, community ownership.

Which if you are still interested in, I personally hope that you would still like to be involved in?? This was your dream 30+++ years ago, after all.

So I am really hoping that you are okay with me using your story.

To be honest, personally , I like the sound of S's Garden, L Gardens, or Auld Simon's Garden???

## S 5

Well at the time I was in the process of leaving J, plus a solicitor acquaintance of mine told me she didn't think I had " what it would take", financially or otherwise to fight it, nor was there any point in complaining so I let it go. I'd have loved to have built a tiny wee L- shaped hoose there and see out my days but I always knew that would never be possible without felling healthy trees.

(NB from Eric: The fact that S had thought of building a small house on the plot in no way justifies the planning applications that the Johnstons have submitted over the years. Note the fact that S also acknowledges that healthy trees would have to be felled / sacrificed to build any property).

(Where I chose to leave this text in this part of our objections to highlight the fact that S had realised that building a property on the site was not possible).

Imagine the joy I felt when I had my wee shed built!

Anyway, back to present times and I must admit you've now got me interested in the idea of a Community Garden. I also always knew the plot was too big for me to look after it properly. There were actually some people who referred to it as S's Woods!!

God moves in mysterious ways I have found and if what I want is right, it tends to happen eventually. I would like to be involved in what goes on in the future. By the way , I'm happy to be named personally in the proceedings as I'm confident I haven't falsely accused anyone of anything, my only worry would be lawyer although I haven't named them in any of my communications with you.

There is still a chance that I've misunderstood events! Meanwhile I'll just allow myself to dream of the woodland garden. Oh, btw, there are remains of what appears to be a stone wall / foundations within the ground- I used to sit on them while I had my tea break- I'm sure you've examined the history of the area. x

## S6

Already thinking of projects to open people's eyes to what can be achieved plant wise, there's a lovely " feel" up there. I don't think Mrs Johnston would know what I mean, don't think she would understand my love for the place, but maybe I'm wrong.

Just another piece of info which might explain a lot.



I had the ground professionally valued sometime during the 2000's, as I have the papers somewhere I think. If I remember correctly, it was valued at £65k if outline planning permission was obtained, which of course would involve removal of trees. I did that out of curiosity as I always knew trees would have to go and I wasn't prepared to do that, so it was a dead end.

(2<sup>nd</sup> Note from Eric: As we would obviously not be seeking to build or develop the gardens in this way, on a 'dead plot of land', by asking for planning permission, which negates our complete and whole ambitions for the site, we would want to have the plot evaluated and priced as a garden plot).

Come to think of it, that would be a driving force for other people??

I'll shut up now- things keep coming back to me. Now that I understand your motivations , I'd be happy to meet with you in the New Year and show you the " S's Woods " files ! Till then ...

S7.

Ps: I didn't do it before because I thought it would just look like sour grapes, and of course there is a small element of that, that has gone with the passage of time now that I am older and hopefully a bit wiser, but I can now see better reasons for objecting to their plans.

All of this text is rather long winded, but we have chosen to include it to emphasis the recent history of the site and the love and affection which many people in Lochwinnoch feel for the 'Woodland Garden', especially S, who still dreams of what is possible for 'her gardens' 30+ years later.

Where paradoxically to S's, and numerous other villagers' wishes for the 'gardens', like the Johnstons, (where again, within this extremely long paper, again at the risk of repeating oneself, we fully acknowledge their wishes to build on the site re their various planning applications), where they have also spent a lot of their own money in trying to develop the site, albeit it we obviously disagree and object in the strongest possible terms to the applicants building a property in this area of woodland.

Where we also strongly believe this is the wrong type of development for one of the last areas of woodland within our village, that has taken many years to naturally develop, albeit it is now overgrown, needing care and maintenance from interested parties.

#### **4. Objections and Further Representations to the Original Planning Application.**

In the Pre-Application Discussion Details Cont. section of the above, we note that there was "a major change on the site conditions", after Mr Weir's email of the 13.03.23, where the Johnstons thought that a "fresh application with a new approach" could be possible.

So per the Tree Condition Survey that the Johnstons had requested in May 2022, followed by Mr Weir noting changes to the tree plan in his email of March 2023, presumably that 4 of the trees would have to be felled, etc, that the planning department still refused the Johnstons latest planning application.

Where if the Johnstons had been more proactive with better conservation of the ground conditions, soil, tree maintenance and management, obviously these tress would never have needed felling.



Which makes us wonder just how much care of the plot the Johnstons were inclined towards by looking after the site, considering the number of applications they have submitted over nearly 2 decades??

#### **Access and Parking.**

These issues were within our original objections that we submitted against the initial planning application.

Where the site at Auld Simon is often used by local groups as a starting point for local parades, etc. E.g., Gala Day Parade in June, the Samba band have also this location on occasion, Millenium Walk of Faith. Where a large number of children often attend these first two on-going events with their parent(s).

Whilst the Johnstons have only applied for 2 parking spaces on this site, and the Health & Safety of these events can be managed by marshalling, this increase in traffic, however small, could pose a risk to both adults, especially children and the disabled, amongst large crowds of people waiting for parades to start, if the LRB Review Panel were to uphold this appeal, especially if the applicant had visitors to their home??

These points / risks may seem minor, but we wish to make the Review Panel aware of these risks.

#### **Water Supply and Drainage Arrangements.**

At the time of writing this section out, (Monday 11/12/2023 @ 14.35) we are waiting on council staff replying to queries on these points??

As the refusal was based on tree grounds, where the appeal is also based on the same, we have asked officials if the Johnstons would have been aware of further objections from close-by residents.

Where we have since been advised by Planning Department Staff that these objections were available for the applicants viewing, where no attempts were made to do so, therefore the applicants chose not to make themselves aware of any concerns that their prospective neighbours may have on their proposals.

Thereby as far as we the interested parties / objectors are concerned, weakening their case for Review.

Alternatively, if they had attempted to view these objections and addressed the associated concerns, to our mind, they would have better prepared for their Review / Appeal process, by having more answers and information with regards to the impact that this property development would have on the surrounding area, and well beyond the development site.

This lack of concern regarding other people's opinions on their proposals seems to consistent in the applicants overall approach to their Planning Application(s) over a long period of time??

Under this section of the application, new or altered water supply and drainage will be required, where this proposed property will link into the existing drainage system.

The planning application document makes no mention of sewage waste??



Where the home of one elderly widowed resident is built over one of the main drainage pipes for wastewater or sewage. This resident strongly objected to the planning application re these concerns that the existing system wouldn't be able to cope with the extra waste from the proposed new build.

We acknowledge that this waste could only be for mainly 2-4 people, where this may point may seem unlikely. Nonetheless, we feel that point must be addressed, if only to give peace of mind to this elderly villager, who is very concerned about these issues.

Where we wish the Review Panel to note the following questions on these issues??

**Questions:**

1. Are the applicants aware of these issues regarding this individual property??
2. If they are aware of them??, what measures have they taken to address these points??
3. If the applicants are aware of the issues, why have they not highlighted this in their original planning application or even their Statement in Support of their Appeal??
4. Even if this outside the grounds of both planning refusal and appeal??
5. Or what advice have they sought on these issues??
6. Have they followed up on any advice that they have been given??

Furthermore, in a more general sense.

7. Are they aware of the design, layout, and structure of the existing draining system??
8. Especially as they intend to connect to that system??
9. Did they make enquiries about these issues?? 10. Were they required to do so?? 11. Were they aware of such issues, but didn't think that they were relevant to their application??

Where the first 6 questions on the individual property also apply to the more generalised issues of how their new build might affect the surrounding properties.

Where we believe that there are more generalised issues on drainage and sewage within this locale, where we will make more representations on these issues before the meeting of the Review Panel at the end of next month, where these issues are obviously of major concerns concerning raw sewage to this residents in the surrounding area of the application site.

Whilst all of this is obviously a specialised area of Civil Engineering, considering the number of applications that they have applied for in the past, how aware of these overall issues are they, in relation to this plot of land??

The original RC planning application has an Assessment of Flood Risk.

Where they have answered No to both questions in this section.

Does this assessment include any possible damage to tree roots in either the short or long term??

With the possible increase in run-off to other properties re any possible damage, in any direction, e.g., front or back into the gardens at the start of Johnshill or in St Winnoc Rd that are situated below the site of 2 Johnshill??

**Schedule 3 Development.**



We note that the applicant ticked the No box in response to this part of the Planning application, where normally for any Planning Application within Lochwinnoch we would see something in the local press??

Some of us as objectors have discussed this point, but none of us can remember seeing any Notice of Planning Permission within any of the local newspapers, which would normally be weekly in The Gazette. (Covering Johnstone and Renfrewshire).

Whilst we would be surprised if this part of the planning process was not adhered to, we wished to query this anyway, for the reasons stated above.

#### **Certificate and Notes and the Land Ownership Certificate.**

We note both the Certificate and Notes and the Land Ownership Certificate sections towards the end of the Planning Application and acknowledge this gives the applicant full legal title to the site.

We also note that these sections do not give any dates for when Mr and Mrs Johnston gained full title to the site, as S has said in her texts if Mrs Johnston was (first) refused Planning Permission in 2002, then presumably they had title to the plot before this date.

In 2023 it is probably now a moot point, but as the interested parties / objectors we had a discussion on the timeframe involved, i.e., the time between the Johnstons first having title to the plot, and the time they first applied for planning permission, and did this comply with the legislation of the time.

Where we wish all parties to note that we are still trying to have this point clarified from other sources, albeit it may not be relevant to this Review Paper for the LRB.

Like the points in the Schedule 3 Development section, if the Review Panel are able to have this point cleared up before we act on our alternatives for the site, so that any processes have met all due legal process and requirements??

Other than these points, we have no further comments or questions to ask of the applicants for this section of the Planning Permission Document, at this point in time.

#### **5. Examination / Representations of Tree Condition Survey.**

We have listed the Tree Condition Survey here as we believe that it has important relevance to the following sections of our Paper to the Review / Appeal and the Review Panel.

As laypersons who are certainly not Arborists / Arboriculturists for the management, maintenance, and especially the felling of diseased or damaged trees, we have to abide by the recommendations of Mr Calvey.

Although we notice that the Tree Condition Survey is now presently classed as out of date by approximately 6 months in Mid-December 2023, as noted in his report by Mr Calvey himself in his own report.

As the report was only valid for 1 year from the reporting date of May 2022, and published approximately one month later on the 14<sup>th</sup> of June 2022.

Without a further tree survey we now are wondering what the overall condition or state of the site now is??



Where for our part as the objectors, only a visual inspection of the site would be possible, where that inspection would be severely hampered by the large amounts of this, difficult to walk on / passable un-maintained ivy / undergrowth.

Where we also note the conditions of the trees that required Crown Reduction and the trees that needed removal, 6 of for Crown Removal / pruning at the tops of, and 4 for removal.

We further note from the accompanying photographs and text on the 1<sup>st</sup> page of the survey that various trees have very large amounts of ivy growing both around them and up all of the trunks of these large, well-established trees, and at ground level across the whole of the site has been, as stated above un-maintained, even very badly maintained.

Which leaves us wondering how often, and how much the plot has been regularly, even sporadically looked after, in a variety of ways over the last 20 odd years??

Having noted these points in our Paper of Further Representations / Objections where we have deliberately used the full title, to object on these points alone, at the way the plot has obviously been neglected over a large period of time, by the applicants as the legal title holders.

Where we will say quite a bit more on this subject in the next sections of our Paper to the Review Panel, which we would ask the HCG to continue to note on these issues.

## **6. Representations on Notice of Review Document.**

We note that the registered address of the applicants on the 1<sup>st</sup> page of the Notice of Review is;

Flat 0/2,

174 Clarkston Road,

Glasgow,

G44 3DN.

We will make our reasons known for noting this point just very shortly, within this section of our Paper of Representations.

This may be an inappropriate point, but as the applicants now live up in Clarkston, Glasgow with this as their registered address on their appeal, we wish to ask the Review Panel why this appeal should be upheld by the applicants when they don't even live in Lochwinnoch anymore??

Where they have not done so for a number of years.

We are sure the applicants had good personal reasons for this move to Glasgow, but this still implies an absence of loyalty to a village and community that they lived in for many years??

These questions would be completely irrelevant if it were not for the fact that the applicants have, once again, applied for planning permission for this site.

It is only because of the planning permission appeal that we ask these questions.

To think otherwise would be to imply or think that people are not allowed to live where they chose to live, which would be a ludicrous suggestion, I am originally from the South side of Glasgow, but I (Eric ) personally chose to live, and plan to die in Lochwinnoch.



Furthermore, the note below is a copy of the text between S and I on Page 7 of this paper.

### S 3

Ps- I heard Louise had told a friend they'd sold their house in Lade Court and were renting till they built their house up at the woods, so she seemed to be confident that it would go ahead.

Which considering this 'house' has been very consistently objected to and refused by the council over all these years, this piece of gossip seems rather 'over-confident' on the part of Mrs Johnston??

On a more concrete note, we also wish to ask the applicants further questions in a similar vein??

After all these years of said objections and refusals of your plans for this site, apart from changes to the tree plan per the survey report;

1. Can you give us justifications for / valid reasons for why the Review Panel should now uphold this present planning application??
2. In light of the planning department decision, again for Refusal in 2023.
3. Thereby overturning the present planning department decision.
4. Which would also obviously overturn all the previous decisions made by the same department since your 1<sup>st</sup> planning application sometime just into the Millenium??
5. Which would obviously also make Null and Void all the previous Objections over this same time frame, by multiple objectors, of varying age groups including older ones like many of our present group who are now either approaching or in pensionable age, where some of us have been objecting over the last two decades.
6. Where even more so, again if this is a relevant point??

All of the objectors, past and present are obviously all Council Taxpayers, who because we choose to live in Lochwinnoch, we pay our Council tax to Renfrewshire Council as the Local Authority.

So, with all due respect, as you now live in Glasgow, thereby paying your Council Tax to the Glasgow authority, even more so why should the Renfrewshire Review Panel find in your favour, nullifying the wishes of all of these taxpayers, past and present over 20+ years.

This last inquiry might seem a very cheeky, very impertinent question, where we are most definitely not trying to place undue pressure on the Review Panel, where we expect their decisions will be fully impartial, but also meanwhile very fair in their judgement.

So all these questions are **directed solely** at the applicants, where we are interested to hear what their responses are in relation to all of the above questions, again in addition to any other questions we have asked the applicants throughout this paper, including the last one regarding council taxes.

Moving on from these possible mooted points, we would also like to ask further questions concerning this Review / Appeal.

Considering the level of objections from the community over many years, including the present one, and the fact that the Tree Condition Survey Report is now out-of-date, albeit by only 6 months from May this year;

Under the Review procedure part of the appeal, the LRB have accepted your suggestions that you as the applicants feel "is most appropriate for the handling of your Review".



So why have you as the applicants only asked for an Assessment of review documents only, with no further procedure??

Where also, you have made no statement in support of your Review for options 1 or 2, or even asked for a further Site Inspection.

Albeit the last Site Inspection was done only 9 months ago by Mr Weir.

If you as the applicants, feel that you have such a strong case by going to appeal on the Refusal, would a possible combination of procedures, as noted on the Notice of Review document, of Further written submissions, another Site Inspection, and said Assessment of review documents not have been more appropriate to your case for that appeal??

Surely you, as the applicants want to make your case as strong as possible by exploring all possible avenues to further your case, in asking the Review panel to overturn our objections in favour of your appeal??

**Or in an alternative scenario;**

As the applicants, you are very aware, that you actually have quite a weak case in only asking for an Assessment of review documents with no further procedure.

Where you may have been, and we emphasis 'may have been', advised by your Consultants that if you wish to go for a Review, this is the best / only option, that this is the minimum threshold for a Review, where the Review panel have no option but to agree to this 'paper' Review at its lowest level under appropriate legislation, to ensure that they, the Council are adhering to that legislation to ensure that you have been fairly treated within the legal guidelines under planning law.

So as we continue to ask, we are curious as to what replies to our queries you may give us on all of the above noted questions, under this section of our papers to your appeal??

Where, as we believe you do have a (fairly / very), weak case for appeal, we will outline in the next section of our Representations / Objections, the importance of the conditions of the trees, as the main grounds of Refusal by the planning department, where as far as we can see as the interested parties / objectors who all live in Lochwinnoch, the ground and surrounding growths, and more so the trees on which the grounds are sited, where there is an 'interdependent relationship' between the two, where the trees are obviously wholly dependent on these grounds, which need to be kept in decent condition for the good maintenance and management of the trees, as the main aspects of this woodland area.

## **7. Representations / Objections to the Planning Appeal Statement.**

Our representations / objections to the original planning application could be split roughly into 3 areas, i.e.,

1. Circumstances affecting the site itself, including the presence of the trees, wildlife that live on the grounds, birds that use this environment for feeding, nesting, hatching, etc, and various other aspects of a semi-urban woodland site like the one next to Auld Simon.
2. Auld Simon itself, or to give it its original name St John's Kirk, or the Kirk of St John which was dedicated to Saint John, where the name Johnshill comes from, or St Winnock's Church within the



Church of Scotland, dated from 1727-1729, all of which depends on different sites that we at looked at online.

The obvious historical significance of the church as the oldest building in the village.

Where the bell is an original from 1729 and the clock was added in about 1731.

3. How the development of this property could affect the surrounding existing properties, in various ways, of the close-by neighbours.

Where we by now all know, the grounds of Refusal were mainly based on the 1<sup>st</sup> two types of objections, where the trees were all Points 1-5, with Refusal including Auld Simon at Point 4.

So our objections were upheld on Points 1 and 2 as noted above, by the planning department, apart from the 3<sup>rd</sup> category which doesn't seem to have been included in the Refusal.

So the grounds for our original objections and the grounds for the Refusal were both very similar, albeit the Refusal largely quoted points of legislation which we expected it to do, as obviously planning officials are better versed in this type of law making, as opposed to the interested parties / objectors, who are mainly concerned lay-persons who value the 'gardens' for its intrinsic, environmental, and natural values to and for our small community in Lochwinnoch.

Which in the main part, is fine by us as the interested parties / objectors, where a Refusal is a Refusal, on whatever grounds that may be decided on by planning staff??

Where we as the interested parties / objectors obviously hope that these points of the Refusal will also be adequate to maintain this original decision by the planning department, for this present decision in 2023, which also seems similar to all previous Refusals over the long-term objection period.

Where the conditions of the trees are important to all parties concerned in this process, whether from an interested party / objector's, applicant's or officials point of view.

From the Tree Survey Report outlining the most professional opinion on the recent conditions of the site, (May 2022), in contrast to the Appeal Application Supplementary (proposed) Planting Plan, and the detailed Planning Appeal Statement, it is obvious that in these parts of your appeal, you have gone into some detail in support of that appeal.

In direct contrast to the existing state of the of both the ground that is covered in masses of ivy, with that same ivy growing up many of the trees, to at least average head height.

On a personal visit of the site on Wednesday on the 13<sup>th</sup> of December 2023 / the week of 1<sup>st</sup> submissions, I (Eric) walked around the iron fence and take a walk on the grounds, which I did at some risk, where I often found it difficult to keep my footing, due to the undulating ground, which is very uneven across the whole site, which could only be a hinderance for property development, adversely affecting the substantial tree root systems from the various large trees with their foundations underneath these hilly grounds.

I am 5 ft 5-6 inches in height, on tree trunks with ivy, it is well above my head height.

Where quite frankly, in all objective, impartial honesty the plot is in a seriously overgrown condition, which is easily visible even from some distance away, and when driving past the site in the car.

(Eric: Where I chose to take some videos of the site for my own personal reference).



(Note from Eric: For all parties reading this paper, we have chosen not to include these photographs, which were taken my own phone, as we plan to include them in further representations / objections and as part of a much wider photographic portfolio as an ongoing record of the physical conditions that exist at the site.)

Regarding the present conditions on the site, and your plans for the maintenance of the existing trees, as well as new planting on the site, strong contradictions of a paradoxical nature seem to exist on the site.

Where on the one hand, you claim / imply that you will sensitively care for and manage the existing tree outline, presumably pruning back and getting rid of lots of undergrowth, from both across the ground and well up beyond ground level.

Also and obviously to do the same regarding the ivy and other overgrown material up all the trucks of the surviving trees within the boundaries of the plot.

Yet on the other hand, the remaining trees are still all in a seriously overgrown state, where the ivy is still heavily present, even during the winter months where the ivy and undergrowth has reduced, but only because of the colder weather conditions coming up to the winter months within the next 9 days at the Winter Equinox, on the 22<sup>nd</sup> of December for this year.

Where obviously all of this growth that is presently dormant, will return again in the spring and summer months next year and beyond, probably in a worse state that it has been in previous years, as without proper care and management, all this growth is cumulative, especially over long periods of time.

Which is nothing to say of the 4 trees that had to be cut down this last summer due to the fact that they were heavily diseased, again per the Tree Survey Report.

So very frankly, which is it??

Is it care and maintenance of existing woodland, with new growth and planting??

But only if your appeal is successful??

Or

Is it allowing the plot to become more overgrowth, requiring more trees to be felled, etc, etc??

If your appeal is refused??

As witnessed by the lack of care for the plot, by yourselves as the Legal Title Owners over the last 20 odd years.

Where in fact, as the facts seem abundantly obvious, the trees have actually been your greatest hinderance to building any kind of property on this plot of woodland over all these years.

We contend as the interested parties / objectors, that in fact your lack of care and maintenance of the site has been a very deliberate part of a very long-term plan to build a house on this site??

By knowing and hoping that with the lack of your care of the site, the trees would eventually through time become diseased, ultimately requiring felling, thereby allowing you to build some kind of property on the site through extra space being created??



Where obviously, if the trees come down through said felling, the greater your chances, as the only applicants over 20 years as the only Legal Title Holders.

Furthermore, as the owners of the plot, no one else in Lochwinnoch is going to do anything about tidying up the site, where that is your prerogative / responsibility and no one else's.

Where all this is witnessed by the fact, that your latest original Planning Application that was submitted in May this year after, and I quote;

"Due to a major change on the site conditions, following previous objections in 2015, we met Planning Officer James Weir on site."

"After his email of 13.03.23, we came to the conclusion that a fresh application with a new approach could be considered favourably."

So for the HCG and the Review Panel, we ask you to note;

The 2 points to note here are;

1. "A major change on the site conditions."
2. "A new approach could be considered favourably."

On Point 1 that yet again we wish to state that these changes had occurred due to lack of care, maintenance, and management of the trees on the site in the long term 20-year period, resulting in Point 2, where "a new approach could be considered favourably."

Where this new approach consists of a smaller property, in the form of a small bungalow type cottage, as opposed to the 2-storey house, with up and down stairs, that the applicants thought would pass due to the similar type of brickwork to Auld Simon.

Which we still find , as oft stated before, highly objectional.

#### **8. Our Conclusion of the Planning Appeal Statement.**

As our suppositions to the Planning Appeal Statement are largely contained in the previous section, the conclusions to us seem very obvious.

This situation is a 'Catch 22' situation for both the Applicants and us as the Objectors.

As the applicants have never been able to build on the plot, i.e., 'dead land' as we have previously mentioned, they have never really been interested in caring for the site as it should be and could be cared for.

Even more so now in the present as they presently now live up in Glasgow, with it obviously being further to travel to, as opposed to walking up the street from their previous home in the village.

They have only ever been interested in the site if / when they could build a property on it, contradicting and overturning the wishes of a long history of objectors within Lochwinnoch, where if they had tried approaching some of the neighbours in the local vicinity of 2 Johnshill, they might have met with slightly more success.

Which having spoken to most of the neighbours in the surrounding area, some of whom are elderly long-term residents, we very firmly believe would not have made the slightest bit of difference.



As far as we are aware this never actually previously happened, again as some of the residents in this area have lived in their homes since before the Johnstons put in their 1<sup>st</sup> Planning Application in the early Millenium.

Where we wish to make it absolutely clear, we do not wish to slander Mr and Mrs Johnston, but we no longer wish to see the plot left in its present state of extremely untidy, disrepair, when we feel very strongly that it could be put to much better use.

As the local community we have never been able to maintain the site either, which on reflection could be described as short sighted on our part, but again in a contradictory manner, it has been suggested that some locals did try to briefly maintain the site, but ironically enough, it has been suggested that the applicants also objected to this work being carried out by concerned local residents, who were upset and concerned about the state of the site a number of years ago.

So to the Million Dollar Question??

To try and resolve the Catch 22 Situation that both the applicants and we as the community of Lochwinnoch find ourselves in??

#### **9. Our Own Proposals for the Site at 2 Johnshill, East End, Lochwinnoch.**

So to move on to further our own proposals for 'Our Gardens'.

As an Elder and Worship leader in the Church of Scotland, I Praise and Thank the Good Lord that the staff and elected officials of Renfrewshire Council have seen fit to reject the applicants' proposals for the site over a long period of time, thereby leaving the possibilities of our community being able to develop the plot in a careful, considerate, sensitive manner that is in keeping with Renfrewshire Council's Environmental and Sustainable programmes.

In a manner that is similar to the proposals / ideas for the Lochwinnoch Community Development Trust, (LCDT), site at Lochhead Gardens, which we as a group of volunteers / amateur gardeners would bring "S's and Auld Simon's Garden's" to a state of a beautiful, blossoming Woodland Garden. Where, especially with the guidance of S, who loves the ground, in case the LRB Review Panel need reminding of this point??

Where if possible we would also approach Renfrewshire Council to ask about a Community Asset Transfer, (CAT) as we may have mentioned in other previous parts of our Representations, again in a similar manner to the way the LCDT have sought one for Lochhead Gardens.

**NB:** Where we as the interested parties / objectors have privately discussed this idea of a CAT, I (Eric) casually and briefly spoke to one of the local Councillors for the first time ever on this issue, on the afternoon of Wednesday 13<sup>th</sup> of December 2023 regarding this idea, who certainly didn't poo-poo me on it, and who seemed to consider it a reasonable option, for a site of council owned land that has lain unused for a long time, similar to the Lochhead Gardens site.

As a group of concerned locals or 'redevelopment interested parties', if we were able to get a CAT from RC for this part of the woodland area, it would obviously and dramatically increase the size of the area for said redevelopment as the woodland garden.

Where we would even consider making enquiries about the plot of land across from the application site, the lane known as 'Skipper's Path' going down to Gates Road, at the left side of Skipper's Path, where the lane as a Public Right of Way that runs from East End to Gates Road.



This area of land has, like other plots of land in this area of the Lochwinnoch has remained unused for many years in a very overgrown state of ground growth, shrubbery, and trees, which is also very unsightly to the local residents.

Like the application site, it could also be described as 'dead land'.

The 'Skipper's Path Site' is enclosed on 4 sides, with no legal vehicular access, where a number of developers have looked at it over a long number of years, and discounted it for any kind of property development, due to the lack of this access.

Any of this, in part or whole, RC owned land or Skipper's Path would obviously dramatically increase the area of the 'Woodland Gardens', which would considerably widen the scope of activities that we would be able to undertake within this woodland space.

Where if we were given a CAT, we would seek the opinions of the owners of the garages on the council owned land, even if they are mainly run down.

Where furthermore, these proposals seems to fit in with Scottish Government, (SG) Legislation of June 2018, with the;

'Community right to buy abandoned, neglected or detrimental land, (ANDL).

Where we would explore the possibilities of these proposals and form the necessary and relevant community bodies to allow these proposals to come to fruition.

If all these ideas came together, to bring all this land / these plots into community ownership this would be a huge undertaking for us as a community.

Where, very, very importantly the present application site, whilst not physically so, would be a very central and strategic part of these proposals to completely regenerate this whole area of the East End part of the village of Lochwinnoch.

Where absolutely, none, none of this area could ever be considered or given up for any kind of property development.

Where we would expect to have, if necessary, full Title Deeds drawn up, or some kind of Statement of Intent, where one of the preconditions to that title / Intent would be the express statement that all of this extended site would remain as 'green land' in perpetuity, for the permanent benefits, for both the present and future residents of Lochwinnoch.

Where we would take into full consideration on our part, as we are asking the LRB to do regarding this continued Refusal of this appeal, the thoughts and opinions of the surrounding neighbours and residents of the village, if necessary, e.g., by having public meetings to highlight our proposals.

As Papers of Further Objections and Representations to the LRB Review Panel were submitted last night by email to Mr. Robert Devine as a Senior Official of RC, it is only this morning since these submissions last night that we have thought about these ideas after very brief but very hurried discussions on this, where we very importantly feel are central to our Further Representations and Further Objections to the LRB Panel Review at the end of next month.

So in spite of / whilst these ideas / proposals have not formed a central plank of our original papers, within Mr Devine's email stating that any more Further Representations / Objections should be submitted to the Head of Corporate Governance before 3.55pm tomorrow Friday 15<sup>th</sup> of December 2023 as the deadline for paper submissions, we now ask the HCG, the LRB, and the Review Panel of



Elected Officials, or Elected Councillors to take note of these proposals before and during the LRB hearing on the 30<sup>th</sup> of January next year.

By giving our proposals their full consideration in relation to both the application site, and the wider considerations / implications that the Status Quo remains intact, where the decision of the Planning Department from the 8<sup>th</sup> of September 2023 be upheld by the LRB Review Panel, to allow us as the interested parties and objectors to explore the future of our wide range of ideas to allow natural development of this area of the East End of Lochwinnoch.

Without the detrimental effects of a new property, as proposed by the applicants sitting within our own enlarged proposed woodland development site, where as we have stated on numerous occasions now during the length of these Papers, to once again 'strike down' the proposals by the applicants, which are completely at odds with our own natural development of the area, to the benefits of the complete and whole population of Lochwinnoch and beyond into the wider community in Greater Glasgow, Renfrewshire and North Ayrshire, within Muirshiel Regional Park where this natural 'woodland area' or S's & Auld Simon's Woodland Garden would be completely open to all sections of all communities, thereby hopefully increasing visitor numbers to Lochwinnoch, and Renfrewshire in general.

Whereas we are sure, as the Staff / Elected Officials of RC all know, we get large numbers of visitors from across the, e.g., Greater Glasgow area, and from Kilmarnock in East Ayrshire, with School parties on Castle Semple Loch, Less-Able-Bodied Children in wheelchairs, or more mobile Children / Teenagers with 'Special Needs', coming to Muirshiel Regional Park.

(Excuse me / Eric as one of the authors and writers of this paper getting a bit caught up in all these proposals / ideas.)

**In the meantime, to return to the present issue;**

As I / Eric and My Wife hope / plan to live close by in the years to come, with my In-Laws presently reside in the vicinity and many of the objectors also living close to the site, it would be wonderful to be living nearby to these 'gardens', knowing that we had managed to save them from any form of development, and that hopefully, for many generations to come, all sorts of people would get lots of pleasure and educational benefits from having the 'gardens' in this part of Lochwinnoch, similar but different to Lochhead Gardens at the other end of the village.

Where, it seems blindingly obvious to us as the interested parties, some of the most important of these groups would be the local schoolchildren, mainly from Lochwinnoch Primary School, but also from other Primary and Secondary Schools in the area if they wished to come visit (either) site at Lochhead or S's & Auld Simon's Gardens'??

Where we personally envisage that our project may have somewhat wilder aspects to it's development, to differentiate it from Lochhead Gardens to teach, especially the children, different aspects of flora and fauna, teaching them about the trees, and hopefully / possibly small wild animals who take up residence in a slightly wilder garden site.

Where the ideas and possibilities seem endless, in this bigger 'garden' site if we able to get a CAT from RC, where to re-assure council officials and staff, we would wish to naturally develop that piece of land in a similar manner to the site at 2 Johnshill, where we would welcome site visitations from council staff to appraise them of our progress on the CAT site, and the whole site generally.



**10. Final Conclusion to this Paper for the LRB and the HCG, of Further Objections and Representations in relation to this Planning Appeal by the Applicant, Mr David Johnston.**

In asking for this Notice of Review with the LRB, thereby highlighting the conditions that presently exist on the planning / application site, many of our group felt that Mr And Mrs Johnston have actually done us, our group / our village / our community in Lochwinnoch an unforeseen, unintended, backhanded favour.

By bringing to our attention, in the "full glaring light of day" to the conditions that presently exist on the site of S's beloved 'Woodland Garden'.

If anyone on the Review Panel doubts what we are saying, then we would like to invite you down to Lochwinnoch for an anonymous visit to examine for yourself the conditions on this plot, one of the last plots of woodland in a fairly built-up area, within a rural village.

Where it also seems that the site across from the oldest building in Lochwinnoch, and a Holy Place of Worship as the remains of an ancient church, is only / has only ever been any good to the applicants if they were going to be able to build a property on it.

At this point in this Paper of Representations / Objections, we as the 'interested parties' wish all other parties to note that, in case it is in any doubt, that once again we object to any development on this site in the strongest possible terms.

With no caveats or compromises on our part re any form of house building or development of any kind, however small or aesthetic this may be.

The site has been a natural woodland for nearly 170 years, can we just leave it that way Please, for the benefits of this community.

In spite of the conditions that the applicants have left the plot in, over many years, we also feel compassion for them, where we fully acknowledge, realise and understand that Mr and Mrs Johnston have also held this dream close to their hearts for many years.

However, that does not compromise our intentions to bring this plot back into community ownership, where this seems to be a very black and white scenario, with very little grey area in-between their proposals and ours.

Where we feel that after 20 plus years of sustained upheld objections, within the last 170 years, that the site / plot / gardens themselves have waited long enough for someone to take decent care of them, in a manner appropriate to the surrounding, natural, God / Holy-Spirit Protected Area, where "Thy Will Be Done", Not my will, But Thy Will, as The Will of God that seems to have keeping them waiting for someone to look after them.

With as we have now stated on numerous occasions, the obvious enduring support of Renfrewshire Council Local Authority.

When the LRB Review Panel make a ruling on this Appeal at the end of next month, if the LRB upholds the decision of their Planning Department, we will obviously be very, very grateful.

We do not wish to consider the other possibility at this point in time.

If the Appeal is again Refused like previous long-term decisions, Mr and Mrs Johnston obviously have a choice to make, both individually and together??



If they choose to accept the decision of the Review Panel, then we will enter into negotiations with them as soon as they are ready, to bring the Title Deeds back into Community Ownership.

Where we would compromise as much as possible with them through appointed lawyers, short of any future development on the site.

Even to the point of entering into financial talks with them regarding the site??

Where we would be prepared to wait an appropriate and discrete length of time to let them catch their breath, so to speak.

However should the applicants refuse to accept the ruling of the Appeal Body, we want them to understand, in no uncertain terms, that we will fight them absolutely every step of the way should they decide to appeal to any higher authority than the one they have already just had a ruling from.

Where we in no way wish to look as if we are blackmailing the applicants into withdrawing their case, but we wish them to clearly understand what our intentions are for the future??

Where we very, very firmly believe even now, **that whilst we are being very, very cautious and very, careful**, we also believe that we have an excellent chance of winning our case with the Review Panel.

Where we also believe, should it be necessary, that we can also win any future case to any higher authority if you should decide to go there??

But we'll leave this decision up to you, obviously depending on the decision of the Review Panel.

In the final part of this text we sincerely hope that we have presented a very strong case to the Review Panel to, once again reject and Refuse the Development Appeal by the applicants, in line with the decision by your associated Planning Department decision in September this year, and the Review Panel's decision at the end of January 2024.

We acknowledge that the applicants will respond to these Further Objections and Representations, and we await their responses to these Representations.

Where we will, once again, respond in a similar manner to the Applicants' own Representations.

Considering how very long this Representations Paper is, we wish to thank all everyone who has to read through this document.

We as the Interested Parties / Objectors do realise that this paper is a very, very long read in representing our case, and in some parts the reader may find it a bit boring or losing the thread of our arguments.

Or for where the paper, throughout its length is also very repetitive.

If this is the case for anyone, we would like to sincerely apologise.

However we have tried to make our case as strong as we can possibly make it, hence the length of it, by going through all of documents provided by both the applicants and Renfrewshire Council and trying to address each of the sections of these documents in very fine detail.

Hoping that You all have a Lovely Christmas

Regards and Best Wishes

From (Eric the Auld Gasbag) and The Team for S's & Auld Simon's 'Garden's'



## References

Other than three brief online references regarding Auld Simon and Scottish Government Legislation, nothing other than the paperwork / documents provided by the Planning Department, no other documents were used to reference any part of this Paper of Representations.

Therefore no Reference List is required in any form of an academic manner.

## Final Personal Notes:

Should anyone wish to contact me for any reason, regarding any of the contents within this Paper of Objections and Representations??

My contact details are below, at the end of this paragraph.

I also publicly wish to thank everyone who contributed towards this Paper of Further Objections and Representations, especially S for all the back and forward text messages, and M, for the ideas you gave me / us, and provided a bit of leadership, especially during our meetings, but also generally.

We were "lucky" that the right people appeared at the right time.

Where I just happened to be the one who had the time to word process this very lengthy document, my apologies to everyone reading all this as it is rather repetitive in some areas. It was a bit difficult at times to keep track of what I /we were trying to get down on paper from our discussions and texts, etc.

I shall thank you all privately for your input, but for reasons of confidentiality I don't want to name any of you publicly.

As you will all read this paper I am really pleased that we managed to get together so quickly to form this small group, where hopefully we will be able to enlarge the group further and gain more input from other people.

Some of the brainstorming sessions were really good fun and a good laugh, that was the part that I personally enjoyed the most by meeting other people that I had never met before, especially with a common purpose in mind regarding this Review / Appeal Notice.

Auld windbag that I am, away I all hear you laughing, you're not a windbag Eric, Ha! Ha! Ha!

I could say more of course, but I'll leave it there, as I really think I've said enough.

So I hope you all have a lovely Christmas.

Relax and enjoy yourselves after all this marathon 2 weeks.

My contact details are;

M: [REDACTED]

Email:

[REDACTED]

For the Attn of;

Mr Robert Devine

Renfrewshire Council

Renfrewshire House

1 Cotton Street

Paisley.

PA1 1WB.

Friday 15<sup>th</sup> of December 2023.

Planning Application: 23/0179/PP. By Mr David Johnston.

For the Site of 2 Johnshill, East End, Lochwinnoch.

Appeal / Review of this Planning Application by the Local Review Board, (LRB).

To be heard by the LRB on the 30<sup>th</sup> of January 2024

FN: MR JAMES TAYLOR  
A1: 8 ST JOHN SHILL WINNOCH RD  
A: LOCHWINNOCH  
PC: PA12 4ET

Dear Mr Devine,

I am aware that the Renfrewshire Council Planning Department **REFUSED** this Planning Application, as noted above, on the 8<sup>th</sup> of September 2023.

I am also aware that the applicant, Mr Johnstone appealed this decision for a Notice of Review, which Mr Devine notified Objectors to, on the 1<sup>st</sup> of December 2023, which included Mr Beattie.

Since the 1<sup>st</sup> of December I am aware that Mr Eric C. Beattie of 34 High St Lochwinnoch PA12 4AA has regularly been in touch with you by email regarding Further Objections and Representations to this Review / Appeal.

Where he has, for himself and others, as both objectors and Interested Parties, made out the main papers of these Objections / Representations.

I now ask you to note that I have freely and willingly asked Eric to submit these Representations / Objections to Renfrewshire Council, as either an Original Objector or an Interested Party.

Where I wish the Local Review Body, (LRB) to take note of these Further Objections and Representations into their consideration on the 30<sup>th</sup> of January 2024, when the LRB Review Panel will consider the appeal by the Applicant, Mr Johnston.

Regards

Signature of Interested Party.

Witnessed by. (If a Witness is available.)



HEAD OF CORPORATE GOVERNANCE

RENFREWSHIRE COUNCIL

FINANCE AND RESOURCES

RENFREWSHIRE HOUSE

PAISLEY

PA1 1TR.

REGARDING

PLANNING APPLICATION 23/0179/PP

BY MR DAVID JOHNSTONE.

LOCAL REVIEW BOARD

NOTICE OF REVIEW

30<sup>TH</sup> OF JANUARY 2024.

PAPERS OF FURTHER REPRESENTATIONS AND  
OBJECTIONS IN RELATION TO THIS REVIEW.

FROM THE (CONCERNED) RESIDENTS OF  
LOCHWINNOCH.

*Handwritten:*  
Hwy 1.P.  
PA1/2024

Head of Corporate Governance,  
Renfrewshire Council,  
Finance and Resources,  
Renfrewshire House,  
Paisley,  
PA1 1TR.

N JAMES TAYLOR  
A 8 ST. WINNOC RD  
A LOCHWINNOCH  
P PA12 4ET.

Thursday 14<sup>th</sup> of December 2023.

(Will all Individuals please note that the Head of Corporate Governance will ignore your representations/objections if you have not filled in your personal details with your Name and Address, etc, as above).

Planning Application: 23 /0179/PP.

Erection of single storey dwellinghouses and associated works,

On the Eastern Boundary Of No. 2 Johnshill, East End, Lochwinnoch,

By Mr. David Johnston.

For the Head of Corporate Governance in relation to Notice of Review to this Planning Application.

Relating to the meeting of the Local Review Body, (LRB) for this Notice of Review to be held at 2pm on the 30<sup>th</sup> of January 2024, in Renfrewshire House, Cotton Street, Paisley.

On the grounds of the Letters of Representations – Council Decision, as noted in the letters posted out to individuals, dated 8<sup>th</sup> September 2023, who objected to this Planning Application, where; 'the application together with your representations was considered by the Council on the 8<sup>th</sup> of September'.

Where the decision of the council was;

REFUSE Consent subject to the reasons.

As noted in the accompanying letter,

Ref. 23/0179/PP.

CONDITIONS AND/OR REASONS ATTACHED TO THIS DECISION.



**For the Attention of The Head of Corporate Governance.**

**Dear Sir / Madam,**

**List of Contents for this Paper of Representations/Objections**

- 1. The Interested Parties Initial statement to the Planning Review Panel.**
- 2. Statements, Questions and Representations from the Objectors to the Johnstons regarding this Planning Review / Appeal??**
- 3. A Recent History of the Site: How we got to where we are, from 1991 to 2023.**
- 4. Objections and Further Representations to the Original Planning Application.**
- 5. Representations on the Tree Report.**
- 6. Notice of Review Document.**
- 7. Representations to the Planning Appeal Statement.**
- 8. Our Conclusion to the Planning Appeal Statement**
- 9. Our Own Proposals for the Site at 2 Johnshill, East End, Lochwinnoch.**
- 10. Final Conclusion to this Paper of Further Objections and Representations in relation to this Planning Appeal by the Applicant, Mr David Johnston.**

**1. The Interested parties Initial statement to the Planning Review Panel.**

Will the Head of Corporate Governance, hereby abbreviated to HCG, please note that we wish to make Representations/Objections in relation to the above Planning Review Appeal by the LRB, as an 'Interested Party'.

Where we hope that the HCG will note these reservations in relation to the Review Panel meeting on the noted date will also take these Representations into their considerations and deliberations when making a judgement on this Notice of Review / Appeal by the Applicants, to the LRB.

Where we wish the HCG to note that we do so in the strongest possible terms regarding this Review, not just on the grounds on which the appeal has been based, but across all possible areas of both the original planning application and the associated review.

In previous applications by Mr and Mrs Johnston, we, as interested parties have asked for all previous objections and representations to be taken into consideration regarding any present application, where historically, as far as we are aware, the Johnstons, have been the only applicants to ever apply for planning permissions for this particular site??

Where very importantly, to support our case as the interested parties, various individuals and groups in Lochwinnoch have shown a consistent pattern of objections to the planning applications by this couple over the last 20+ years.

Where, very obviously we wish the 'Woodland Garden' / Area of Woods at 2 Johnshill, East End, Lochwinnoch, across from / in very close proximity to Auld Simon, as the oldest building in Lochwinnoch, for the woodland to remain in its present state, without any property development by these applicants.

***Furthermore, after 20+ years of applications by the Johnstons, we strongly and firmly believe that we have reached an impasse in relation to this situation??***

Approximately every several years just over the last 2 decades, the Johnstons have put in an application for planning permission, and we, the objectors and interested parties have responded and objected to these applications for development on this site.

Where Renfrewshire Council staff and elected officials have consistently supported us in our objections to these applications, by also consistently refusing planning permission for this valued and treasured site within our village, where we wish to record our gratitude for these efforts, where we are very grateful to these individuals over the last 20+ years in their continued support.

For if it was not for this continuous support, we would not be here today, where once again we find ourselves having to object and make representations to this Review / Appeal by Mr and Mrs Johnston.

In spite of our opposition to these continuous Planning Applications we therefore acknowledge that this has cost the Johnstons a lot of money, time and effort in pursuing their case, as well as a lot of corresponding time and effort on our part as the objectors.

To say nothing of the time that the planning department and to a lesser extent the time and deliberations that Councillors on the review panel spend on this issue.

***So in an effort to resolve this situation to the benefit of all parties concerned, i.e., applicants, objectors, Renfrewshire Council Planning Department, Councillors on the review panel, as well as the HCG, in his considerations on this issue, we would like to set out alternative proposals for the site, which can already probably be guessed at by all concerned??***

We will briefly outline these alternative proposals as noted immediately below and elaborate further throughout this Paper of Further Objections and Representations, and towards the end of this paper in our Conclusion.

We acknowledge that this scenario may not be acceptable to Mr and Mrs Johnston in the first instance, as they have held this dream for many years, but as they lived amongst us for many years in our very beautiful village of Lochwinnoch, where they were friendly and friends with, and well known to many of us, where I personally, (Eric) had mutual friends with them.

Where we as the objectors would seriously like to ask them to consider what we propose at some length, as opposed to dismissing our ideas in a knee-jerk type of reaction??

We also recognise that, as stated earlier, that this couple have put a lot of time, effort and expense into their planning applications, but after 20+ years of objections, we would ask them to finally recognise that as a community / the village / Lochwinnoch does not and will not / never accept their proposals for this site.

Whilst some individuals in the village may accept their proposals with their present plans for a property that is visually and aesthetically pleasing in relation to, and the closeness of Auld Simon,

many more people will not, especially neighbours in the surrounding vicinity of the plot, i.e., in Johnshill, East End, St Winnoc Road, Gates Road, and various parts of High Street.

## ***2. Statements, Questions and Representations from the Objectors to the Johnstons regarding this Planning Review / Appeal??***

All of the above then leads us to ask the following questions of Mr and Mrs Johnston??

When are you finally going to accept that your planning applications for this site are absolutely not acceptable to many of residents in Lochwinnoch??

Otherwise, why has there been 20 odd years of objections to your proposals, every time you apply??

No matter how nice or pleasing to the human eye your proposed property may look on this occasion, especially in relation to Auld Simon, like previous plans, it is still not in any way acceptable to the majority of our community in Lochwinnoch.

Where this small woodland area, that has been a precious woodland just off the centre of Lochwinnoch, for approximately for the last 165-170 years, should / could / must remain a 'Woodland Garden', enhancing the local environment / surrounding area, to the benefits of the trees, local flora and fauna, wildlife, roosting birds of all kinds and especially rooks.

Without absolutely any property being built upon it.

Where ultimately all of the above, intangibly enhances and enriches the lives of the human beings who live close by this plot, and any other green spaces, both within Lochwinnoch and outside it.

As a rural village in South Renfrewshire, which we feel is the last real village that is separate from other communities, which is not a suburb of Johnstone or Paisley, as the build-up area has extended ever outwards over the years.

Which is very much obviously why Renfrewshire Council has dependably supported our objections over the last 2 decades, as the benefits of green spaces and closeness to nature are very well, and scientifically recognised, in regard to both physical and especially, mental health.

**So really, in this part of our Representations, in our own way we are also lodging an appeal, as we are appealing to your better natures, Mr And Mrs Johnston??**

**To let all this go, for your own benefit and peace of mind, as well as ours as a group of objectors.**

And ultimately, for the benefit of Lochwinnoch as a community, which you obviously love, and loved, as you lived here for many years.

Where for you to try and accept that there will always be a group of interested parties / objectors in Lochwinnoch, with hopefully, as noted above, the continuing, ongoing support of Renfrewshire Council, where some concerned individuals, as individuals or in groups will always object to your plans for this site.

Where today it is our group who are objecting / making representations, tomorrow it will be someone else, and another group.

(Personal note from Eric)

(Please do not misunderstand me, as there is absolutely nothing personal in all this, along with many others we just completely disagree with your proposals for the 'Woodland Garden' and have done so for many years).

(Where my / our personal reasons for our representations / objections are completely altruistic, to the benefits of my / our community, where we represent the wishes our community, in my (Eric's) personal case my elderly relatives live in close proximity to Auld Simon / Johnshill / East End, where I have been asked to deal with this on behalf of all my family, as well as my own very strong beliefs in what we are doing).

Ultimately this situation reminds us of the Burnfield Road / Playing field site, with planning applications by Stuart Milne Developers, at the end of Newton of Barr, Lochwinnoch.

Where in this case, the Community Council have mounted a very focused, consistent campaign by this developer, sustained over a number of years, where ironically, this is a shorter time span than the one we have mounted against your own proposals.

Where both developers, regardless of size, both own the prospective sites, but cannot do anything with them, due to the number of representations / objections Renfrewshire Council (RC) have received over the years, from Lochwinnoch residents.

Where the term 'Dead Land' could be used to describe both sites.

Where it seems you are stuck with a possible development site that you can't do anything with??

Hence the nickname of 'dead land'.

To continue with these objections and representations, as noted above, we will further outline our proposals for the site towards the end of this paper.

### **3. A Recent History of the Site: How we got to where we are, from 1991 to 2023.**

In the early 1990's S, who has lived in Lochwinnoch for at least 30+ years wanted to further develop the application site into a 'Woodland Garden', where the site had and still has to the present day has become naturally overgrown, per the applicants' paperwork showing the Ordnance Survey Map of 1856, so over approximately the last 135-140 years in 1990-93, plus another 30 years to the present.

So in total the site has therefore been undisturbed for approximately the last 165-170 years.

The following pages are copied from messages between Ms S and me to show the review panel the 'more recent' history of what has happened over the last 30 odd years regarding this plot of woodland at 2 Johnshill / East End.

I have only altered the text to tidy it up, and have been very careful to preserve the anonymity of Ms S, even although I'm sure the Johnstons know who / remember who this lady is??

Eric

Thanks for getting back to me S.

I'm really just looking for the process that was involved, that you went through, and the time frame /

dates involved.

I didn't realise the lawyers were involved though, I've never really understood why the Johnstons keep on applying to build on the site, but by the sound of it they have legal rights / title to it?? Which explains why they have kept on applying to build on it over the last 20 odd years x 3-4 times. The situation reminds me of Burnfoot Rd then, they own it, but can't use it as locals keep on objecting to their planning applications??

As I recall they supposedly fenced it off, supposedly maintained it for a number of years, and then claimed legal rights to it??

If you fill in some gaps for me re how long ago you were at the lawyers, that would help.

## S 1

I laid claim to the land around 1991/92.

My then lawyer did a land search and found no record of ownership, he told me to occupy the land and look after it for 10 years and if it was uncontested, it would be mine. I did this at considerable expense, fencing it off, having dead trees felled etc, but only after I got council approval.

During the 10 years, Louise Johnson started her own claim, but I was told by my lawyer I had prior claim so not to worry. When my 10 years were up, I contacted my then lawyer, I'd changed to a different firm by then to ask how to conclude the claim -she said I didn't have to do anything as it was now mine.

However it appears that wasn't the case and Mrs Johnson saw her chance and pursued her claim. By this time I'd built a shed on the plot and was making it into a woodland garden but basically I had to get off the land, remove the shed and that was it. It was heartbreaking at the time, but there didn't appear to be anything else I could do.

Unfortunately I left it too long to complain to the Law Society, so I just had to let it go.

## Eric

A quick couple of questions that I mentioned yesterday??

Do you remember more accurately when Louise Johnson put her original claim in during the 10-year period??

Any idea when she further pursued her own claim??

I'm presuming that this was after about 2001-2003??

## S 2

I've found the "Woods File".

I first enquired about the plot in Feb 1993, and it looks like my claim dates from March 1993.

I then set to work having it fenced off by Alter Landscapes, employing a Tree Surgeon to assess the plot then paying him to make the plot safe, which included having some dead elm trees felled because they were dangerous. I had to apply for permission from Renfrewshire Council for that work to be done, even providing photographic evidence that one tree had actually fallen in high winds. This cost me a lot of money.



I was then worried about the spikes on the original iron fence at the front and my lawyer advised me to remove them to avoid public injury, this I did, all 239 with a hacksaw as I recall as I didn't own a Stihl Saw.

I also took out public liability insurance. Ironically, the Council refused permission to have the canopy overhanging the pavement to be cut back even though it forced pedestrians to walk on the road in summer, which worried me.

When the owner of one of the neighbouring garages expressed concern about overhanging branches I had them professionally removed.

I loved the ground, worked on it and my children and dogs shared it with me where I had all sorts of dream for the plot.

Anyway Louise Johnston applied for planning permission 2002 and was refused then, they had laid claim to the land. I was advised that I had prior claim so not to worry, the rest is within what I've already sent you.

Like I said, I thought all was well till Louise approached me when I was gardening at the plot Spring 2009 and told me I had to leave as the ground was theirs and they were "going to build a house ". I've never fully understood what happened, but it appears they did nothing illegal, saw their chance and followed it through.

To summarize, their first attempt at receiving planning permission appears to have been made in early 2002 , which I suppose is the main point. I think at least more than one has been made since then.

### S 3

Ps- I heard Louise had told a friend they'd sold their house in Lade Court and were renting till they built their house up at the woods, so she seemed to be confident that it would go ahead.

Eric

Morning S,

No I fully realise that you have not accused them of any illegal practices.

Where nothing illegal has been done anyway, as they have included a copy of the land certificate showing ownership.

As I've said previously, I've never understood why they kept on applying for planning permission for the site, but this is now obvious as they own it.

Where this can be very expensive, as they have now applied for planning permission 3-4 times over said 20+ years.

Considering that the villagers have consistently objected to their proposals over this period, and the council planning department have also consistently upheld the objections by their refusals, I personally think the Johnsons have been, and are being very naive.

Again it's similar to Burnfield Rd, they might own the land but can't get permission to build on it, it's "dead land" so to speak.

I'm not sure if you realise but all the previous objections are very important, where we as the objectors can ask that all of this historical information be taken into consideration for this present application and appeal, it obviously shows a consistent pattern of objections over a long period of time.

I hope some of this reassures you about what happens next, but my apologies if it also brings up painful memories for you, as you very obviously loved this area of woodland years ago, and still do in the present.

Personally the Johnsons have actually done me / us a back handed favour, by giving me a wake-up call re all this, & motivating me to do something about it, to protect this historical, natural site for Lochwinnoch and the villagers.

Where if the Review panel are consistent with previous decisions??, I would personally hope to bring this plot back into public ownership by whatever means we can get it back, where we can manage this plot and keep it in the natural state that it has been in for the last 160+ years, for the benefit of everyone in Lochwinnoch, as a beautiful, natural Woodland Garden.

Where hopefully the Johnstons have done us all a big favour by appealing this council decision by settling these issues to the benefit of all parties, the community in Lochwinnoch, the Johnstons, and Renfrewshire Council ??

#### S 4

That's reminded of what happened legally, as I understand it my name was entered on the old Land Register, it should also have been put on the new one, that's how I lost the ground because my lawyer didn't do that.

#### Eric

All of this hassle over all these years because of one simple legal mistake.

Which would probably have taken an hour or two of work to do.

The lawyer was lucky that you didn't make a complaint to the Law Society, as you certainly had grounds to do so.

When I think about it, I was forgetting my manners.

To ask you for permission to put your story in my own paperwork???

I would be careful to maintain confidentiality, & reword your text if necessary, & use only letters like WG for Woodland Garden so that you could not be identified in any way.

The councillors wouldn't be interested anyway, although the Johnstons will likely remember??

Your story is the basis of all of this & I feel very important to our own appeal, which I / we will use to highlight why the site must be left in its present state, so that we as a community in Lochwinnoch can maintain and manage it, and really improve upon it, in a similar manner to what the LCDT are doing with Lochhead Gardens.

Even to the point of involving the LCDT for help re various aspects of these ideas & asking RC for a Community Asset Transfer, (CAT), to extend the plot with the council owned land to the rear of the garden in a similar way to the application the LCDT have done for Lochhead Gardens.

Furthermore it fundamentally shows how right from the time that even before the Johnsons made a claim to this plot, that your plans for it were the foundations of all the objections that have followed over the last 30+ years, to the present.

And into the future, if / when, as I've said above where we hopefully bring the plot back into common law, common sense, community ownership.

Which if you are still interested in, I personally hope that you would still like to be involved in?? This was your dream 30+++ years ago, after all.

So I am really hoping that you are okay with me using your story.  
To be honest, personally , I like the sound of S's Garden, L Gardens, or Auld Simon's Garden???

## S 5

Well at the time I was in the process of leaving J, plus a solicitor acquaintance of mine told me she didn't think I had " what it would take", financially or otherwise to fight it, nor was there any point in complaining so I let it go. I'd have loved to have built a tiny wee L- shaped hoose there and see out my days but I always knew that would never be possible without felling healthy trees.

(NB from Eric: The fact that S had thought of building a small house on the plot in no way justifies the planning applications that the Johnstons have submitted over the years. Note the fact that S also acknowledges that healthy trees would have to be felled / sacrificed to build any property).

(Where I chose to leave this text in this part of our objections to highlight the fact that S had realised that building a property on the site was not possible).

Imagine the joy I felt when I had my wee shed built!

Anyway, back to present times and I must admit you've now got me interested in the idea of a Community Garden. I also always knew the plot was too big for me to look after it properly. There were actually some people who referred to it as S's Woods!!

God moves in mysterious ways I have found and if what I want is right, it tends to happen eventually. I would like to be involved in what goes on in the future. By the way , I'm happy to be named personally in the proceedings as I'm confident I haven't falsely accused anyone of anything, my only worry would be lawyer although I haven't named them in any of my communications with you.

There is still a chance that I've misunderstood events! Meanwhile I'll just allow myself to dream of the woodland garden. Oh, btw, there are remains of what appears to be a stone wall / foundations within the ground- I used to sit on them while I had my tea break- I'm sure you've examined the history of the area. x

## S6

Already thinking of projects to open people's eyes to what can be achieved plant wise, there's a lovely " feel" up there. I don't think Mrs Johnston would know what I mean, don't think she would understand my love for the place, but maybe I'm wrong.

Just another piece of info which might explain a lot.

I had the ground professionally valued sometime during the 2000's, as I have the papers somewhere I think. If I remember correctly, it was valued at £65k if outline planning permission was obtained, which of course would involve removal of trees. I did that out of curiosity as I always knew trees would have to go and I wasn't prepared to do that, so it was a dead end.

(2<sup>nd</sup> Note from Eric: As we would obviously not be seeking to build or develop the gardens in this way, on a 'dead plot of land', by asking for planning permission, which negates our complete and whole ambitions for the site, we would want to have the plot evaluated and priced as a garden plot).

Come to think of it, that would be a driving force for other people??

I'll shut up now- things keep coming back to me. Now that I understand your motivations , I'd be happy to meet with you in the New Year and show you the " S's Woods " files ! Till then ...

S7

Ps: I didn't do it before because I thought it would just look like sour grapes, and of course there is a small element of that, that has gone with the passage of time now that I am older and hopefully a bit wiser, but I can now see better reasons for objecting to their plans.

All of this text is rather long winded, but we have chosen to include it to emphasis the recent history of the site and the love and affection which many people in Lochwinnoch feel for the 'Woodland Garden', especially S, who still dreams of what is possible for 'her gardens' 30+ years later.

Where paradoxically to S's, and numerous other villagers' wishes for the 'gardens', like the Johnstons, (where again, within this extremely long paper, again at the risk of repeating oneself, we fully acknowledge their wishes to build on the site re their various planning applications), where they have also spent a lot of their own money in trying to develop the site, albeit it we obviously disagree and object in the strongest possible terms to the applicants building a property in this area of woodland.

Where we also strongly believe this is the wrong type of development for one of the last areas of woodland within our village, that has taken many years to naturally develop, albeit it is now overgrown, needing care and maintenance from interested parties.

#### **4. Objections and Further Representations to the Original Planning Application.**

In the Pre-Application Discussion Details Cont. section of the above, we note that there was "a major change on the site conditions", after Mr Weir's email of the 13.03.23, where the Johnstons thought that a "fresh application with a new approach" could be possible.

So per the Tree Condition Survey that the Johnstons had requested in May 2022, followed by Mr Weir noting changes to the tree plan in his email of March 2023, presumably that 4 of the trees would have to be felled, etc, that the planning department still refused the Johnstons latest planning application.

Where if the Johnstons had been more proactive with better conservation of the ground conditions, soil, tree maintenance and management, obviously these tress would never have needed felling.

Which makes us wonder just how much care of the plot the Johnstons were inclined towards by looking after the site, considering the number of applications they have submitted over nearly 2 decades??

#### **Access and Parking.**

These issues were within our original objections that we submitted against the initial planning application.

Where the site at Auld Simon is often used by local groups as a starting point for local parades, etc. E.g., Gala Day Parade in June, the Samba band have also this location on occasion, Millenium Walk of Faith. Where a large number of children often attend these first two on-going events with their parent(s).

Whilst the Johnstons have only applied for 2 parking spaces on this site, and the Health & Safety of these events can be managed by marshalling, this increase in traffic, however small, could pose a risk to both adults, especially children and the disabled, amongst large crowds of people waiting for parades to start, if the LRB Review Panel were to uphold this appeal, especially if the applicant had visitors to their home??

These points / risks may seem minor, but we wish to make the Review Panel aware of these risks.

#### **Water Supply and Drainage Arrangements.**

At the time of writing this section out, (Monday 11/12/2023 @ 14.35) we are waiting on council staff replying to queries on these points??

As the refusal was based on tree grounds, where the appeal is also based on the same, we have asked officials if the Johnstons would have been aware of further objections from close-by residents.

Where we have since been advised by Planning Department Staff that these objections were available for the applicants viewing, where no attempts were made to do so, therefore the applicants chose not to make themselves aware of any concerns that their prospective neighbours may have on their proposals.

Thereby as far as we the interested parties / objectors are concerned, weakening their case for Review.

Alternatively, if they had attempted to view these objections and addressed the associated concerns, to our mind, they would have better prepared for their Review / Appeal process, by having more answers and information with regards to the impact that this property development would have on the surrounding area, and well beyond the development site.

This lack of concern regarding other people's opinions on their proposals seems to consistent in the applicants overall approach to their Planning Application(s) over a long period of time??

Under this section of the application, new or altered water supply and drainage will be required, where this proposed property will link into the existing drainage system.

The planning application document makes no mention of sewage waste??



Where the home of one elderly widowed resident is built over one of the main drainage pipes for wastewater or sewage. This resident strongly objected to the planning application re these concerns that the existing system wouldn't be able to cope with the extra waste from the proposed new build.

We acknowledge that this waste could only be for mainly 2-4 people, where this may point may seem unlikely. Nonetheless, we feel that point must be addressed, if only to give peace of mind to this elderly villager, who is very concerned about these issues.

Where we wish the Review Panel to note the following questions on these issues??

**Questions:**

1. Are the applicants aware of these issues regarding this individual property??
2. If they are aware of them??, what measures have they taken to address these points??
3. If the applicants are aware of the issues, why have they not highlighted this in their original planning application or even their Statement in Support of their Appeal??
4. Even if this outside the grounds of both planning refusal and appeal??
5. Or what advice have they sought on these issues??
6. Have they followed up on any advice that they have been given??

Furthermore, in a more general sense.

7. Are they aware of the design, layout, and structure of the existing draining system??
8. Especially as they intend to connect to that system??
9. Did they make enquiries about these issues?? 10. Were they required to do so?? 11. Were they aware of such issues, but didn't think that they were relevant to their application??

Where the first 6 questions on the individual property also apply to the more generalised issues of how their new build might affect the surrounding properties.

Where we believe that there are more generalised issues on drainage and sewage within this locale, where we will make more representations on these issues before the meeting of the Review Panel at the end of next month, where these issues are obviously of major concerns concerning raw sewage to this residents in the surrounding area of the application site.

Whilst all of this is obviously a specialised area of Civil Engineering, considering the number of applications that they have applied for in the past, how aware of these overall issues are they, in relation to this plot of land??

The original RC planning application has an Assessment of Flood Risk.

Where they have answered No to both questions in this section.

Does this assessment include any possible damage to tree roots in either the short or long term??

With the possible increase in run-off to other properties re any possible damage, in any direction, e.g., front or back into the gardens at the start of Johnshill or in St Winnoc Rd that are situated below the site of 2 Johnshill??

**Schedule 3 Development.**

We note that the applicant ticked the No box in response to this part of the Planning application, where normally for any Planning Application within Lochwinnoch we would see something in the local press??

Some of us as objectors have discussed this point, but none of us can remember seeing any Notice of Planning Permission within any of the local newspapers, which would normally be weekly in The Gazette. (Covering Johnstone and Renfrewshire).

Whilst we would be surprised if this part of the planning process was not adhered to, we wished to query this anyway, for the reasons stated above.

#### **Certificate and Notes and the Land Ownership Certificate.**

We note both the Certificate and Notes and the Land Ownership Certificate sections towards the end of the Planning Application and acknowledge this gives the applicant full legal title to the site.

We also note that these sections do not give any dates for when Mr and Mrs Johnston gained full title to the site, as S has said in her texts if Mrs Johnston was (first) refused Planning Permission in 2002, then presumably they had title to the plot before this date.

In 2023 it is probably now a moot point, but as the interested parties / objectors we had a discussion on the timeframe involved, i.e., the time between the Johnstons first having title to the plot, and the time they first applied for planning permission, and did this comply with the legislation of the time.

Where we wish all parties to note that we are still trying to have this point clarified from other sources, albeit it may not be relevant to this Review Paper for the LRB.

Like the points in the Schedule 3 Development section, if the Review Panel are able to have this point cleared up before we act on our alternatives for the site, so that any processes have met all due legal process and requirements??

Other than these points, we have no further comments or questions to ask of the applicants for this section of the Planning Permission Document, at this point in time.

#### **5. Examination / Representations of Tree Condition Survey.**

We have listed the Tree Condition Survey here as we believe that it has important relevance to the following sections of our Paper to the Review / Appeal and the Review Panel.

As laypersons who are certainly not Arborists / Arboriculturists for the management, maintenance, and especially the felling of diseased or damaged trees, we have to abide by the recommendations of Mr Calvey.

Although we notice that the Tree Condition Survey is now presently classed as out of date by approximately 6 months in Mid-December 2023, as noted in his report by Mr Calvey himself in his own report.

As the report was only valid for 1 year from the reporting date of May 2022, and published approximately one month later on the 14<sup>th</sup> of June 2022.

Without a further tree survey we now are wondering what the overall condition or state of the site now is??

Where for our part as the objectors, only a visual inspection of the site would be possible, where that inspection would be severely hampered by the large amounts of this, difficult to walk on / passable un-maintained ivy / undergrowth.

Where we also note the conditions of the trees that required Crown Reduction and the trees that needed removal, 6 of for Crown Removal / pruning at the tops of, and 4 for removal.

We further note from the accompanying photographs and text on the 1<sup>st</sup> page of the survey that various trees have very large amounts of ivy growing both around them and up all of the trunks of these large, well-established trees, and at ground level across the whole of the site has been, as stated above un-maintained, even very badly maintained.

Which leaves us wondering how often, and how much the plot has been regularly, even sporadically looked after, in a variety of ways over the last 20 odd years??

Having noted these points in our Paper of Further Representations / Objections where we have deliberately used the full title, to object on these points alone, at the way the plot has obviously been neglected over a large period of time, by the applicants as the legal title holders.

Where we will say quite a bit more on this subject in the next sections of our Paper to the Review Panel, which we would ask the HCG to continue to note on these issues.

## **6. Representations on Notice of Review Document.**

We note that the registered address of the applicants on the 1<sup>st</sup> page of the Notice of Review is;

Flat 0/2,

174 Clarkston Road,

Glasgow,

G44 3DN.

We will make our reasons known for noting this point just very shortly, within this section of our Paper of Representations.

This may be an inappropriate point, but as the applicants now live up in Clarkston, Glasgow with this as their registered address on their appeal, we wish to ask the Review Panel why this appeal should be upheld by the applicants when they don't even live in Lochwinnoch anymore??

Where they have not done so for a number of years.

We are sure the applicants had good personal reasons for this move to Glasgow, but this still implies an absence of loyalty to a village and community that they lived in for many years??

These questions would be completely irrelevant if it were not for the fact that the applicants have, once again, applied for planning permission for this site.

It is only because of the planning permission appeal that we ask these questions.

To think otherwise would be to imply or think that people are not allowed to live where they chose to live, which would be a ludicrous suggestion, I am originally from the South side of Glasgow, but I (Eric ) personally chose to live, and plan to die in Lochwinnoch.

Furthermore, the note below is a copy of the text between S and I on Page 7 of this paper.

### S 3

Ps- I heard Louise had told a friend they'd sold their house in Lade Court and were renting till they built their house up at the woods, so she seemed to be confident that it would go ahead.

Which considering this 'house' has been very consistently objected to and refused by the council over all these years, this piece of gossip seems rather 'over-confident' on the part of Mrs Johnston??

On a more concrete note, we also wish to ask the applicants further questions in a similar vein??

After all these years of said objections and refusals of your plans for this site, apart from changes to the tree plan per the survey report;

1. Can you give us justifications for / valid reasons for why the Review Panel should now uphold this present planning application??
2. In light of the planning department decision, again for Refusal in 2023.
3. Thereby overturning the present planning department decision.
4. Which would also obviously overturn all the previous decisions made by the same department since your 1<sup>st</sup> planning application sometime just into the Millenium??
5. Which would obviously also make Null and Void all the previous Objections over this same time frame, by multiple objectors, of varying age groups including older ones like many of our present group who are now either approaching or in pensionable age, where some of us have been objecting over the last two decades.
6. Where even more so, again if this is a relevant point??

All of the objectors, past and present are obviously all Council Taxpayers, who because we choose to live in Lochwinnoch, we pay our Council tax to Renfrewshire Council as the Local Authority.

So, with all due respect, as you now live in Glasgow, thereby paying your Council Tax to the Glasgow authority, even more so why should the Renfrewshire Review Panel find in your favour, nullifying the wishes of all of these taxpayers, past and present over 20+ years.

This last inquiry might seem a very cheeky, very impertinent question, where we are most definitely not trying to place undue pressure on the Review Panel, where we expect their decisions will be fully impartial, but also meanwhile very fair in their judgement.

So all these questions are **directed solely** at the applicants, where we are interested to hear what their responses are in relation to all of the above questions, again in addition to any other questions we have asked the applicants throughout this paper, including the last one regarding council taxes.

Moving on from these possible mooted points, we would also like to ask further questions concerning this Review / Appeal.

Considering the level of objections from the community over many years, including the present one, and the fact that the Tree Condition Survey Report is now out-of-date, albeit by only 6 months from May this year;

Under the Review procedure part of the appeal, the LRB have accepted your suggestions that you as the applicants feel "is most appropriate for the handling of your Review".

So why have you as the applicants only asked for an Assessment of review documents only, with no further procedure??

Where also, you have made no statement in support of your Review for options 1 or 2, or even asked for a further Site Inspection.

Albeit the last Site Inspection was done only 9 months ago by Mr Weir.

If you as the applicants, feel that you have such a strong case by going to appeal on the Refusal, would a possible combination of procedures, as noted on the Notice of Review document, of Further written submissions, another Site Inspection, and said Assessment of review documents not have been more appropriate to your case for that appeal??

Surely you, as the applicants want to make your case as strong as possible by exploring all possible avenues to further your case, in asking the Review panel to overturn our objections in favour of your appeal??

**Or in an alternative scenario;**

As the applicants, you are very aware, that you actually have quite a weak case in only asking for an Assessment of review documents with no further procedure.

Where you may have been, and we emphasis 'may have been', advised by your Consultants that if you wish to go for a Review, this is the best / only option, that this is the minimum threshold for a Review, where the Review panel have no option but to agree to this 'paper' Review at its lowest level under appropriate legislation, to ensure that they, the Council are adhering to that legislation to ensure that you have been fairly treated within the legal guidelines under planning law.

So as we continue to ask, we are curious as to what replies to our queries you may give us on all of the above noted questions, under this section of our papers to your appeal??

Where, as we believe you do have a (fairly / very), weak case for appeal, we will outline in the next section of our Representations / Objections, the importance of the conditions of the trees, as the main grounds of Refusal by the planning department, where as far as we can see as the interested parties / objectors who all live in Lochwinnoch, the ground and surrounding growths, and more so the trees on which the grounds are sited, where there is an 'interdependent relationship' between the two, where the trees are obviously wholly dependent on these grounds, which need to be kept in decent condition for the good maintenance and management of the trees, as the main aspects of this woodland area.

## **7. Representations / Objections to the Planning Appeal Statement.**

Our representations / objections to the original planning application could be split roughly into 3 areas, i.e.,

1. Circumstances affecting the site itself, including the presence of the trees, wildlife that live on the grounds, birds that use this environment for feeding, nesting, hatching, etc, and various other aspects of a semi-urban woodland site like the one next to Auld Simon.
2. Auld Simon itself, or to give it its original name St John's Kirk, or the Kirk of St John which was dedicated to Saint John, where the name Johnshill comes from, or St Winnock's Church within the



Church of Scotland, dated from 1727-1729, all of which depends on different sites that we at looked at online.

The obvious historical significance of the church as the oldest building in the village.

Where the bell is an original from 1729 and the clock was added in about 1731.

3. How the development of this property could affect the surrounding existing properties, in various ways, of the close-by neighbours.

Where we by now all know, the grounds of Refusal were mainly based on the 1<sup>st</sup> two types of objections, where the trees were all Points 1-5, with Refusal including Auld Simon at Point 4.

So our objections were upheld on Points 1 and 2 as noted above, by the planning department, apart from the 3<sup>rd</sup> category which doesn't seem to have been included in the Refusal.

So the grounds for our original objections and the grounds for the Refusal were both very similar, albeit the Refusal largely quoted points of legislation which we expected it to do, as obviously planning officials are better versed in this type of law making, as opposed to the interested parties / objectors, who are mainly concerned lay-persons who value the 'gardens' for its intrinsic, environmental, and natural values to and for our small community in Lochwinnoch.

Which in the main part, is fine by us as the interested parties / objectors, where a Refusal is a Refusal, on whatever grounds that may be decided on by planning staff??

Where we as the interested parties / objectors obviously hope that these points of the Refusal will also be adequate to maintain this original decision by the planning department, for this present decision in 2023, which also seems similar to all previous Refusals over the long-term objection period.

Where the conditions of the trees are important to all parties concerned in this process, whether from an interested party / objector's, applicant's or officials point of view.

From the Tree Survey Report outlining the most professional opinion on the recent conditions of the site, (May 2022), in contrast to the Appeal Application Supplementary (proposed) Planting Plan, and the detailed Planning Appeal Statement, it is obvious that in these parts of your appeal, you have gone into some detail in support of that appeal.

In direct contrast to the existing state of the of both the ground that is covered in masses of ivy, with that same ivy growing up many of the trees, to at least average head height.

On a personal visit of the site on Wednesday on the 13<sup>th</sup> of December 2023 / the week of 1<sup>st</sup> submissions, I (Eric) walked around the iron fence and take a walk on the grounds, which I did at some risk, where I often found it difficult to keep my footing, due to the undulating ground, which is very uneven across the whole site, which could only be a hinderance for property development, adversely affecting the substantial tree root systems from the various large trees with their foundations underneath these hilly grounds.

I am 5 ft 5-6 inches in height, on tree trunks with ivy, it is well above my head height.

Where quite frankly, in all objective, impartial honesty the plot is in a seriously overgrown condition, which is easily visible even from some distance away, and when driving past the site in the car.

(Eric: Where I chose to take some videos of the site for my own personal reference).

(Note from Eric: For all parties reading this paper, we have chosen not to include these photographs, which were taken my own phone, as we plan to include them in further representations / objections and as part of a much wider photographic portfolio as an ongoing record of the physical conditions that exist at the site.)

Regarding the present conditions on the site, and your plans for the maintenance of the existing trees, as well as new planting on the site, strong contradictions of a paradoxical nature seem to exist on the site.

Where on the one hand, you claim / imply that you will sensitively care for and manage the existing tree outline, presumably pruning back and getting rid of lots of undergrowth, from both across the ground and well up beyond ground level.

Also and obviously to do the same regarding the ivy and other overgrown material up all the trucks of the surviving trees within the boundaries of the plot.

Yet on the other hand, the remaining trees are still all in a seriously overgrown state, where the ivy is still heavily present, even during the winter months where the ivy and undergrowth has reduced, but only because of the colder weather conditions coming up to the winter months within the next 9 days at the Winter Equinox, on the 22<sup>nd</sup> of December for this year.

Where obviously all of this growth that is presently dormant, will return again in the spring and summer months next year and beyond, probably in a worse state that it has been in previous years, as without proper care and management, all this growth is cumulative, especially over long periods of time.

Which is nothing to say of the 4 trees that had to be cut down this last summer due to the fact that they were heavily diseased, again per the Tree Survey Report.

So very frankly, which is it??

Is it care and maintenance of existing woodland, with new growth and planting??

But only if your appeal is successful??

Or

Is it allowing the plot to become more overgrow, requiring more trees to be felled, etc, etc??

If your appeal is refused??

As witnessed by the lack of care for the plot, by yourselves as the Legal Title Owners over the last 20 odd years.

Where in fact, as the facts seem abundantly obvious, the trees have actually been your greatest hinderance to building any kind of property on this plot of woodland over all these years.

We contend as the interested parties / objectors, that in fact your lack of care and maintenance of the site has been a very deliberate part of a very long-term plan to build a house on this site??

By knowing and hoping that with the lack of your care of the site, the trees would eventually through time become diseased, ultimately requiring felling, thereby allowing you to build some kind of property on the site through extra space being created??

Where obviously, if the trees come down through said felling, the greater your chances, as the only applicants over 20 years as the only Legal Title Holders.

Furthermore, as the owners of the plot, no one else in Lochwinnoch is going to do anything about tidying up the site, where that is your prerogative / responsibility and no one else's.

Where all this is witnessed by the fact, that your latest original Planning Application that was submitted in May this year after, and I quote;

"Due to a major change on the site conditions, following previous objections in 2015, we met Planning Officer James Weir on site."

"After his email of 13.03.23, we came to the conclusion that a fresh application with a new approach could be considered favourably."

So for the HCG and the Review Panel, we ask you to note;

The 2 points to note here are;

1. "A major change on the site conditions."
2. "A new approach could be considered favourably."

On Point 1 that yet again we wish to state that these changes had occurred due to lack of care, maintenance, and management of the trees on the site in the long term 20-year period, resulting in Point 2, where "a new approach could be considered favourably."

Where this new approach consists of a smaller property, in the form of a small bungalow type cottage, as opposed to the 2-storey house, with up and down stairs, that the applicants thought would pass due to the similar type of brickwork to Auld Simon.

Which we still find , as oft stated before, highly objectional.

## **8. Our Conclusion of the Planning Appeal Statement.**

As our suppositions to the Planning Appeal Statement are largely contained in the previous section, the conclusions to us seem very obvious.

This situation is a 'Catch 22' situation for both the Applicants and us as the Objectors.

As the applicants have never been able to build on the plot, i.e., 'dead land' as we have previously mentioned, they have never really been interested in caring for the site as it should be and could be cared for.

Even more so now in the present as they presently now live up in Glasgow, with it obviously being further to travel to, as opposed to walking up the street from their previous home in the village.

They have only ever been interested in the site if / when they could build a property on it, contradicting and overturning the wishes of a long history of objectors within Lochwinnoch, where if they had tried approaching some of the neighbours in the local vicinity of 2 Johnshill, they might have met with slightly more success.

Which having spoken to most of the neighbours in the surrounding area, some of whom are elderly long-term residents, we very firmly believe would not have made the slightest bit of difference.

As far as we are aware this never actually previously happened, again as some of the residents in this area have lived in their homes since before the Johnstons put in their 1<sup>st</sup> Planning Application in the early Millenium.

Where we wish to make it absolutely clear, we do not wish to slander Mr and Mrs Johnston, but we no longer wish to see the plot left in its present state of extremely untidy, disrepair, when we feel very strongly that it could be put to much better use.

As the local community we have never been able to maintain the site either, which on reflection could be described as short sighted on our part, but again in a contradictory manner, it has been suggested that some locals did try to briefly maintain the site, but ironically enough, it has been suggested that the applicants also objected to this work being carried out by concerned local residents, who were upset and concerned about the state of the site a number of years ago.

So to the Million Dollar Question??

To try and resolve the Catch 22 Situation that both the applicants and we as the community of Lochwinnoch find ourselves in??

## **9. Our Own Proposals for the Site at 2 Johnshill, East End, Lochwinnoch.**

So to move on to further our own proposals for 'Our Gardens'.

As an Elder and Worship leader in the Church of Scotland, I Praise and Thank the Good Lord that the staff and elected officials of Renfrewshire Council have seen fit to reject the applicants' proposals for the site over a long period of time, thereby leaving the possibilities of our community being able to develop the plot in a careful, considerate, sensitive manner that is in keeping with Renfrewshire Council's Environmental and Sustainable programmes.

In a manner that is similar to the proposals / ideas for the Lochwinnoch Community Development Trust, (LCDT), site at Lochhead Gardens, which we as a group of volunteers / amateur gardeners would bring "S's and Auld Simon's Garden's" to a state of a beautiful, blossoming Woodland Garden. Where, especially with the guidance of S, who loves the ground, in case the LRB Review Panel need reminding of this point??

Where if possible we would also approach Renfrewshire Council to ask about a Community Asset Transfer, (CAT) as we may have mentioned in other previous parts of our Representations, again in a similar manner to the way the LCDT have sought one for Lochhead Gardens.

**NB:** Where we as the interested parties / objectors have privately discussed this idea of a CAT, I (Eric) casually and briefly spoke to one of the local Councillors for the first time ever on this issue, on the afternoon of Wednesday 13<sup>th</sup> of December 2023 regarding this idea, who certainly didn't poo-poo me on it, and who seemed to consider it a reasonable option, for a site of council owned land that has lain unused for a long time, similar to the Lochhead Gardens site.

As a group of concerned locals or 'redevelopment interested parties', if we were able to get a CAT from RC for this part of the woodland area, it would obviously and dramatically increase the size of the area for said redevelopment as the woodland garden.

Where we would even consider making enquiries about the plot of land across from the application site, the lane known as 'Skipper's Path going down to Gates Road, at the left side of Skipper's Path, where the lane as a Public Right of Way that runs from East End to Gates Road.

This area of land has, like other plots of land in this area of the Lochwinnoch has remained unused for many years in a very overgrown state of ground growth, shrubbery, and trees, which is also very unsightly to the local residents.

Like the application site, it could also be described as 'dead land'.

The 'Skipper's Path Site' is enclosed on 4 sides, with no legal vehicular access, where a number of developers have looked at it over a long number of years, and discounted it for any kind of property development, due to the lack of this access.

Any of this, in part or whole, RC owned land or Skipper's Path would obviously dramatically increase the area of the 'Woodland Gardens', which would considerably widen the scope of activities that we would be able to undertake within this woodland space.

Where if we were given a CAT, we would seek the opinions of the owners of the garages on the council owned land, even if they are mainly run down.

Where furthermore, these proposals seems to fit in with Scottish Government, (SG) Legislation of June 2018, with the;

'Community right to buy abandoned, neglected or detrimental land, (ANDL).

Where we would explore the possibilities of these proposals and form the necessary and relevant community bodies to allow these proposals to come to fruition.

If all these ideas came together, to bring all this land / these plots into community ownership this would be a huge undertaking for us as a community.

Where, very, very importantly the present application site, whilst not physically so, would be a very central and strategic part of these proposals to completely regenerate this whole area of the East End part of the village of Lochwinnoch.

Where absolutely, none, none of this area could ever be considered or given up for any kind of property development.

Where we would expect to have, if necessary, full Title Deeds drawn up, or some kind of Statement of Intent, where one of the preconditions to that title / Intent would be the express statement that all of this extended site would remain as 'green land' in perpetuity, for the permanent benefits, for both the present and future residents of Lochwinnoch.

Where we would take into full consideration on our part, as we are asking the LRB to do regarding this continued Refusal of this appeal, the thoughts and opinions of the surrounding neighbours and residents of the village, if necessary, e.g., by having public meetings to highlight our proposals.

As Papers of Further Objections and Representations to the LRB Review Panel were submitted last night by email to Mr. Robert Devine as a Senior Official of RC, it is only this morning since these submissions last night that we have thought about these ideas after very brief but very hurried discussions on this, where we very importantly feel are central to our Further Representations and Further Objections to the LRB Panel Review at the end of next month.

So in spite of / whilst these ideas / proposals have not formed a central plank of our original papers, within Mr Devine's email stating that any more Further Representations / Objections should be submitted to the Head of Corporate Governance before 3.55pm tomorrow Friday 15<sup>th</sup> of December 2023 as the deadline for paper submissions, we now ask the HCG, the LRB, and the Review Panel of



Elected Officials, or Elected Councillors to take note of these proposals before and during the LRB hearing on the 30<sup>th</sup> of January next year.

By giving our proposals their full consideration in relation to both the application site, and the wider considerations / implications that the Status Quo remains intact, where the decision of the Planning Department from the 8<sup>th</sup> of September 2023 be upheld by the LRB Review Panel, to allow us as the interested parties and objectors to explore the future of our wide range of ideas to allow natural development of this area of the East End of Lochwinnoch.

Without the detrimental effects of a new property, as proposed by the applicants sitting within our own enlarged proposed woodland development site, where as we have stated on numerous occasions now during the length of these Papers, to once again 'strike down' the proposals by the applicants, which are completely at odds with our own natural development of the area, to the benefits of the complete and whole population of Lochwinnoch and beyond into the wider community in Greater Glasgow, Renfrewshire and North Ayrshire, within Muirshiel Regional Park where this natural 'woodland area' or S's & Auld Simon's Woodland Garden would be completely open to all sections of all communities, thereby hopefully increasing visitor numbers to Lochwinnoch, and Renfrewshire in general.

Whereas we are sure, as the Staff / Elected Officials of RC all know, we get large numbers of visitors from across the, e.g., Greater Glasgow area, and from Kilmarnock in East Ayrshire, with School parties on Castle Semple Loch, Less-Able-Bodied Children in wheelchairs, or more mobile Children / Teenagers with 'Special Needs', coming to Muirshiel Regional Park.

(Excuse me / Eric as one of the authors and writers of this paper getting a bit caught up in all these proposals / ideas.)

**In the meantime, to return to the present issue;**

As I / Eric and My Wife hope / plan to live close by in the years to come, with my In-Laws presently reside in the vicinity and many of the objectors also living close to the site, it would be wonderful to be living nearby to these 'gardens', knowing that we had managed to save them from any form of development, and that hopefully, for many generations to come, all sorts of people would get lots of pleasure and educational benefits from having the 'gardens' in this part of Lochwinnoch, similar but different to Lochhead Gardens at the other end of the village.

Where, it seems blindingly obvious to us as the interested parties, some of the most important of these groups would be the local schoolchildren, mainly from Lochwinnoch Primary School, but also from other Primary and Secondary Schools in the area if they wished to come visit (either) site at Lochhead or S's & Auld Simon's Gardens'??

Where we personally envisage that our project may have somewhat wilder aspects to it's development, to differentiate it from Lochhead Gardens to teach, especially the children, different aspects of flora and fauna, teaching them about the trees, and hopefully / possibly small wild animals who take up residence in a slightly wilder garden site.

Where the ideas and possibilities seem endless, in this bigger 'garden' site if we able to get a CAT from RC, where to re-assure council officials and staff, we would wish to naturally develop that piece of land in a similar manner to the site at 2 Johnshill, where we would welcome site visitations from council staff to appraise them of our progress on the CAT site, and the whole site generally.

# **10. Final Conclusion to this Paper for the LRB and the HCG, of Further Objections and Representations in relation to this Planning Appeal by the Applicant, Mr David Johnston.**

In asking for this Notice of Review with the LRB, thereby highlighting the conditions that presently exist on the planning / application site, many of our group felt that Mr And Mrs Johnston have actually done us, our group / our village / our community in Lochwinnoch an unforeseen, unintended, backhanded favour.

By bringing to our attention, in the "full glaring light of day" to the conditions that presently exist on the site of S's beloved 'Woodland Garden'.

If anyone on the Review Panel doubts what we are saying, then we would like to invite you down to Lochwinnoch for an anonymous visit to examine for yourself the conditions on this plot, one of the last plots of woodland in a fairly built-up area, within a rural village.

Where it also seems that the site across from the oldest building in Lochwinnoch, and a Holy Place of Worship as the remains of an ancient church, is only / has only ever been any good to the applicants if they were going to be able to build a property on it.

At this point in this Paper of Representations / Objections, we as the 'interested parties' wish all other parties to note that, in case it is in any doubt, that once again we object to any development on this site in the strongest possible terms.

With no caveats or compromises on our part re any form of house building or development of any kind, however small or aesthetic this may be.

The site has been a natural woodland for nearly 170 years, can we just leave it that way Please, for the benefits of this community.

In spite of the conditions that the applicants have left the plot in, over many years, we also feel compassion for them, where we fully acknowledge, realise and understand that Mr and Mrs Johnston have also held this dream close to their hearts for many years.

However, that does not compromise our intentions to bring this plot back into community ownership, where this seems to be a very black and white scenario, with very little grey area in-between their proposals and ours.

Where we feel that after 20 plus years of sustained upheld objections, within the last 170 years, that the site / plot / gardens themselves have waited long enough for someone to take decent care of them, in a manner appropriate to the surrounding, natural, God / Holy-Spirit Protected Area, where "Thy Will Be Done", Not my will, But Thy Will, as The Will of God that seems to have keeping them waiting for someone to look after them.

With as we have now stated on numerous occasions, the obvious enduring support of Renfrewshire Council Local Authority.

When the LRB Review Panel make a ruling on this Appeal at the end of next month, if the LRB upholds the decision of their Planning Department, we will obviously be very, very grateful.

We do not wish to consider the other possibility at this point in time.

If the Appeal is again Refused like previous long-term decisions, Mr and Mrs Johnston obviously have a choice to make, both individually and together??

If they choose to accept the decision of the Review Panel, then we will enter into negotiations with them as soon as they are ready, to bring the Title Deeds back into Community Ownership.

Where we would compromise as much as possible with them through appointed lawyers, short of any future development on the site.

Even to the point of entering into financial talks with them regarding the site??

Where we would be prepared to wait an appropriate and discrete length of time to let them catch their breath, so to speak.

However should the applicants refuse to accept the ruling of the Appeal Body, we want them to understand, in no uncertain terms, that we will fight them absolutely every step of the way should they decide to appeal to any higher authority than the one they have already just had a ruling from.

Where we in no way wish to look as if we are blackmailing the applicants into withdrawing their case, but we wish them to clearly understand what **our** intentions are for the future??

Where we very, very firmly believe even now, **that whilst we are being very, very cautious and very, careful**, we also believe that we have an excellent chance of winning our case with the Review Panel.

Where we also believe, should it be necessary, that we can also win any future case to any higher authority if you should decide to go there??

But we'll leave this decision up to you, obviously depending on the decision of the Review Panel.

In the final part of this text we sincerely hope that we have presented a very strong case to the Review Panel to, once again reject and Refuse the Development Appeal by the applicants, in line with the decision by your associated Planning Department decision in September this year, and the Review Panel's decision at the end of January 2024.

We acknowledge that the applicants will respond to these Further Objections and Representations, and we await their responses to these Representations.

Where we will, once again, respond in a similar manner to the Applicants' own Representations.

Considering how very long this Representations Paper is, we wish to thank all everyone who has to read through this document.

We as the Interested Parties / Objectors do realise that this paper is a very, very long read in representing our case, and in some parts the reader may find it a bit boring or losing the thread of our arguments.

Or for where the paper, throughout its length is also very repetitive.

If this is the case for anyone, we would like to sincerely apologise.

However we have tried to make our case as strong as we can possibly make it, hence the length of it, by going through all of documents provided by both the applicants and Renfrewshire Council and trying to address each of the sections of these documents in very fine detail.

Hoping that You all have a Lovely Christmas

Regards and Best Wishes

From (Eric the Auld Gasbag) and The Team for S's & Auld Simon's 'Garden's'

## References

Other than three brief online references regarding Auld Simon and Scottish Government Legislation, nothing other than the paperwork / documents provided by the Planning Department, no other documents were used to reference any part of this Paper of Representations.

Therefore no Reference List is required in any form of an academic manner.

## Final Personal Notes:

Should anyone wish to contact me for any reason, regarding any of the contents within this Paper of Objections and Representations??

My contact details are below, at the end of this paragraph.

I also publicly wish to thank everyone who contributed towards this Paper of Further Objections and Representations, especially S for all the back and forward text messages, and M, for the ideas you gave me / us, and provided a bit of leadership, especially during our meetings, but also generally.

We were "lucky" that the right people appeared at the right time.

Where I just happened to be the one who had the time to word process this very lengthy document, my apologies to everyone reading all this as it is rather repetitive in some areas. It was a bit difficult at times to keep track of what I /we were trying to get down on paper from our discussions and texts, etc.

I shall thank you all privately for your input, but for reasons of confidentiality I don't want to name any of you publicly.

As you will all read this paper I am really pleased that we managed to get together so quickly to form this small group, where hopefully we will be able to enlarge the group further and gain more input from other people.

Some of the brainstorming sessions were really good fun and a good laugh, that was the part that I personally enjoyed the most by meeting other people that I had never met before, especially with a common purpose in mind regarding this Review / Appeal Notice.

Auld windbag that I am, away I all hear you laughing, you're not a windbag Eric, Ha! Ha! Ha!

I could say more of course, but I'll leave it there, as I really think I've said enough.

So I hope you all have a lovely Christmas.

Relax and enjoy yourselves after all this marathon 2 weeks.

My contact details are;

M: [REDACTED]

Email:

[REDACTED]

I.P.

For the Attn of;

Mr Robert Devine

Renfrewshire Council

Renfrewshire House

1 Cotton Street

Paisley.

PA1 1WB.

Friday 15<sup>th</sup> of December 2023.

Planning Application: 23/0179/PP. By Mr David Johnston.

For the Site of 2 Johnshill, East End, Lochwinnoch.

Appeal / Review of this Planning Application by the Local Review Board, (LRB).

To be heard by the LRB on the 30<sup>th</sup> of January 2024

FN:

SANITARY/BURTON

A1:

8 ST WINNOC RD

A:

PC:

LOCHWINNOCH  
PA12 4ET.

Dear Mr Devine,

I am aware that the Renfrewshire Council Planning Department REFUSED this Planning Application, as noted above, on the 8<sup>th</sup> of September 2023.

I am also aware that the applicant, Mr Johnstone appealed this decision for a Notice of Review, which Mr Devine notified Objectors to, on the 1<sup>st</sup> of December 2023, which included Mr Beattie.

Since the 1<sup>st</sup> of December I am aware that Mr Eric C. Beattie of 34 High St Lochwinnoch PA12 4AA has regularly been in touch with you by email regarding Further Objections and Representations to this Review / Appeal.

Where he has, for himself and others, as both objectors and Interested Parties, made out the main papers of these Objections / Representations.

I now ask you to note that I have freely and willingly asked Eric to submit these Representations / Objections to Renfrewshire Council, as either an Original Objector or an Interested Party.

Where I wish the Local Review Body, (LRB) to take note of these Further Objections and Representations into their consideration on the 30<sup>th</sup> of January 2024, when the LRB Review Panel will consider the appeal by the Applicant, Mr Johnston.

Regards

Signature of Objector / Interested Party.

[Redacted Signature]

Witnessed by. (If a Witness is available.)

[Redacted Witness Signature]



HEAD OF CORPORATE GOVERNANCE  
RENFREWSHIRE COUNCIL  
FINANCE AND RESOURCES  
RENFREWSHIRE HOUSE  
PAISLEY

PA1 1TR.

REGARDING  
PLANNING APPLICATION 23/0179/PP  
BY MR DAVID JOHNSTONE.

LOCAL REVIEW BOARD

NOTICE OF REVIEW

30<sup>TH</sup> OF JANUARY 2024.

PAPERS OF FURTHER REPRESENTATIONS AND  
OBJECTIONS IN RELATION TO THIS REVIEW.  
FROM THE (CONCERNED) RESIDENTS OF  
LOCHWINNOCH.



Head of Corporate Governance,  
Renfrewshire Council,  
Finance and Resources,  
Renfrewshire House,  
Paisley,  
PA1 1TR.

N SAN HALLYBURTON  
A 8 ST WINNOCH RD  
A  
P LOCHWINNOCH, PA12 4ET.  
Thursday 14<sup>th</sup> of December 2023.

(Will all individuals please note that the Head of Corporate Governance will ignore your representations/objections if you have not filled in your personal details with your Name and Address, etc, as above).

Planning Application: 23 /0179/PP.

Erection of single storey dwellinghouses and associated works,

On the Eastern Boundary Of No. 2 Johnshill, East End, Lochwinnoch,

By Mr. David Johnston.

For the Head of Corporate Governance In relation to Notice of Review to this Planning Application.

Relating to the meeting of the Local Review Body, (LRB) for this Notice of Review to be held at 2pm on the 30<sup>th</sup> of January 2024, in Renfrewshire House, Cotton Street, Paisley.

On the grounds of the Letters of Representations – Council Decision, as noted in the letters posted out to individuals, dated 8<sup>th</sup> September 2023, who objected to this Planning Application, where; 'the application together with your representations was considered by the Council on the 8<sup>th</sup> of September'.

Where the decision of the council was;

REFUSE Consent subject to the reasons.

As noted in the accompanying letter,

Ref. 23/0179/PP.

CONDITIONS AND/OR REASONS ATTACHED TO THIS DECISION.



**For the Attention of The Head of Corporate Governance.**

**Dear Sir / Madam,**

**List of Contents for this Paper of Representations/Objections**

- 1. The Interested Parties Initial statement to the Planning Review Panel.**
- 2. Statements, Questions and Representations from the Objectors to the Johnstons regarding this Planning Review / Appeal??**
- 3. A Recent History of the Site: How we got to where we are, from 1991 to 2023.**
- 4. Objections and Further Representations to the Original Planning Application.**
- 5. Representations on the Tree Report.**
- 6. Notice of Review Document.**
- 7. Representations to the Planning Appeal Statement.**
- 8. Our Conclusion to the Planning Appeal Statement**
- 9. Our Own Proposals for the Site at 2 Johnshill, East End, Lochwinnoch.**
- 10. Final Conclusion to this Paper of Further Objections and Representations in relation to this Planning Appeal by the Applicant, Mr David Johnston.**

**1. The Interested parties Initial statement to the Planning Review Panel.**

Will the Head of Corporate Governance, hereby abbreviated to HCG, please note that we wish to make Representations/Objections in relation to the above Planning Review Appeal by the LRB, as an 'Interested Party'.

Where we hope that the HCG will note these reservations in relation to the Review Panel meeting on the noted date will also take these Representations into their considerations and deliberations when making a judgement on this Notice of Review / Appeal by the Applicants, to the LRB.

Where we wish the HCG to note that we do so in the strongest possible terms regarding this Review, not just on the grounds on which the appeal has been based, but across all possible areas of both the original planning application and the associated review.

In previous applications by Mr and Mrs Johnston, we, as interested parties have asked for all previous objections and representations to be taken into consideration regarding any present application, where historically, as far as we are aware, the Johnstons, have been the only applicants to ever apply for planning permissions for this particular site??

Where very importantly, to support our case as the interested parties, various individuals and groups in Lochwinnoch have shown a consistent pattern of objections to the planning applications by this couple over the last 20+ years.



Where, very obviously we wish the 'Woodland Garden' / Area of Woods at 2 Johnshill, East End, Lochwinnoch, across from / in very close proximity to Auld Simon, as the oldest building in Lochwinnoch, for the woodland to remain in its present state, without any property development by these applicants.

***Furthermore, after 20+ years of applications by the Johnstons, we strongly and firmly believe that we have reached an impasse in relation to this situation??***

Approximately every several years just over the last 2 decades, the Johnstons have put in an application for planning permission, and we, the objectors and interested parties have responded and objected to these applications for development on this site.

Where Renfrewshire Council staff and elected officials have consistently supported us in our objections to these applications, by also consistently refusing planning permission for this valued and treasured site within our village, where we wish to record our gratitude for these efforts, where we are very grateful to these individuals over the last 20+ years in their continued support.

For if it was not for this continuous support, we would not be here today, where once again we find ourselves having to object and make representations to this Review / Appeal by Mr and Mrs Johnston.

In spite of our opposition to these continuous Planning Applications we therefore acknowledge that this has cost the Johnstons a lot of money, time and effort in pursuing their case, as well as a lot of corresponding time and effort on our part as the objectors.

To say nothing of the time that the planning department and to a lesser extent the time and deliberations that Councillors on the review panel spend on this issue.

***So in an effort to resolve this situation to the benefit of all parties concerned, i.e., applicants, objectors, Renfrewshire Council Planning Department, Councillors on the review panel, as well as the HCG, in his considerations on this issue, we would like to set out alternative proposals for the site, which can already probably be guessed at by all concerned??***

We will briefly outline these alternative proposals as noted immediately below and elaborate further throughout this Paper of Further Objections and Representations, and towards the end of this paper in our Conclusion.

We acknowledge that this scenario may not be acceptable to Mr and Mrs Johnston in the first instance, as they have held this dream for many years, but as they lived amongst us for many years in our very beautiful village of Lochwinnoch, where they were friendly and friends with, and well known to many of us, where I personally, (Eric) had mutual friends with them.

Where we as the objectors would seriously like to ask them to consider what we propose at some length, as opposed to dismissing our ideas in a knee-jerk type of reaction??

We also recognise that, as stated earlier, that this couple have put a lot of time, effort and expense into their planning applications, but after 20+ years of objections, we would ask them to finally recognise that as a community / the village / Lochwinnoch does not and will not / never accept their proposals for this site.

Whilst some individuals in the village may accept their proposals with their present plans for a property that is visually and aesthetically pleasing in relation to, and the closeness of Auld Simon,



many more people will not, especially neighbours in the surrounding vicinity of the plot, i.e., in Johnshill, East End, St Winnoc Road, Gates Road, and various parts of High Street.

## ***2. Statements, Questions and Representations from the Objectors to the Johnstons regarding this Planning Review / Appeal??***

All of the above then leads us to ask the following questions of Mr and Mrs Johnston??

When are you finally going to accept that your planning applications for this site are absolutely not acceptable to many of residents in Lochwinnoch??

Otherwise, why has there been 20 odd years of objections to your proposals, every time you apply??

No matter how nice or pleasing to the human eye your proposed property may look on this occasion, especially in relation to Auld Simon, like previous plans, it is still not in any way acceptable to the majority of our community in Lochwinnoch.

Where this small woodland area, that has been a precious woodland just off the centre of Lochwinnoch, for approximately for the last 165-170 years, should / could / must remain a 'Woodland Garden', enhancing the local environment / surrounding area, to the benefits of the trees, local flora and fauna, wildlife, roosting birds of all kinds and especially rooks.

Without absolutely any property being built upon it.

Where ultimately all of the above, intangibly enhances and enriches the lives of the human beings who live close by this plot, and any other green spaces, both within Lochwinnoch and outside it.

As a rural village in South Renfrewshire, which we feel is the last real village that is separate from other communities, which is not a suburb of Johnstone or Paisley, as the build-up area has extended ever outwards over the years.

Which is very much obviously why Renfrewshire Council has dependably supported our objections over the last 2 decades, as the benefits of green spaces and closeness to nature are very well, and scientifically recognised, in regard to both physical and especially, mental health.

So really, in this part of our Representations, in our own way we are also lodging an appeal, as we are appealing to your better natures, Mr And Mrs Johnston??

To let all this go, for your own benefit and peace of mind, as well as ours as a group of objectors.

And ultimately, for the benefit of Lochwinnoch as a community, which you obviously love, and loved, as you lived here for many years.

Where for you to try and accept that there will always be a group of interested parties / objectors in Lochwinnoch, with hopefully, as noted above, the continuing, ongoing support of Renfrewshire Council, where some concerned individuals, as individuals or in groups will always object to your plans for this site.

Where today it is our group who are objecting / making representations, tomorrow it will be someone else, and another group.



(Personal note from Eric)

(Please do not misunderstand me, as there is absolutely nothing personal in all this, along with many others we just completely disagree with your proposals for the 'Woodland Garden' and have done so for many years).

(Where my / our personal reasons for our representations / objections are completely altruistic, to the benefits of my / our community, where we represent the wishes our community, in my (Eric's) personal case my elderly relatives live in close proximity to Auld Simon / Johnshill / East End, where I have been asked to deal with this on behalf of all my family, as well as my own very strong beliefs in what we are doing).

Ultimately this situation reminds us of the Burnfield Road / Playing field site, with planning applications by Stuart Milne Developers, at the end of Newton of Barr, Lochwinnoch.

Where in this case, the Community Council have mounted a very focused, consistent campaign by this developer, sustained over a number of years, where ironically, this is a shorter time span than the one we have mounted against your own proposals.

Where both developers, regardless of size, both own the prospective sites, but cannot do anything with them, due to the number of representations / objections Renfrewshire Council (RC) have received over the years, from Lochwinnoch residents.

Where the term 'Dead Land' could be used to describe both sites.

Where it seems you are stuck with a possible development site that you can't do anything with??

Hence the nickname of 'dead land'.

To continue with these objections and representations, as noted above, we will further outline our proposals for the site towards the end of this paper.

### **3. A Recent History of the Site: How we got to where we are, from 1991 to 2023.**

In the early 1990's S, who has lived in Lochwinnoch for at least 30+ years wanted to further develop the application site into a 'Woodland Garden', where the site had and still has to the present day has become naturally overgrown, per the applicants' paperwork showing the Ordnance Survey Map of 1856, so over approximately the last 135-140 years in 1990-93, plus another 30 years to the present.

So in total the site has therefore been undisturbed for approximately the last 165-170 years.

The following pages are copied from messages between Ms S and me to show the review panel the 'more recent' history of what has happened over the last 30 odd years regarding this plot of woodland at 2 Johnshill / East End.

I have only altered the text to tidy it up, and have been very careful to preserve the anonymity of Ms S, even although I'm sure the Johnstons know who / remember who this lady is??

Eric

Thanks for getting back to me S.

I'm really just looking for the process that was involved, that you went through, and the time frame /



dates involved.

I didn't realise the lawyers were involved though, I've never really understood why the Johnstons keep on applying to build on the site, but by the sound of it they have legal rights / title to it?? Which explains why they have kept on applying to build on it over the last 20 odd years x 3-4 times. The situation reminds me of Burnfoot Rd then, they own it, but can't use it as locals keep on objecting to their planning applications?? As I recall they supposedly fenced it off, supposedly maintained it for a number of years, and then claimed legal rights to it?? If you fill in some gaps for me re how long ago you were at the lawyers, that would help.

## S 1

I laid claim to the land around 1991/92.

My then lawyer did a land search and found no record of ownership, he told me to occupy the land and look after it for 10 years and if it was uncontested, it would be mine. I did this at considerable expense, fencing it off, having dead trees felled etc, but only after I got council approval.

During the 10 years, Louise Johnson started her own claim, but I was told by my lawyer I had prior claim so not to worry. When my 10 years were up, I contacted my then lawyer, I'd changed to a different firm by then to ask how to conclude the claim -she said I didn't have to do anything as it was now mine.

However it appears that wasn't the case and Mrs Johnson saw her chance and pursued her claim. By this time I'd built a shed on the plot and was making it into a woodland garden but basically I had to get off the land, remove the shed and that was it. It was heartbreaking at the time, but there didn't appear to be anything else I could do.

Unfortunately I left it too long to complain to the Law Society, so I just had to let it go.

## Eric

A quick couple of questions that I mentioned yesterday??

Do you remember more accurately when Louise Johnson put her original claim in during the 10-year period??

Any idea when she further pursued her own claim??

I'm presuming that this was after about 2001-2003??

## S 2

I've found the "Woods File".

I first enquired about the plot in Feb 1993, and it looks like my claim dates from March 1993.

I then set to work having it fenced off by Alter Landscapes, employing a Tree Surgeon to assess the plot then paying him to make the plot safe, which included having some dead elm trees felled because they were dangerous. I had to apply for permission from Renfrewshire Council for that work to be done, even providing photographic evidence that one tree had actually fallen in high winds. This cost me a lot of money.



I was then worried about the spikes on the original iron fence at the front and my lawyer advised me to remove them to avoid public injury, this I did, all 239 with a hacksaw as I recall as I didn't own a Stihl Saw.

I also took out public liability insurance. Ironically, the Council refused permission to have the canopy overhanging the pavement to be cut back even though it forced pedestrians to walk on the road in summer, which worried me.

When the owner of one of the neighbouring garages expressed concern about overhanging branches I had them professionally removed.

I loved the ground, worked on it and my children and dogs shared it with me where I had all sorts of dream for the plot.

Anyway Louise Johnston applied for planning permission 2002 and was refused then, they had laid claim to the land. I was advised that I had prior claim so not to worry, the rest is within what I've already sent you.

Like I said, I thought all was well till Louise approached me when I was gardening at the plot Spring 2009 and told me I had to leave as the ground was theirs and they were "going to build a house". I've never fully understood what happened, but it appears they did nothing illegal, saw their chance and followed it through.

To summarize, their first attempt at receiving planning permission appears to have been made in early 2002, which I suppose is the main point. I think at least more than one has been made since then.

S 3

Ps- I heard Louise had told a friend they'd sold their house in Lade Court and were renting till they built their house up at the woods, so she seemed to be confident that it would go ahead.

Eric

Morning S,

No I fully realise that you have not accused them of any illegal practices. Where nothing illegal has been done anyway, as they have included a copy of the land certificate showing ownership.

As I've said previously, I've never understood why they kept on applying for planning permission for the site, but this is now obvious as they own it.

Where this can be very expensive, as they have now applied for planning permission 3-4 times over said 20+ years.

Considering that the villagers have consistently objected to their proposals over this period, and the council planning department have also consistently upheld the objections by their refusals, I personally think the Johnsons have been, and are being very naive.

Again it's similar to Burnfield Rd, they might own the land but can't get permission to build on it, it's "dead land" so to speak.



I'm not sure if you realise but all the previous objections are very important, where we as the objectors can ask that all of this historical information be taken into consideration for this present application and appeal, it obviously shows a consistent pattern of objections over a long period of time.

I hope some of this reassures you about what happens next, but my apologies if it also brings up painful memories for you, as you very obviously loved this area of woodland years ago, and still do in the present.

Personally the Johnsons have actually done me / us a back handed favour, by giving me a wake-up call re all this, & motivating me to do something about it, to protect this historical, natural site for Lochwinnoch and the villagers.

Where if the Review panel are consistent with previous decisions??, I would personally hope to bring this plot back into public ownership by whatever means we can get it back, where we can manage this plot and keep it in the natural state that it has been in for the last 160+ years, for the benefit of everyone in Lochwinnoch, as a beautiful, natural Woodland Garden.

Where hopefully the Johnstons have done us all a big favour by appealing this council decision by settling these issues to the benefit of all parties, the community in Lochwinnoch, the Johnstons, and Renfrewshire Council ??

S 4

That's reminded of what happened legally, as I understand it my name was entered on the old Land Register, it should also have been put on the new one, that's how I lost the ground because my lawyer didn't do that.

Eric

All of this hassle over all these years because of one simple legal mistake.  
Which would probably have taken an hour or two of work to do.

The lawyer was lucky that you didn't make a complaint to the Law Society, as you certainly had grounds to do so.

When I think about it, I was forgetting my manners.

To ask you for permission to put your story in my own paperwork???

I would be careful to maintain confidentiality, & reword your text if necessary, & use only letters like WG for Woodland Garden so that you could not be identified in any way.

The councillors wouldn't be interested anyway, although the Johnstons will likely remember??

Your story is the basis of all of this & I feel very important to our own appeal, which I / we will use to highlight why the site must be left in its present state, so that we as a community in Lochwinnoch can maintain and manage it, and really improve upon it, in a similar manner to what the LCDT are doing with Lochhead Gardens.

Even to the point of involving the LCDT for help re various aspects of these ideas & asking RC for a Community Asset Transfer, (CAT), to extend the plot with the council owned land to the rear of the garden in a similar way to the application the LCDT have done for Lochhead Gardens.



Furthermore it fundamentally shows how right from the time that even before the Johnsons made a claim to this plot, that your plans for it were the foundations of all the objections that have followed over the last 30+ years, to the present.

And into the future, if / when, as I've said above where we hopefully bring the plot back into common law, common sense, community ownership.

Which if you are still interested in, I personally hope that you would still like to be involved in?? This was your dream 30+++ years ago, after all.

So I am really hoping that you are okay with me using your story.

To be honest, personally, I like the sound of S's Garden, L Gardens, or Auld Simon's Garden???

## S 5

Well at the time I was in the process of leaving J, plus a solicitor acquaintance of mine told me she didn't think I had " what it would take", financially or otherwise to fight it, nor was there any point in complaining so I let it go. I'd have loved to have built a tiny wee L- shaped hoose there and see out my days but I always knew that would never be possible without felling healthy trees.

(NB from Eric: The fact that S had thought of building a small house on the plot in no way justifies the planning applications that the Johnstons have submitted over the years. Note the fact that S also acknowledges that healthy trees would have to be felled / sacrificed to build any property).

(Where I chose to leave this text in this part of our objections to highlight the fact that S had realised that building a property on the site was not possible).

Imagine the joy I felt when I had my wee shed built!

Anyway, back to present times and I must admit you've now got me interested in the idea of a Community Garden. I also always knew the plot was too big for me to look after it properly. There were actually some people who referred to it as S's Woods!!

God moves in mysterious ways I have found and if what I want is right, it tends to happen eventually. I would like to be involved in what goes on in the future. By the way, I'm happy to be named personally in the proceedings as I'm confident I haven't falsely accused anyone of anything, my only worry would be lawyer although I haven't named them in any of my communications with you.

There is still a chance that I've misunderstood events! Meanwhile I'll just allow myself to dream of the woodland garden. Oh, btw, there are remains of what appears to be a stone wall / foundations within the ground- I used to sit on them while I had my tea break- I'm sure you've examined the history of the area. x

## S 6

Already thinking of projects to open people's eyes to what can be achieved plant wise, there's a lovely " feel" up there. I don't think Mrs Johnston would know what I mean, don't think she would understand my love for the place, but maybe I'm wrong.

Just another piece of info which might explain a lot.



I had the ground professionally valued sometime during the 2000's, as I have the papers somewhere I think. If I remember correctly, it was valued at £65k if outline planning permission was obtained, which of course would involve removal of trees. I did that out of curiosity as I always knew trees would have to go and I wasn't prepared to do that, so it was a dead end.

(2<sup>nd</sup> Note from Eric: As we would obviously not be seeking to build or develop the gardens in this way, on a 'dead plot of land', by asking for planning permission, which negates our complete and whole ambitions for the site, we would want to have the plot evaluated and priced as a garden plot).

Come to think of it, that would be a driving force for other people??

I'll shut up now- things keep coming back to me. Now that I understand your motivations, I'd be happy to meet with you in the New Year and show you the "S's Woods" files I Till then ...

57

Ps: I didn't do it before because I thought it would just look like sour grapes, and of course there is a small element of that, that has gone with the passage of time now that I am older and hopefully a bit wiser, but I can now see better reasons for objecting to their plans.

All of this text is rather long winded, but we have chosen to include it to emphasis the recent history of the site and the love and affection which many people in Lochwinnoch feel for the 'Woodland Garden', especially S, who still dreams of what is possible for 'her gardens' 30+ years later.

Where paradoxically to S's, and numerous other villagers' wishes for the 'gardens', like the Johnstons, (where again, within this extremely long paper, again at the risk of repeating oneself, we fully acknowledge their wishes to build on the site re their various planning applications), where they have also spent a lot of their own money in trying to develop the site, albeit it we obviously disagree and object in the strongest possible terms to the applicants building a property in this area of woodland.

Where we also strongly believe this is the wrong type of development for one of the last areas of woodland within our village, that has taken many years to naturally develop, albeit it is now overgrown, needing care and maintenance from interested parties.

#### **4. Objections and Further Representations to the Original Planning Application.**

In the Pre-Application Discussion Details Cont. section of the above, we note that there was "a major change on the site conditions", after Mr Weir's email of the 13.03.23, where the Johnstons thought that a "fresh application with a new approach" could be possible.

So per the Tree Condition Survey that the Johnstons had requested in May 2022, followed by Mr Weir noting changes to the tree plan in his email of March 2023, presumably that 4 of the trees would have to be felled, etc, that the planning department still refused the Johnstons latest planning application.

Where if the Johnstons had been more proactive with better conservation of the ground conditions, soil, tree maintenance and management, obviously these trees would never have needed felling.



Which makes us wonder just how much care of the plot the Johnstons were inclined towards by looking after the site, considering the number of applications they have submitted over nearly 2 decades??

#### **Access and Parking.**

These issues were within our original objections that we submitted against the initial planning application.

Where the site at Auld Simon is often used by local groups as a starting point for local parades, etc. E.g., Gala Day Parade in June, the Samba band have also this location on occasion, Millenium Walk of Faith. Where a large number of children often attend these first two on-going events with their parent(s).

Whilst the Johnstons have only applied for 2 parking spaces on this site, and the Health & Safety of these events can be managed by marshalling, this increase in traffic, however small, could pose a risk to both adults, especially children and the disabled, amongst large crowds of people waiting for parades to start, if the LRB Review Panel were to uphold this appeal, especially if the applicant had visitors to their home??

These points / risks may seem minor, but we wish to make the Review Panel aware of these risks.

#### **Water Supply and Drainage Arrangements.**

At the time of writing this section out, (Monday 11/12/2023 @ 14.35) we are waiting on council staff replying to queries on these points??

As the refusal was based on tree grounds, where the appeal is also based on the same, we have asked officials if the Johnstons would have been aware of further objections from close-by residents.

Where we have since been advised by Planning Department Staff that these objections were available for the applicants viewing, where no attempts were made to do so, therefore the applicants chose not to make themselves aware of any concerns that their prospective neighbours may have on their proposals.

Thereby as far as we the interested parties / objectors are concerned, weakening their case for Review.

Alternatively, if they had attempted to view these objections and addressed the associated concerns, to our mind, they would have better prepared for their Review / Appeal process, by having more answers and information with regards to the impact that this property development would have on the surrounding area, and well beyond the development site.

This lack of concern regarding other people's opinions on their proposals seems to consistent in the applicants overall approach to their Planning Application(s) over a long period of time??

Under this section of the application, new or altered water supply and drainage will be required, where this proposed property will link into the existing drainage system.

The planning application document makes no mention of sewage waste??



Where for our part as the objectors, only a visual inspection of the site would be possible, where that inspection would be severely hampered by the large amounts of this, difficult to walk on / passable un-maintained ivy / undergrowth.

Where we also note the conditions of the trees that required Crown Reduction and the trees that needed removal, 6 of for Crown Removal / pruning at the tops of, and 4 for removal.

We further note from the accompanying photographs and text on the 1<sup>st</sup> page of the survey that various trees have very large amounts of ivy growing both around them and up all of the trunks of these large, well-established trees, and at ground level across the whole of the site has been, as stated above un-maintained, even very badly maintained.

Which leaves us wondering how often, and how much the plot has been regularly, even sporadically looked after, in a variety of ways over the last 20 odd years??

Having noted these points in our Paper of Further Representations / Objections where we have deliberately used the full title, to object on these points alone, at the way the plot has obviously been neglected over a large period of time, by the applicants as the legal title holders.

Where we will say quite a bit more on this subject in the next sections of our Paper to the Review Panel, which we would ask the HCG to continue to note on these issues.

## **6. Representations on Notice of Review Document.**

We note that the registered address of the applicants on the 1<sup>st</sup> page of the Notice of Review is;

Flat 0/2,

174 Clarkston Road,

Glasgow,

G44 3DN.

We will make our reasons known for noting this point just very shortly, within this section of our Paper of Representations.

This may be an inappropriate point, but as the applicants now live up in Clarkston, Glasgow with this as their registered address on their appeal, we wish to ask the Review Panel why this appeal should be upheld by the applicants when they don't even live in Lochwinnoch anymore??

Where they have not done so for a number of years.

We are sure the applicants had good personal reasons for this move to Glasgow, but this still implies an absence of loyalty to a village and community that they lived in for many years??

These questions would be completely irrelevant if it were not for the fact that the applicants have, once again, applied for planning permission for this site.

It is only because of the planning permission appeal that we ask these questions.

To think otherwise would be to imply or think that people are not allowed to live where they chose to live, which would be a ludicrous suggestion, I am originally from the South side of Glasgow, but I (Eric) personally chose to live, and plan to die in Lochwinnoch.



Furthermore, the note below is a copy of the text between S and I on Page 7 of this paper.

S 3

Ps- I heard Louise had told a friend they'd sold their house in Lade Court and were renting till they built their house up at the woods, so she seemed to be confident that it would go ahead.

Which considering this 'house' has been very consistently objected to and refused by the council over all these years, this piece of gossip seems rather 'over-confident' on the part of Mrs Johnston??

On a more concrete note, we also wish to ask the applicants further questions in a similar vein??

After all these years of said objections and refusals of your plans for this site, apart from changes to the tree plan per the survey report;

1. Can you give us justifications for / valid reasons for why the Review Panel should now uphold this present planning application??

2. In light of the planning department decision, again for Refusal in 2023.

3. Thereby overturning the present planning department decision.

4. Which would also obviously overturn all the previous decisions made by the same department since your 1<sup>st</sup> planning application sometime just into the Millenium??

5. Which would obviously also make Null and Void all the previous Objections over this same time frame, by multiple objectors, of varying age groups including older ones like many of our present group who are now either approaching or in pensionable age, where some of us have been objecting over the last two decades.

6. Where even more so, again if this is a relevant point??

All of the objectors, past and present are obviously all Council Taxpayers, who because we choose to live in Lochwinnoch, we pay our Council tax to Renfrewshire Council as the Local Authority.

So, with all due respect, as you now live in Glasgow, thereby paying your Council Tax to the Glasgow authority, even more so why should the Renfrewshire Review Panel find in your favour, nullifying the wishes of all of these taxpayers, past and present over 20+ years.

This last inquiry might seem a very cheeky, very impertinent question, where we are most definitely not trying to place undue pressure on the Review Panel, where we expect their decisions will be fully impartial, but also meanwhile very fair in their judgement.

So all these questions are **directed solely** at the applicants, where we are interested to hear what their responses are in relation to all of the above questions, again in addition to any other questions we have asked the applicants throughout this paper, including the last one regarding council taxes.

Moving on from these possible mooted points, we would also like to ask further questions concerning this Review / Appeal.

Considering the level of objections from the community over many years, including the present one, and the fact that the Tree Condition Survey Report is now out-of-date, albeit by only 6 months from May this year;

Under the Review procedure part of the appeal, the LRB have accepted your suggestions that you as the applicants feel "is most appropriate for the handling of your Review".



So why have you as the applicants only asked for an Assessment of review documents only, with no further procedure??

Where also, you have made no statement in support of your Review for options 1 or 2, or even asked for a further Site Inspection.

Albeit the last Site Inspection was done only 9 months ago by Mr Weir.

If you as the applicants, feel that you have such a strong case by going to appeal on the Refusal, would a possible combination of procedures, as noted on the Notice of Review document, of Further written submissions, another Site Inspection, and said Assessment of review documents not have been more appropriate to your case for that appeal??

Surely you, as the applicants want to make your case as strong as possible by exploring all possible avenues to further your case, in asking the Review panel to overturn our objections in favour of your appeal??

**Or in an alternative scenario;**

As the applicants, you are very aware, that you actually have quite a weak case in only asking for an Assessment of review documents with no further procedure.

Where you may have been, and we emphasis 'may have been', advised by your Consultants that if you wish to go for a Review, this is the best / only option, that this is the minimum threshold for a Review, where the Review panel have no option but to agree to this 'paper' Review at its lowest level under appropriate legislation, to ensure that they, the Council are adhering to that legislation to ensure that you have been fairly treated within the legal guidelines under planning law.

So as we continue to ask, we are curious as to what replies to our queries you may give us on all of the above noted questions, under this section of our papers to your appeal??

Where, as we believe you do have a (fairly / very), weak case for appeal, we will outline in the next section of our Representations / Objections, the importance of the conditions of the trees, as the main grounds of Refusal by the planning department, where as far as we can see as the interested parties / objectors who all live in Lochwinnoch, the ground and surrounding growths, and more so the trees on which the grounds are sited, where there is an 'interdependent relationship' between the two, where the trees are obviously wholly dependent on these grounds, which need to be kept in decent condition for the good maintenance and management of the trees, as the main aspects of this woodland area.

## **7. Representations / Objections to the Planning Appeal Statement.**

Our representations / objections to the original planning application could be split roughly into 3 areas, i.e.,

1. Circumstances affecting the site itself, including the presence of the trees, wildlife that live on the grounds, birds that use this environment for feeding, nesting, hatching, etc, and various other aspects of a semi-urban woodland site like the one next to Auld Simon.
2. Auld Simon itself, or to give it its original name St John's Kirk, or the Kirk of St John which was dedicated to Saint John, where the name Johnshill comes from, or St Winnock's Church within the



Church of Scotland, dated from 1727-1729, all of which depends on different sites that we at looked at online.

The obvious historical significance of the church as the oldest building in the village.

Where the bell is an original from 1729 and the clock was added in about 1731.

3. How the development of this property could affect the surrounding existing properties, in various ways, of the close-by neighbours.

Where we by now all know, the grounds of Refusal were mainly based on the 1<sup>st</sup> two types of objections, where the trees were all Points 1-5, with Refusal including Auld Simon at Point 4.

So our objections were upheld on Points 1 and 2 as noted above, by the planning department, apart from the 3<sup>rd</sup> category which doesn't seem to have been included in the Refusal.

So the grounds for our original objections and the grounds for the Refusal were both very similar, albeit the Refusal largely quoted points of legislation which we expected it to do, as obviously planning officials are better versed in this type of law making, as opposed to the interested parties / objectors, who are mainly concerned lay-persons who value the 'gardens' for its intrinsic, environmental, and natural values to and for our small community in Lochwinnoch.

Which in the main part, is fine by us as the interested parties / objectors, where a Refusal is a Refusal, on whatever grounds that may be decided on by planning staff??

Where we as the interested parties / objectors obviously hope that these points of the Refusal will also be adequate to maintain this original decision by the planning department, for this present decision in 2023, which also seems similar to all previous Refusals over the long-term objection period.

Where the conditions of the trees are important to all parties concerned in this process, whether from an interested party / objector's, applicant's or officials point of view.

From the Tree Survey Report outlining the most professional opinion on the recent conditions of the site, (May 2022), in contrast to the Appeal Application Supplementary (proposed) Planting Plan, and the detailed Planning Appeal Statement, it is obvious that in these parts of your appeal, you have gone into some detail in support of that appeal.

In direct contrast to the existing state of the of both the ground that is covered in masses of ivy, with that same ivy growing up many of the trees, to at least average head height.

On a personal visit of the site on Wednesday on the 13<sup>th</sup> of December 2023 / the week of 1<sup>st</sup> submissions, I (Eric) walked around the iron fence and take a walk on the grounds, which I did at some risk, where I often found it difficult to keep my footing, due to the undulating ground, which is very uneven across the whole site, which could only be a hinderance for property development, adversely affecting the substantial tree root systems from the various large trees with their foundations underneath these hilly grounds.

I am 5 ft 5-6 inches in height, on tree trunks with ivy, it is well above my head height.

Where quite frankly, in all objective, impartial honesty the plot is in a seriously overgrown condition, which is easily visible even from some distance away, and when driving past the site in the car.

(Eric: Where I chose to take some videos of the site for my own personal reference).



(Note from Eric: For all parties reading this paper, we have chosen not to include these photographs, which were taken my own phone, as we plan to include them in further representations / objections and as part of a much wider photographic portfolio as an ongoing record of the physical conditions that exist at the site.)

Regarding the present conditions on the site, and your plans for the maintenance of the existing trees, as well as new planting on the site, strong contradictions of a paradoxical nature seem to exist on the site.

Where on the one hand, you claim / imply that you will sensitively care for and manage the existing tree outline, presumably pruning back and getting rid of lots of undergrowth, from both across the ground and well up beyond ground level.

Also and obviously to do the same regarding the ivy and other overgrown material up all the trucks of the surviving trees within the boundaries of the plot.

Yet on the other hand, the remaining trees are still all in a seriously overgrown state, where the ivy is still heavily present, even during the winter months where the ivy and undergrowth has reduced, but only because of the colder weather conditions coming up to the winter months within the next 9 days at the Winter Equinox, on the 22<sup>nd</sup> of December for this year.

Where obviously all of this growth that is presently dormant, will return again in the spring and summer months next year and beyond, probably in a worse state that it has been in previous years, as without proper care and management, all this growth is cumulative, especially over long periods of time.

Which is nothing to say of the 4 trees that had to be cut down this last summer due to the fact that they were heavily diseased, again per the Tree Survey Report.

So very frankly, which is it??

Is it care and maintenance of existing woodland, with new growth and planting??

But only if your appeal is successful??

Or

Is it allowing the plot to become more overgrow, requiring more trees to be felled, etc, etc??

If your appeal is refused??

As witnessed by the lack of care for the plot, by yourselves as the Legal Title Owners over the last 20 odd years.

Where in fact, as the facts seem abundantly obvious, the trees have actually been your greatest hinderance to building any kind of property on this plot of woodland over all these years.

We contend as the interested parties / objectors, that in fact your lack of care and maintenance of the site has been a very deliberate part of a very long-term plan to build a house on this site??

By knowing and hoping that with the lack of your care of the site, the trees would eventually through time become diseased, ultimately requiring felling, thereby allowing you to build some kind of property on the site through extra space being created??



Where obviously, if the trees come down through said felling, the greater your chances, as the only applicants over 20 years as the only Legal Title Holders.

Furthermore, as the owners of the plot, no one else in Lochwinnoch is going to do anything about tidying up the site, where that is your prerogative / responsibility and no one else's.

Where all this is witnessed by the fact, that your latest original Planning Application that was submitted in May this year after, and I quote;

"Due to a major change on the site conditions, following previous objections in 2015, we met Planning Officer James Weir on site."

"After his email of 13.03.23, we came to the conclusion that a fresh application with a new approach could be considered favourably."

So for the HCG and the Review Panel, we ask you to note;

The 2 points to note here are;

1. "A major change on the site conditions."
2. "A new approach could be considered favourably."

On Point 1 that yet again we wish to state that these changes had occurred due to lack of care, maintenance, and management of the trees on the site in the long term 20-year period, resulting in Point 2, where "a new approach could be considered favourably."

Where this new approach consists of a smaller property, in the form of a small bungalow type cottage, as opposed to the 2-storey house, with up and down stairs, that the applicants thought would pass due to the similar type of brickwork to Auld Simon.

Which we still find, as oft stated before, highly objectional.

#### **8. Our Conclusion of the Planning Appeal Statement.**

As our suppositions to the Planning Appeal Statement are largely contained in the previous section, the conclusions to us seem very obvious.

This situation is a 'Catch 22' situation for both the Applicants and us as the Objectors.

As the applicants have never been able to build on the plot, i.e., 'dead land' as we have previously mentioned, they have never really been interested in caring for the site as it should be and could be cared for.

Even more so now in the present as they presently now live up in Glasgow, with it obviously being further to travel to, as opposed to walking up the street from their previous home in the village.

They have only ever been interested in the site if / when they could build a property on it, contradicting and overturning the wishes of a long history of objectors within Lochwinnoch, where if they had tried approaching some of the neighbours in the local vicinity of 2 Johnshill, they might have met with slightly more success.

Which having spoken to most of the neighbours in the surrounding area, some of whom are elderly long-term residents, we very firmly believe would not have made the slightest bit of difference.



As far as we are aware this never actually previously happened, again as some of the residents in this area have lived in their homes since before the Johnstons put in their 1<sup>st</sup> Planning Application in the early Millenium.

Where we wish to make it absolutely clear, we do not wish to slander Mr and Mrs Johnston, but we no longer wish to see the plot left in its present state of extremely untidy, disrepair, when we feel very strongly that it could be put to much better use.

As the local community we have never been able to maintain the site either, which on reflection could be described as short sighted on our part, but again in a contradictory manner, it has been suggested that some locals did try to briefly maintain the site, but ironically enough, it has been suggested that the applicants also objected to this work being carried out by concerned local residents, who were upset and concerned about the state of the site a number of years ago.

So to the Million Dollar Question??

To try and resolve the Catch 22 Situation that both the applicants and we as the community of Lochwinnoch find ourselves in??

#### **9. Our Own Proposals for the Site at 2 Johnshill, East End, Lochwinnoch.**

So to move on to further our own proposals for 'Our Gardens'.

As an Elder and Worship leader in the Church of Scotland, I Praise and Thank the Good Lord that the staff and elected officials of Renfrewshire Council have seen fit to reject the applicants' proposals for the site over a long period of time, thereby leaving the possibilities of our community being able to develop the plot in a careful, considerate, sensitive manner that is in keeping with Renfrewshire Council's Environmental and Sustainable programmes.

In a manner that is similar to the proposals / ideas for the Lochwinnoch Community Development Trust, (LCDT), site at Lochhead Gardens, which we as a group of volunteers / amateur gardeners would bring "S's and Auld Simon's Garden's" to a state of a beautiful, blossoming Woodland Garden. Where, especially with the guidance of S, who loves the ground, in case the LRB Review Panel need reminding of this point??

Where if possible we would also approach Renfrewshire Council to ask about a Community Asset Transfer, (CAT) as we may have mentioned in other previous parts of our Representations, again in a similar manner to the way the LCDT have sought one for Lochhead Gardens.

**NB:** Where we as the interested parties / objectors have privately discussed this idea of a CAT, I (Eric) casually and briefly spoke to one of the local Councillors for the first time ever on this issue, on the afternoon of Wednesday 13<sup>th</sup> of December 2023 regarding this idea, who certainly didn't poo-poo me on it, and who seemed to consider it a reasonable option, for a site of council owned land that has lain unused for a long time, similar to the Lochhead Gardens site.

As a group of concerned locals or 'redevelopment interested parties', if we were able to get a CAT from RC for this part of the woodland area, it would obviously and dramatically increase the size of the area for said redevelopment as the woodland garden.

Where we would even consider making enquiries about the plot of land across from the application site, the lane known as 'Skipper's Path going down to Gates Road, at the left side of Skipper's Path, where the lane as a Public Right of Way that runs from East End to Gates Road.



This area of land has, like other plots of land in this area of the Lochwinnoch has remained unused for many years in a very overgrown state of ground growth, shrubbery, and trees, which is also very unsightly to the local residents.

Like the application site, it could also be described as 'dead land'.

The 'Skipper's Path Site' is enclosed on 4 sides, with no legal vehicular access, where a number of developers have looked at it over a long number of years, and discounted it for any kind of property development, due to the lack of this access.

Any of this, in part or whole, RC owned land or Skipper's Path would obviously dramatically increase the area of the 'Woodland Gardens', which would considerably widen the scope of activities that we would be able to undertake within this woodland space.

Where if we were given a CAT, we would seek the opinions of the owners of the garages on the council owned land, even if they are mainly run down.

Where furthermore, these proposals seems to fit in with Scottish Government, (SG) Legislation of June 2018, with the;

'Community right to buy abandoned, neglected or detrimental land, (ANDL).

Where we would explore the possibilities of these proposals and form the necessary and relevant community bodies to allow these proposals to come to fruition.

If all these ideas came together, to bring all this land / these plots into community ownership this would be a huge undertaking for us as a community.

Where, very, very importantly the present application site, whilst not physically so, would be a very central and strategic part of these proposals to completely regenerate this whole area of the East End part of the village of Lochwinnoch.

Where absolutely, none, none of this area could ever be considered or given up for any kind of property development.

Where we would expect to have, if necessary, full Title Deeds drawn up, or some kind of Statement of Intent, where one of the preconditions to that title / Intent would be the express statement that all of this extended site would remain as 'green land' in perpetuity, for the permanent benefits, for both the present and future residents of Lochwinnoch.

Where we would take into full consideration on our part, as we are asking the LRB to do regarding this continued Refusal of this appeal, the thoughts and opinions of the surrounding neighbours and residents of the village, if necessary, e.g., by having public meetings to highlight our proposals.

As Papers of Further Objections and Representations to the LRB Review Panel were submitted last night by email to Mr. Robert Devine as a Senior Official of RC, it is only this morning since these submissions last night that we have thought about these ideas after very brief but very hurried discussions on this, where we very importantly feel are central to our Further Representations and Further Objections to the LRB Panel Review at the end of next month.

So in spite of / whilst these ideas / proposals have not formed a central plank of our original papers, within Mr Devine's email stating that any more Further Representations / Objections should be submitted to the Head of Corporate Governance before 3.55pm tomorrow Friday 15<sup>th</sup> of December 2023 as the deadline for paper submissions, we now ask the HCG, the LRB, and the Review Panel of



Elected Officials, or Elected Councillors to take note of these proposals before and during the LRB hearing on the 30<sup>th</sup> of January next year.

By giving our proposals their full consideration in relation to both the application site, and the wider considerations / implications that the Status Quo remains intact, where the decision of the Planning Department from the 8<sup>th</sup> of September 2023 be upheld by the LRB Review Panel, to allow us as the interested parties and objectors to explore the future of our wide range of ideas to allow natural development of this area of the East End of Lochwinnoch.

Without the detrimental effects of a new property, as proposed by the applicants sitting within our own enlarged proposed woodland development site, where as we have stated on numerous occasions now during the length of these Papers, to once again 'strike down' the proposals by the applicants, which are completely at odds with our own natural development of the area, to the benefits of the complete and whole population of Lochwinnoch and beyond into the wider community in Greater Glasgow, Renfrewshire and North Ayrshire, within Muirshiel Regional Park where this natural 'woodland area' or S's & Auld Simon's Woodland Garden would be completely open to all sections of all communities, thereby hopefully increasing visitor numbers to Lochwinnoch, and Renfrewshire in general.

Whereas we are sure, as the Staff / Elected Officials of RC all know, we get large numbers of visitors from across the, e.g., Greater Glasgow area, and from Kilmarnock in East Ayrshire, with School parties on Castle Semple Loch, Less-Able-Bodied Children in wheelchairs, or more mobile Children / Teenagers with 'Special Needs', coming to Muirshiel Regional Park.

(Excuse me / Eric as one of the authors and writers of this paper getting a bit caught up in all these proposals / ideas.)

**In the meantime, to return to the present issue;**

As I / Eric and My Wife hope / plan to live close by in the years to come, with my In-Laws presently reside in the vicinity and many of the objectors also living close to the site, it would be wonderful to be living nearby to these 'gardens', knowing that we had managed to save them from any form of development, and that hopefully, for many generations to come, all sorts of people would get lots of pleasure and educational benefits from having the 'gardens' in this part of Lochwinnoch, similar but different to Lochhead Gardens at the other end of the village.

Where, it seems blindingly obvious to us as the interested parties, some of the most important of these groups would be the local schoolchildren, mainly from Lochwinnoch Primary School, but also from other Primary and Secondary Schools in the area if they wished to come visit (either) site at Lochhead or S's & Auld Simon's Gardens'??

Where we personally envisage that our project may have somewhat wilder aspects to it's development, to differentiate it from Lochhead Gardens to teach, especially the children, different aspects of flora and fauna, teaching them about the trees, and hopefully / possibly small wild animals who take up residence in a slightly wilder garden site.

Where the ideas and possibilities seem endless, in this bigger 'garden' site if we able to get a CAT from RC, where to re-assure council officials and staff, we would wish to naturally develop that piece of land in a similar manner to the site at 2 Johnshill, where we would welcome site visitations from council staff to appraise them of our progress on the CAT site, and the whole site generally.



**10. Final Conclusion to this Paper for the LRB and the HCG, of Further Objections and Representations In relation to this Planning Appeal by the Applicant, Mr David Johnston.**

In asking for this Notice of Review with the LRB, thereby highlighting the conditions that presently exist on the planning / application site, many of our group felt that Mr And Mrs Johnston have actually done us, our group / our village / our community in Lochwinnoch an unforeseen, unintended, backhanded favour.

By bringing to our attention, in the "full glaring light of day" to the conditions that presently exist on the site of S's beloved 'Woodland Garden'.

If anyone on the Review Panel doubts what we are saying, then we would like to invite you down to Lochwinnoch for an anonymous visit to examine for yourself the conditions on this plot, one of the last plots of woodland in a fairly built-up area, within a rural village.

Where it also seems that the site across from the oldest building in Lochwinnoch, and a Holy Place of Worship as the remains of an ancient church, is only / has only ever been any good to the applicants if they were going to be able to build a property on it.

At this point in this Paper of Representations / Objections, we as the 'interested parties' wish all other parties to note that, in case it is in any doubt, that once again we object to any development on this site in the strongest possible terms.

With no caveats or compromises on our part re any form of house building or development of any kind, however small or aesthetic this may be.

The site has been a natural woodland for nearly 170 years, can we just leave it that way Please, for the benefits of this community.

In spite of the conditions that the applicants have left the plot in, over many years, we also feel compassion for them, where we fully acknowledge, realise and understand that Mr and Mrs Johnston have also held this dream close to their hearts for many years.

However, that does not compromise our intentions to bring this plot back into community ownership, where this seems to be a very black and white scenario, with very little grey area in-between their proposals and ours.

Where we feel that after 20 plus years of sustained upheld objections, within the last 170 years, that the site / plot / gardens themselves have waited long enough for someone to take decent care of them, in a manner appropriate to the surrounding, natural, God / Holy-Spirit Protected Area, where "Thy Will Be Done", Not my will, But Thy Will, as The Will of God that seems to have keeping them waiting for someone to look after them.

With as we have now stated on numerous occasions, the obvious enduring support of Renfrewshire Council Local Authority.

When the LRB Review Panel make a ruling on this Appeal at the end of next month, if the LRB upholds the decision of their Planning Department, we will obviously be very, very grateful.

We do not wish to consider the other possibility at this point in time.

If the Appeal is again Refused like previous long-term decisions, Mr and Mrs Johnston obviously have a choice to make, both individually and together??



If they choose to accept the decision of the Review Panel, then we will enter into negotiations with them as soon as they are ready, to bring the Title Deeds back into Community Ownership.

Where we would compromise as much as possible with them through appointed lawyers, short of any future development on the site.

Even to the point of entering into financial talks with them regarding the site??

Where we would be prepared to wait an appropriate and discrete length of time to let them catch their breath, so to speak.

However should the applicants refuse to accept the ruling of the Appeal Body, we want them to understand, in no uncertain terms, that we will fight them absolutely every step of the way should they decide to appeal to any higher authority than the one they have already just had a ruling from.

Where we in no way wish to look as if we are blackmailing the applicants into withdrawing their case, but we wish them to clearly understand what our intentions are for the future??

Where we very, very firmly believe even now, **that whilst we are being very, very cautious and very, careful**, we also believe that we have an excellent chance of winning our case with the Review Panel.

Where we also believe, should it be necessary, that we can also win any future case to any higher authority if you should decide to go there??

But we'll leave this decision up to you, obviously depending on the decision of the Review Panel.

In the final part of this text we sincerely hope that we have presented a very strong case to the Review Panel to, once again reject and Refuse the Development Appeal by the applicants, in line with the decision by your associated Planning Department decision in September this year, and the Review Panel's decision at the end of January 2024.

We acknowledge that the applicants will respond to these Further Objections and Representations, and we await their responses to these Representations.

Where we will, once again, respond in a similar manner to the Applicants' own Representations.

Considering how very long this Representations Paper is, we wish to thank all everyone who has to read through this document.

We as the Interested Parties / Objectors do realise that this paper is a very, very long read in representing our case, and in some parts the reader may find it a bit boring or losing the thread of our arguments.

Or for where the paper, throughout its length is also very repetitive.

If this is the case for anyone, we would like to sincerely apologise.

However we have tried to make our case as strong as we can possibly make it, hence the length of it, by going through all of documents provided by both the applicants and Renfrewshire Council and trying to address each of the sections of these documents in very fine detail.

Hoping that You all have a Lovely Christmas

Regards and Best Wishes

From (Eric the Auld Gasbag) and The Team for S's & Auld Simon's 'Garden's'



## References

Other than three brief online references regarding Auld Simon and Scottish Government Legislation, nothing other than the paperwork / documents provided by the Planning Department, no other documents were used to reference any part of this Paper of Representations.

Therefore no Reference List is required in any form of an academic manner.

## Final Personal Notes:

Should anyone wish to contact me for any reason, regarding any of the contents within this Paper of Objections and Representations??

My contact details are below, at the end of this paragraph.

I also publicly wish to thank everyone who contributed towards this Paper of Further Objections and Representations, especially S for all the back and forward text messages, and M, for the ideas you gave me / us, and provided a bit of leadership, especially during our meetings, but also generally.

We were "lucky" that the right people appeared at the right time.

Where I just happened to be the one who had the time to word process this very lengthy document, my apologies to everyone reading all this as it is rather repetitive in some areas. It was a bit difficult at times to keep track of what I /we were trying to get down on paper from our discussions and texts, etc.

I shall thank you all privately for your input, but for reasons of confidentiality I don't want to name any of you publicly.

As you will all read this paper I am really pleased that we managed to get together so quickly to form this small group, where hopefully we will be able to enlarge the group further and gain more input from other people.

Some of the brainstorming sessions were really good fun and a good laugh, that was the part that I personally enjoyed the most by meeting other people that I had never met before, especially with a common purpose in mind regarding this Review / Appeal Notice.

Auld windbag that I am, away I all hear you laughing, you're not a windbag Eric, Ha! Ha! Ha!

I could say more of course, but I'll leave it there, as I really think I've said enough.

So I hope you all have a lovely Christmas.

Relax and enjoy yourselves after all this marathon 2 weeks.

My contact details are;

M: [REDACTED]

Email: [REDACTED]

For the Attn of;

Mr Robert Devine

Renfrewshire Council

Renfrewshire House

1 Cotton Street

Paisley.

PA1 1WB.

Friday 15<sup>th</sup> of December 2023.

Planning Application: 23/0179/PP. By Mr David Johnston.

For the Site of 2 Johnshill, East End, Lochwinnoch.

Appeal / Review of this Planning Application by the Local Review Board, (LRB).

To be heard by the LRB on the 30<sup>th</sup> of January 2024

FN: LEIGH PATERSON  
A1: 1 ST. WINNOC ROAD.  
A: LOCHWINNOCH.  
PC: PA12 4ET

Dear Mr Devine,

I am aware that the Renfrewshire Council Planning Department **REFUSED** this Planning Application, as noted above, on the 8<sup>th</sup> of September 2023.

I am also aware that the applicant, Mr Johnstone appealed this decision for a Notice of Review, which Mr Devine notified Objectors to, on the 1<sup>st</sup> of December 2023, which included Mr Beattie.

Since the 1<sup>st</sup> of December I am aware that Mr Eric C. Beattie of 34 High St Lochwinnoch PA12 4AA has regularly been in touch with you by email regarding Further Objections and Representations to this Review / Appeal.

Where he has, for himself and others, as both objectors and Interested Parties, made out the main papers of these Objections / Representations.

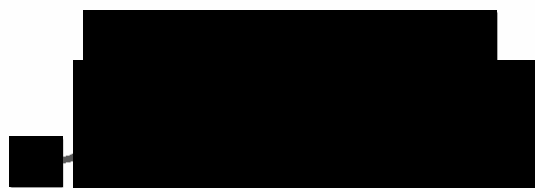
I now ask you to note that I have freely and willingly asked Eric to submit these Representations / Objections to Renfrewshire Council, as either an Original Objector or an Interested Party.

Where I wish the Local Review Body, (LRB) to take note of these Further Objections and Representations into their consideration on the 30<sup>th</sup> of January 2024, when the LRB Review Panel will consider the appeal by the Applicant, Mr Johnston.

Regards



Signature of Objector / Interested Party.



Witnessed by. (If a Witness is available.)

HEAD OF CORPORATE GOVERNANCE  
RENFREWSHIRE COUNCIL  
FINANCE AND RESOURCES  
RENFREWSHIRE HOUSE  
PAISLEY  
PA1 1TR.  
REGARDING  
PLANNING APPLICATION 23/0179/PP  
BY MR DAVID JOHNSTONE.  
LOCAL REVIEW BOARD  
NOTICE OF REVIEW  
30<sup>TH</sup> OF JANUARY 2024.

PAPERS OF FURTHER REPRESENTATIONS AND  
OBJECTIONS IN RELATION TO THIS REVIEW.  
FROM THE (CONCERNED) RESIDENTS OF  
LOCHWINNOCH.



Head of Corporate Governance,  
Renfrewshire Council,  
Finance and Resources,  
Renfrewshire House,  
Paisley,  
PA1 1TR.

N MRS LEIGH PATTERSON  
A 1 ST WINNOCH RD  
A  
P LOCHWINNOCH, PA12 4ET.

Thursday 14<sup>th</sup> of December 2023.

(Will all individuals please note that the Head of Corporate Governance will ignore your representations/objections if you have not filled in your personal details with your Name and Address, etc, as above).

Planning Application: 23 /0179/PP.

Erection of single storey dwellinghouses and associated works,

On the Eastern Boundary Of No. 2 Johnshill, East End, Lochwinnoch,

By Mr. David Johnston.

For the Head of Corporate Governance in relation to Notice of Review to this Planning Application.

Relating to the meeting of the Local Review Body, (LRB) for this Notice of Review to be held at 2pm on the 30<sup>th</sup> of January 2024, in Renfrewshire House, Cotton Street, Paisley.

On the grounds of the Letters of Representations – Council Decision, as noted in the letters posted out to individuals, dated 8<sup>th</sup> September 2023, who objected to this Planning Application, where; 'the application together with your representations was considered by the Council on the 8<sup>th</sup> of September'.

Where the decision of the council was;

REFUSE Consent subject to the reasons.

As noted in the accompanying letter,

Ref. 23/0179/PP.

CONDITIONS AND/OR REASONS ATTACHED TO THIS DECISION.

**For the Attention of The Head of Corporate Governance.**

**Dear Sir / Madam,**

**List of Contents for this Paper of Representations/Objections**

- 1. The Interested Parties Initial statement to the Planning Review Panel.**
- 2. Statements, Questions and Representations from the Objectors to the Johnstons regarding this Planning Review / Appeal??**
- 3. A Recent History of the Site: How we got to where we are, from 1991 to 2023.**
- 4. Objections and Further Representations to the Original Planning Application.**
- 5. Representations on the Tree Report.**
- 6. Notice of Review Document.**
- 7. Representations to the Planning Appeal Statement.**
- 8. Our Conclusion to the Planning Appeal Statement**
- 9. Our Own Proposals for the Site at 2 Johnshill, East End, Lochwinnoch.**
- 10. Final Conclusion to this Paper of Further Objections and Representations in relation to this Planning Appeal by the Applicant, Mr David Johnston.**

**1. The Interested parties Initial statement to the Planning Review Panel.**

Will the Head of Corporate Governance, hereby abbreviated to HCG, please note that we wish to make Representations/Objections in relation to the above Planning Review Appeal by the LRB, as an 'Interested Party'.

Where we hope that the HCG will note these reservations in relation to the Review Panel meeting on the noted date will also take these Representations into their considerations and deliberations when making a judgement on this Notice of Review / Appeal by the Applicants, to the LRB.

Where we wish the HCG to note that we do so in the strongest possible terms regarding this Review, not just on the grounds on which the appeal has been based, but across all possible areas of both the original planning application and the associated review.

In previous applications by Mr and Mrs Johnston, we, as interested parties have asked for all previous objections and representations to be taken into consideration regarding any present application, where historically, as far as we are aware, the Johnstons, have been the only applicants to ever apply for planning permissions for this particular site??

Where very importantly, to support our case as the interested parties, various individuals and groups in Lochwinnoch have shown a consistent pattern of objections to the planning applications by this couple over the last 20+ years.

Where, very obviously we wish the 'Woodland Garden' / Area of Woods at 2 Johnshill, East End, Lochwinnoch, across from / in very close proximity to Auld Simon, as the oldest building in Lochwinnoch, for the woodland to remain in its present state, without any property development by these applicants.

***Furthermore, after 20+ years of applications by the Johnstons, we strongly and firmly believe that we have reached an impasse in relation to this situation??***

Approximately every several years just over the last 2 decades, the Johnstons have put in an application for planning permission, and we, the objectors and interested parties have responded and objected to these applications for development on this site.

Where Renfrewshire Council staff and elected officials have consistently supported us in our objections to these applications, by also consistently refusing planning permission for this valued and treasured site within our village, where we wish to record our gratitude for these efforts, where we are very grateful to these individuals over the last 20+ years in their continued support.

For if it was not for this continuous support, we would not be here today, where once again we find ourselves having to object and make representations to this Review / Appeal by Mr and Mrs Johnston.

In spite of our opposition to these continuous Planning Applications we therefore acknowledge that this has cost the Johnstons a lot of money, time and effort in pursuing their case, as well as a lot of corresponding time and effort on our part as the objectors.

To say nothing of the time that the planning department and to a lesser extent the time and deliberations that Councillors on the review panel spend on this issue.

***So in an effort to resolve this situation to the benefit of all parties concerned, i.e., applicants, objectors, Renfrewshire Council Planning Department, Councillors on the review panel, as well as the HCG, in his considerations on this issue, we would like to set out alternative proposals for the site, which can already probably be guessed at by all concerned??***

We will briefly outline these alternative proposals as noted immediately below and elaborate further throughout this Paper of Further Objections and Representations, and towards the end of this paper in our Conclusion.

We acknowledge that this scenario may not be acceptable to Mr and Mrs Johnston in the first instance, as they have held this dream for many years, but as they lived amongst us for many years in our very beautiful village of Lochwinnoch, where they were friendly and friends with, and well known to many of us, where I personally, (Eric) had mutual friends with them.

Where we as the objectors would seriously like to ask them to consider what we propose at some length, as opposed to dismissing our ideas in a knee-jerk type of reaction??

We also recognise that, as stated earlier, that this couple have put a lot of time, effort and expense into their planning applications, but after 20+ years of objections, we would ask them to finally recognise that as a community / the village / Lochwinnoch does not and will not / never accept their proposals for this site.

Whilst some individuals in the village may accept their proposals with their present plans for a property that is visually and aesthetically pleasing in relation to, and the closeness of Auld Simon,

many more people will not, especially neighbours in the surrounding vicinity of the plot, i.e., in Johnshill, East End, St Winnoc Road, Gates Road, and various parts of High Street.

## ***2. Statements, Questions and Representations from the Objectors to the Johnstons regarding this Planning Review / Appeal??***

All of the above then leads us to ask the following questions of Mr and Mrs Johnston??

When are you finally going to accept that your planning applications for this site are absolutely not acceptable to many of residents in Lochwinnoch??

Otherwise, why has there been 20 odd years of objections to your proposals, every time you apply??

No matter how nice or pleasing to the human eye your proposed property may look on this occasion, especially in relation to Auld Simon, like previous plans, it is still not in any way acceptable to the majority of our community in Lochwinnoch.

Where this small woodland area, that has been a precious woodland just off the centre of Lochwinnoch, for approximately for the last 165-170 years, should / could / must remain a 'Woodland Garden', enhancing the local environment / surrounding area, to the benefits of the trees, local flora and fauna, wildlife, roosting birds of all kinds and especially rooks.

Without absolutely any property being built upon it.

Where ultimately all of the above, intangibly enhances and enriches the lives of the human beings who live close by this plot, and any other green spaces, both within Lochwinnoch and outside it.

As a rural village in South Renfrewshire, which we feel is the last real village that is separate from other communities, which is not a suburb of Johnstone or Paisley, as the build-up area has extended ever outwards over the years.

Which is very much obviously why Renfrewshire Council has dependably supported our objections over the last 2 decades, as the benefits of green spaces and closeness to nature are very well, and scientifically recognised, in regard to both physical and especially, mental health.

**So really, in this part of our Representations, in our own way we are also lodging an appeal, as we are appealing to your better natures, Mr And Mrs Johnston??**

**To let all this go, for your own benefit and peace of mind, as well as ours as a group of objectors.**

And ultimately, for the benefit of Lochwinnoch as a community, which you obviously love, and loved, as you lived here for many years.

Where for you to try and accept that there will always be a group of interested parties / objectors in Lochwinnoch, with hopefully, as noted above, the continuing, ongoing support of Renfrewshire Council, where some concerned individuals, as individuals or in groups will always object to your plans for this site.

Where today it is our group who are objecting / making representations, tomorrow it will be someone else, and another group.



(Personal note from Eric)

(Please do not misunderstand me, as there is absolutely nothing personal in all this, along with many others we just completely disagree with your proposals for the 'Woodland Garden' and have done so for many years).

(Where my / our personal reasons for our representations / objections are completely altruistic, to the benefits of my / our community, where we represent the wishes our community, in my (Eric's) personal case my elderly relatives live in close proximity to Auld Simon / Johnshill / East End, where I have been asked to deal with this on behalf of all my family, as well as my own very strong beliefs in what we are doing).

Ultimately this situation reminds us of the Burnfield Road / Playing field site, with planning applications by Stuart Milne Developers, at the end of Newton of Barr, Lochwinnoch.

Where in this case, the Community Council have mounted a very focused, consistent campaign by this developer, sustained over a number of years, where ironically, this is a shorter time span than the one we have mounted against your own proposals.

Where both developers, regardless of size, both own the prospective sites, but cannot do anything with them, due to the number of representations / objections Renfrewshire Council (RC) have received over the years, from Lochwinnoch residents.

Where the term 'Dead Land' could be used to describe both sites.

Where it seems you are stuck with a possible development site that you can't do anything with??

Hence the nickname of 'dead land'.

To continue with these objections and representations, as noted above, we will further outline our proposals for the site towards the end of this paper.

### **3. A Recent History of the Site: How we got to where we are, from 1991 to 2023.**

In the early 1990's S, who has lived in Lochwinnoch for at least 30+ years wanted to further develop the application site into a 'Woodland Garden', where the site had and still has to the present day has become naturally overgrown, per the applicants' paperwork showing the Ordnance Survey Map of 1856, so over approximately the last 135-140 years in 1990-93, plus another 30 years to the present.

So in total the site has therefore been undisturbed for approximately the last 165-170 years.

The following pages are copied from messages between Ms S and me to show the review panel the 'more recent' history of what has happened over the last 30 odd years regarding this plot of woodland at 2 Johnshill / East End.

I have only altered the text to tidy it up, and have been very careful to preserve the anonymity of Ms S, even although I'm sure the Johnstons know who / remember who this lady is??

Eric

Thanks for getting back to me S.

I'm really just looking for the process that was involved, that you went through, and the time frame /

dates involved.

I didn't realise the lawyers were involved though, I've never really understood why the Johnstons keep on applying to build on the site, but by the sound of it they have legal rights / title to it?? Which explains why they have kept on applying to build on it over the last 20 odd years x 3-4 times. The situation reminds me of Burnfoot Rd then, they own it, but can't use it as locals keep on objecting to their planning applications??

As I recall they supposedly fenced it off, supposedly maintained it for a number of years, and then claimed legal rights to it??

If you fill in some gaps for me re how long ago you were at the lawyers, that would help.

## S 1

I laid claim to the land around 1991/92.

My then lawyer did a land search and found no record of ownership, he told me to occupy the land and look after it for 10 years and if it was uncontested, it would be mine. I did this at considerable expense, fencing it off, having dead trees felled etc, but only after I got council approval.

During the 10 years, Louise Johnson started her own claim, but I was told by my lawyer I had prior claim so not to worry. When my 10 years were up, I contacted my then lawyer, I'd changed to a different firm by then to ask how to conclude the claim -she said I didn't have to do anything as it was now mine.

However it appears that wasn't the case and Mrs Johnson saw her chance and pursued her claim. By this time I'd built a shed on the plot and was making it into a woodland garden but basically I had to get off the land, remove the shed and that was it. It was heartbreaking at the time, but there didn't appear to be anything else I could do.

Unfortunately I left it too long to complain to the Law Society, so I just had to let it go.

## Eric

A quick couple of questions that I mentioned yesterday??

Do you remember more accurately when Louise Johnson put her original claim in during the 10-year period??

Any idea when she further pursued her own claim??

I'm presuming that this was after about 2001-2003??

## S 2

I've found the "Woods File".

I first enquired about the plot in Feb 1993, and it looks like my claim dates from March 1993.

I then set to work having it fenced off by Alter Landscapes, employing a Tree Surgeon to assess the plot then paying him to make the plot safe, which included having some dead elm trees felled because they were dangerous. I had to apply for permission from Renfrewshire Council for that work to be done, even providing photographic evidence that one tree had actually fallen in high winds. This cost me a lot of money.

I was then worried about the spikes on the original iron fence at the front and my lawyer advised me to remove them to avoid public injury, this I did, all 239 with a hacksaw as I recall as I didn't own a Stihl Saw.

I also took out public liability insurance. Ironically, the Council refused permission to have the canopy overhanging the pavement to be cut back even though it forced pedestrians to walk on the road in summer, which worried me.

When the owner of one of the neighbouring garages expressed concern about overhanging branches I had them professionally removed.

I loved the ground, worked on it and my children and dogs shared it with me where I had all sorts of dream for the plot.

Anyway Louise Johnston applied for planning permission 2002 and was refused then, they had laid claim to the land. I was advised that I had prior claim so not to worry, the rest is within what I've already sent you.

Like I said, I thought all was well till Louise approached me when I was gardening at the plot Spring 2009 and told me I had to leave as the ground was theirs and they were "going to build a house ". I've never fully understood what happened, but it appears they did nothing illegal, saw their chance and followed it through.

To summarize, their first attempt at receiving planning permission appears to have been made in early 2002 , which I suppose is the main point. I think at least more than one has been made since then.

### S 3

Ps- I heard Louise had told a friend they'd sold their house in Lade Court and were renting till they built their house up at the woods, so she seemed to be confident that it would go ahead.

Eric

Morning S,

No I fully realise that you have not accused them of any illegal practices.

Where nothing illegal has been done anyway, as they have included a copy of the land certificate showing ownership.

As I've said previously, I've never understood why they kept on applying for planning permission for the site, but this is now obvious as they own it.

Where this can be very expensive, as they have now applied for planning permission 3-4 times over said 20+ years.

Considering that the villagers have consistently objected to their proposals over this period, and the council planning department have also consistently upheld the objections by their refusals, I personally think the Johnsons have been, and are being very naive.

Again it's similar to Burnfield Rd, they might own the land but can't get permission to build on it, it's "dead land" so to speak.

I'm not sure if you realise but all the previous objections are very important, where we as the objectors can ask that all of this historical information be taken into consideration for this present application and appeal, it obviously shows a consistent pattern of objections over a long period of time.

I hope some of this reassures you about what happens next, but my apologies if it also brings up painful memories for you, as you very obviously loved this area of woodland years ago, and still do in the present.

Personally the Johnsons have actually done me / us a back handed favour, by giving me a wake-up call re all this, & motivating me to do something about it, to protect this historical, natural site for Lochwinnoch and the villagers.

Where if the Review panel are consistent with previous decisions??, I would personally hope to bring this plot back into public ownership by whatever means we can get it back, where we can manage this plot and keep it in the natural state that it has been in for the last 160+ years, for the benefit of everyone in Lochwinnoch, as a beautiful, natural Woodland Garden.

Where hopefully the Johnstons have done us all a big favour by appealing this council decision by settling these issues to the benefit of all parties, the community in Lochwinnoch, the Johnstons, and Renfrewshire Council ??

#### S 4

That's reminded of what happened legally, as I understand it my name was entered on the old Land Register, it should also have been put on the new one, that's how I lost the ground because my lawyer didn't do that.

#### Eric

All of this hassle over all these years because of one simple legal mistake.

Which would probably have taken an hour or two of work to do.

The lawyer was lucky that you didn't make a complaint to the Law Society, as you certainly had grounds to do so.

When I think about it, I was forgetting my manners.

To ask you for permission to put your story in my own paperwork???

I would be careful to maintain confidentiality, & reword your text if necessary, & use only letters like WG for Woodland Garden so that you could not be identified in any way.

The councillors wouldn't be interested anyway, although the Johnstons will likely remember??

Your story is the basis of all of this & I feel very important to our own appeal, which I / we will use to highlight why the site must be left in its present state, so that we as a community in Lochwinnoch can maintain and manage it, and really improve upon it, in a similar manner to what the LCDT are doing with Lochhead Gardens.

Even to the point of involving the LCDT for help re various aspects of these ideas & asking RC for a Community Asset Transfer, (CAT), to extend the plot with the council owned land to the rear of the garden in a similar way to the application the LCDT have done for Lochhead Gardens.



So why have you as the applicants only asked for an Assessment of review documents only, with no further procedure??

Where also, you have made no statement in support of your Review for options 1 or 2, or even asked for a further Site Inspection.

Albeit the last Site Inspection was done only 9 months ago by Mr Weir.

If you as the applicants, feel that you have such a strong case by going to appeal on the Refusal, would a possible combination of procedures, as noted on the Notice of Review document, of Further written submissions, another Site Inspection, and said Assessment of review documents not have been more appropriate to your case for that appeal??

Surely you, as the applicants want to make your case as strong as possible by exploring all possible avenues to further your case, in asking the Review panel to overturn our objections in favour of your appeal??

**Or in an alternative scenario;**

As the applicants, you are very aware, that you actually have quite a weak case in only asking for an Assessment of review documents with no further procedure.

Where you may have been, and we emphasis 'may have been', advised by your Consultants that if you wish to go for a Review, this is the best / only option, that this is the minimum threshold for a Review, where the Review panel have no option but to agree to this 'paper' Review at its lowest level under appropriate legislation, to ensure that they, the Council are adhering to that legislation to ensure that you have been fairly treated within the legal guidelines under planning law.

So as we continue to ask, we are curious as to what replies to our queries you may give us on all of the above noted questions, under this section of our papers to your appeal??

Where, as we believe you do have a (fairly / very), weak case for appeal, we will outline in the next section of our Representations / Objections, the importance of the conditions of the trees, as the main grounds of Refusal by the planning department, where as far as we can see as the interested parties / objectors who all live in Lochwinnoch, the ground and surrounding growths, and more so the trees on which the grounds are sited, where there is an 'interdependent relationship' between the two, where the trees are obviously wholly dependent on these grounds, which need to be kept in decent condition for the good maintenance and management of the trees, as the main aspects of this woodland area.

## **7. Representations / Objections to the Planning Appeal Statement.**

Our representations / objections to the original planning application could be split roughly into 3 areas, i.e.,

1. Circumstances affecting the site itself, including the presence of the trees, wildlife that live on the grounds, birds that use this environment for feeding, nesting, hatching, etc, and various other aspects of a semi-urban woodland site like the one next to Auld Simon.
2. Auld Simon itself, or to give it its original name St John's Kirk, or the Kirk of St John which was dedicated to Saint John, where the name Johnshill comes from, or St Winnock's Church within the

Church of Scotland, dated from 1727-1729, all of which depends on different sites that we at looked at online.

The obvious historical significance of the church as the oldest building in the village.

Where the bell is an original from 1729 and the clock was added in about 1731.

3. How the development of this property could affect the surrounding existing properties, in various ways, of the close-by neighbours.

Where we by now all know, the grounds of Refusal were mainly based on the 1<sup>st</sup> two types of objections, where the trees were all Points 1-5, with Refusal including Auld Simon at Point 4.

So our objections were upheld on Points 1 and 2 as noted above, by the planning department, apart from the 3<sup>rd</sup> category which doesn't seem to have been included in the Refusal.

So the grounds for our original objections and the grounds for the Refusal were both very similar, albeit the Refusal largely quoted points of legislation which we expected it to do, as obviously planning officials are better versed in this type of law making, as opposed to the interested parties / objectors, who are mainly concerned lay-persons who value the 'gardens' for its intrinsic, environmental, and natural values to and for our small community in Lochwinnoch.

Which in the main part, is fine by us as the interested parties / objectors, where a Refusal is a Refusal, on whatever grounds that may be decided on by planning staff??

Where we as the interested parties / objectors obviously hope that these points of the Refusal will also be adequate to maintain this original decision by the planning department, for this present decision in 2023, which also seems similar to all previous Refusals over the long-term objection period.

Where the conditions of the trees are important to all parties concerned in this process, whether from an interested party / objector's, applicant's or officials point of view.

From the Tree Survey Report outlining the most professional opinion on the recent conditions of the site, (May 2022), in contrast to the Appeal Application Supplementary (proposed) Planting Plan, and the detailed Planning Appeal Statement, it is obvious that in these parts of your appeal, you have gone into some detail in support of that appeal.

In direct contrast to the existing state of the of both the ground that is covered in masses of ivy, with that same ivy growing up many of the trees, to at least average head height.

On a personal visit of the site on Wednesday on the 13<sup>th</sup> of December 2023 / the week of 1<sup>st</sup> submissions, I (Eric) walked around the iron fence and take a walk on the grounds, which I did at some risk, where I often found it difficult to keep my footing, due to the undulating ground, which is very uneven across the whole site, which could only be a hinderance for property development, adversely affecting the substantial tree root systems from the various large trees with their foundations underneath these hilly grounds.

I am 5 ft 5-6 inches in height, on tree trunks with ivy, it is well above my head height.

Where quite frankly, in all objective, impartial honesty the plot is in a seriously overgrown condition, which is easily visible even from some distance away, and when driving past the site in the car.

(Eric: Where I chose to take some videos of the site for my own personal reference).

(Note from Eric: For all parties reading this paper, we have chosen not to include these photographs, which were taken my own phone, as we plan to include them in further representations / objections and as part of a much wider photographic portfolio as an ongoing record of the physical conditions that exist at the site.)

Regarding the present conditions on the site, and your plans for the maintenance of the existing trees, as well as new planting on the site, strong contradictions of a paradoxical nature seem to exist on the site.

Where on the one hand, you claim / imply that you will sensitively care for and manage the existing tree outline, presumably pruning back and getting rid of lots of undergrowth, from both across the ground and well up beyond ground level.

Also and obviously to do the same regarding the ivy and other overgrown material up all the trucks of the surviving trees within the boundaries of the plot.

Yet on the other hand, the remaining trees are still all in a seriously overgrown state, where the ivy is still heavily present, even during the winter months where the ivy and undergrowth has reduced, but only because of the colder weather conditions coming up to the winter months within the next 9 days at the Winter Equinox, on the 22<sup>nd</sup> of December for this year.

Where obviously all of this growth that is presently dormant, will return again in the spring and summer months next year and beyond, probably in a worse state that it has been in previous years, as without proper care and management, all this growth is cumulative, especially over long periods of time.

Which is nothing to say of the 4 trees that had to be cut down this last summer due to the fact that they were heavily diseased, again per the Tree Survey Report.

So very frankly, which is it??

Is it care and maintenance of existing woodland, with new growth and planting??

But only if your appeal is successful??

Or

Is it allowing the plot to become more overgrow, requiring more trees to be felled, etc, etc??

If your appeal is refused??

As witnessed by the lack of care for the plot, by yourselves as the Legal Title Owners over the last 20 odd years.

Where in fact, as the facts seem abundantly obvious, the trees have actually been your greatest hinderance to building any kind of property on this plot of woodland over all these years.

We contend as the interested parties / objectors, that in fact your lack of care and maintenance of the site has been a very deliberate part of a very long-term plan to build a house on this site??

By knowing and hoping that with the lack of your care of the site, the trees would eventually through time become diseased, ultimately requiring felling, thereby allowing you to build some kind of property on the site through extra space being created??

Where obviously, if the trees come down through said felling, the greater your chances, as the only applicants over 20 years as the only Legal Title Holders.

Furthermore, as the owners of the plot, no one else in Lochwinnoch is going to do anything about tidying up the site, where that is your prerogative / responsibility and no one else's.

Where all this is witnessed by the fact, that your latest original Planning Application that was submitted in May this year after, and I quote;

"Due to a major change on the site conditions, following previous objections in 2015, we met Planning Officer James Weir on site."

"After his email of 13.03.23, we came to the conclusion that a fresh application with a new approach could be considered favourably."

So for the HCG and the Review Panel, we ask you to note;

The 2 points to note here are;

1. "A major change on the site conditions."
2. "A new approach could be considered favourably."

On Point 1 that yet again we wish to state that these changes had occurred due to lack of care, maintenance, and management of the trees on the site in the long term 20-year period, resulting in Point 2, where "a new approach could be considered favourably."

Where this new approach consists of a smaller property, in the form of a small bungalow type cottage, as opposed to the 2-storey house, with up and down stairs, that the applicants thought would pass due to the similar type of brickwork to Auld Simon.

Which we still find , as oft stated before, highly objectional.

## **8. Our Conclusion of the Planning Appeal Statement.**

As our suppositions to the Planning Appeal Statement are largely contained in the previous section, the conclusions to us seem very obvious.

This situation is a 'Catch 22' situation for both the Applicants and us as the Objectors.

As the applicants have never been able to build on the plot, i.e., 'dead land' as we have previously mentioned, they have never really been interested in caring for the site as it should be and could be cared for.

Even more so now in the present as they presently now live up in Glasgow, with it obviously being further to travel to, as opposed to walking up the street from their previous home in the village.

They have only ever been interested in the site if / when they could build a property on it, contradicting and overturning the wishes of a long history of objectors within Lochwinnoch, where if they had tried approaching some of the neighbours in the local vicinity of 2 Johnshill, they might have met with slightly more success.

Which having spoken to most of the neighbours in the surrounding area, some of whom are elderly long-term residents, we very firmly believe would not have made the slightest bit of difference.



As far as we are aware this never actually previously happened, again as some of the residents in this area have lived in their homes since before the Johnstons put in their 1<sup>st</sup> Planning Application in the early Millenium.

Where we wish to make it absolutely clear, we do not wish to slander Mr and Mrs Johnston, but we no longer wish to see the plot left in its present state of extremely untidy, disrepair, when we feel very strongly that it could be put to much better use.

As the local community we have never been able to maintain the site either, which on reflection could be described as short sighted on our part, but again in a contradictory manner, it has been suggested that some locals did try to briefly maintain the site, but ironically enough, it has been suggested that the applicants also objected to this work being carried out by concerned local residents, who were upset and concerned about the state of the site a number of years ago.

So to the Million Dollar Question??

To try and resolve the Catch 22 Situation that both the applicants and we as the community of Lochwinnoch find ourselves in??

## **9. Our Own Proposals for the Site at 2 Johnshill, East End, Lochwinnoch.**

So to move on to further our own proposals for 'Our Gardens'.

As an Elder and Worship leader in the Church of Scotland, I Praise and Thank the Good Lord that the staff and elected officials of Renfrewshire Council have seen fit to reject the applicants' proposals for the site over a long period of time, thereby leaving the possibilities of our community being able to develop the plot in a careful, considerate, sensitive manner that is in keeping with Renfrewshire Council's Environmental and Sustainable programmes.

In a manner that is similar to the proposals / ideas for the Lochwinnoch Community Development Trust, (LCDT), site at Lochhead Gardens, which we as a group of volunteers / amateur gardeners would bring "S's and Auld Simon's Garden's" to a state of a beautiful, blossoming Woodland Garden. Where, especially with the guidance of S, who loves the ground, in case the LRB Review Panel need reminding of this point??

Where if possible we would also approach Renfrewshire Council to ask about a Community Asset Transfer, (CAT) as we may have mentioned in other previous parts of our Representations, again in a similar manner to the way the LCDT have sought one for Lochhead Gardens.

**NB:** Where we as the interested parties / objectors have privately discussed this idea of a CAT, I (Eric) casually and briefly spoke to one of the local Councillors for the first time ever on this issue, on the afternoon of Wednesday 13<sup>th</sup> of December 2023 regarding this idea, who certainly didn't poo-poo me on it, and who seemed to consider it a reasonable option, for a site of council owned land that has lain unused for a long time, similar to the Lochhead Gardens site.

As a group of concerned locals or 'redevelopment interested parties', if we were able to get a CAT from RC for this part of the woodland area, it would obviously and dramatically increase the size of the area for said redevelopment as the woodland garden.

Where we would even consider making enquiries about the plot of land across from the application site, the lane known as 'Skipper's Path' going down to Gates Road, at the left side of Skipper's Path, where the lane as a Public Right of Way that runs from East End to Gates Road.

This area of land has, like other plots of land in this area of the Lochwinnoch has remained unused for many years in a very overgrown state of ground growth, shrubbery, and trees, which is also very unsightly to the local residents.

Like the application site, it could also be described as 'dead land'.

The 'Skipper's Path Site' is enclosed on 4 sides, with no legal vehicular access, where a number of developers have looked at it over a long number of years, and discounted it for any kind of property development, due to the lack of this access.

Any of this, in part or whole, RC owned land or Skipper's Path would obviously dramatically increase the area of the 'Woodland Gardens', which would considerably widen the scope of activities that we would be able to undertake within this woodland space.

Where if we were given a CAT, we would seek the opinions of the owners of the garages on the council owned land, even if they are mainly run down.

Where furthermore, these proposals seems to fit in with Scottish Government, (SG) Legislation of June 2018, with the;

'Community right to buy abandoned, neglected or detrimental land, (ANDL).

Where we would explore the possibilities of these proposals and form the necessary and relevant community bodies to allow these proposals to come to fruition.

If all these ideas came together, to bring all this land / these plots into community ownership this would be a huge undertaking for us as a community.

Where, very, very importantly the present application site, whilst not physically so, would be a very central and strategic part of these proposals to completely regenerate this whole area of the East End part of the village of Lochwinnoch.

Where absolutely, none, none of this area could ever be considered or given up for any kind of property development.

Where we would expect to have, if necessary, full Title Deeds drawn up, or some kind of Statement of Intent, where one of the preconditions to that title / Intent would be the express statement that all of this extended site would remain as 'green land' in perpetuity, for the permanent benefits, for both the present and future residents of Lochwinnoch.

Where we would take into full consideration on our part, as we are asking the LRB to do regarding this continued Refusal of this appeal, the thoughts and opinions of the surrounding neighbours and residents of the village, if necessary, e.g., by having public meetings to highlight our proposals.

As Papers of Further Objections and Representations to the LRB Review Panel were submitted last night by email to Mr. Robert Devine as a Senior Official of RC, it is only this morning since these submissions last night that we have thought about these ideas after very brief but very hurried discussions on this, where we very importantly feel are central to our Further Representations and Further Objections to the LRB Panel Review at the end of next month.

So in spite of / whilst these ideas / proposals have not formed a central plank of our original papers, within Mr Devine's email stating that any more Further Representations / Objections should be submitted to the Head of Corporate Governance before 3.55pm tomorrow Friday 15<sup>th</sup> of December 2023 as the deadline for paper submissions, we now ask the HCG, the LRB, and the Review Panel of

Elected Officials, or Elected Councillors to take note of these proposals before and during the LRB hearing on the 30<sup>th</sup> of January next year.

By giving our proposals their full consideration in relation to both the application site, and the wider considerations / implications that the Status Quo remains intact, where the decision of the Planning Department from the 8<sup>th</sup> of September 2023 be upheld by the LRB Review Panel, to allow us as the interested parties and objectors to explore the future of our wide range of ideas to allow natural development of this area of the East End of Lochwinnoch.

Without the detrimental effects of a new property, as proposed by the applicants sitting within our own enlarged proposed woodland development site, where as we have stated on numerous occasions now during the length of these Papers, to once again 'strike down' the proposals by the applicants, which are completely at odds with our own natural development of the area, to the benefits of the complete and whole population of Lochwinnoch and beyond into the wider community in Greater Glasgow, Renfrewshire and North Ayrshire, within Muirshiel Regional Park where this natural 'woodland area' or S's & Auld Simon's Woodland Garden would be completely open to all sections of all communities, thereby hopefully increasing visitor numbers to Lochwinnoch, and Renfrewshire in general.

Whereas we are sure, as the Staff / Elected Officials of RC all know, we get large numbers of visitors from across the, e.g., Greater Glasgow area, and from Kilmarnock in East Ayrshire, with School parties on Castle Semple Loch, Less-Able-Bodied Children in wheelchairs, or more mobile Children / Teenagers with 'Special Needs', coming to Muirshiel Regional Park.

(Excuse me / Eric as one of the authors and writers of this paper getting a bit caught up in all these proposals / ideas.)

**In the meantime, to return to the present issue;**

As I / Eric and My Wife hope / plan to live close by in the years to come, with my In-Laws presently reside in the vicinity and many of the objectors also living close to the site, it would be wonderful to be living nearby to these 'gardens', knowing that we had managed to save them from any form of development, and that hopefully, for many generations to come, all sorts of people would get lots of pleasure and educational benefits from having the 'gardens' in this part of Lochwinnoch, similar but different to Lochhead Gardens at the other end of the village.

Where, it seems blindingly obvious to us as the interested parties, some of the most important of these groups would be the local schoolchildren, mainly from Lochwinnoch Primary School, but also from other Primary and Secondary Schools in the area if they wished to come visit (either) site at Lochhead or S's & Auld Simon's Gardens'??

Where we personally envisage that our project may have somewhat wilder aspects to it's development, to differentiate it from Lochhead Gardens to teach, especially the children, different aspects of flora and fauna, teaching them about the trees, and hopefully / possibly small wild animals who take up residence in a slightly wilder garden site.

Where the ideas and possibilities seem endless, in this bigger 'garden' site if we able to get a CAT from RC, where to re-assure council officials and staff, we would wish to naturally develop that piece of land in a similar manner to the site at 2 Johnshill, where we would welcome site visitations from council staff to appraise them of our progress on the CAT site, and the whole site generally.

# **10. Final Conclusion to this Paper for the LRB and the HCG, of Further Objections and Representations in relation to this Planning Appeal by the Applicant, Mr David Johnston.**

In asking for this Notice of Review with the LRB, thereby highlighting the conditions that presently exist on the planning / application site, many of our group felt that Mr And Mrs Johnston have actually done us, our group / our village / our community in Lochwinnoch an unforeseen, unintended, backhanded favour.

By bringing to our attention, in the “full glaring light of day” to the conditions that presently exist on the site of S’s beloved ‘Woodland Garden’.

If anyone on the Review Panel doubts what we are saying, then we would like to invite you down to Lochwinnoch for an anonymous visit to examine for yourself the conditions on this plot, one of the last plots of woodland in a fairly built-up area, within a rural village.

Where it also seems that the site across from the oldest building in Lochwinnoch, and a Holy Place of Worship as the remains of an ancient church, is only / has only ever been any good to the applicants if they were going to be able to build a property on it.

At this point in this Paper of Representations / Objections, we as the ‘interested parties’ wish all other parties to note that, in case it is in any doubt, that once again we object to any development on this site in the strongest possible terms.

With no caveats or compromises on our part re any form of house building or development of any kind, however small or aesthetic this may be.

The site has been a natural woodland for nearly 170 years, can we just leave it that way Please, for the benefits of this community.

In spite of the conditions that the applicants have left the plot in, over many years, we also feel compassion for them, where we fully acknowledge, realise and understand that Mr and Mrs Johnston have also held this dream close to their hearts for many years.

However, that does not compromise our intentions to bring this plot back into community ownership, where this seems to be a very black and white scenario, with very little grey area in-between their proposals and ours.

Where we feel that after 20 plus years of sustained upheld objections, within the last 170 years, that the site / plot / gardens themselves have waited long enough for someone to take decent care of them, in a manner appropriate to the surrounding, natural, God / Holy-Spirit Protected Area, where “Thy Will Be Done”, Not my will, But Thy Will, as The Will of God that seems to have keeping them waiting for someone to look after them.

With as we have now stated on numerous occasions, the obvious enduring support of Renfrewshire Council Local Authority.

When the LRB Review Panel make a ruling on this Appeal at the end of next month, if the LRB upholds the decision of their Planning Department, we will obviously be very, very grateful.

We do not wish to consider the other possibility at this point in time.

If the Appeal is again Refused like previous long-term decisions, Mr and Mrs Johnston obviously have a choice to make, both individually and together??



If they choose to accept the decision of the Review Panel, then we will enter into negotiations with them as soon as they are ready, to bring the Title Deeds back into Community Ownership.

Where we would compromise as much as possible with them through appointed lawyers, short of any future development on the site.

Even to the point of entering into financial talks with them regarding the site??

Where we would be prepared to wait an appropriate and discrete length of time to let them catch their breath, so to speak.

However should the applicants refuse to accept the ruling of the Appeal Body, we want them to understand, in no uncertain terms, that we will fight them absolutely every step of the way should they decide to appeal to any higher authority than the one they have already just had a ruling from.

Where we in no way wish to look as if we are blackmailing the applicants into withdrawing their case, but we wish them to clearly understand what our intentions are for the future??

Where we very, very firmly believe even now, **that whilst we are being very, very cautious and very, careful**, we also believe that we have an excellent chance of winning our case with the Review Panel.

Where we also believe, should it be necessary, that we can also win any future case to any higher authority if you should decide to go there??

But we'll leave this decision up to you, obviously depending on the decision of the Review Panel.

In the final part of this text we sincerely hope that we have presented a very strong case to the Review Panel to, once again reject and Refuse the Development Appeal by the applicants, in line with the decision by your associated Planning Department decision in September this year, and the Review Panel's decision at the end of January 2024.

We acknowledge that the applicants will respond to these Further Objections and Representations, and we await their responses to these Representations.

Where we will, once again, respond in a similar manner to the Applicants' own Representations.

Considering how very long this Representations Paper is, we wish to thank all everyone who has to read through this document.

We as the Interested Parties / Objectors do realise that this paper is a very, very long read in representing our case, and in some parts the reader may find it a bit boring or losing the thread of our arguments.

Or for where the paper, throughout its length is also very repetitive.

If this is the case for anyone, we would like to sincerely apologise.

However we have tried to make our case as strong as we can possibly make it, hence the length of it, by going through all of documents provided by both the applicants and Renfrewshire Council and trying to address each of the sections of these documents in very fine detail.

Hoping that You all have a Lovely Christmas

Regards and Best Wishes

From (Eric the Auld Gasbag) and The Team for S's & Auld Simon's 'Garden's'

## References

Other than three brief online references regarding Auld Simon and Scottish Government Legislation, nothing other than the paperwork / documents provided by the Planning Department, no other documents were used to reference any part of this Paper of Representations.

Therefore no Reference List is required in any form of an academic manner.

## Final Personal Notes:

Should anyone wish to contact me for any reason, regarding any of the contents within this Paper of Objections and Representations??

My contact details are below, at the end of this paragraph.

I also publicly wish to thank everyone who contributed towards this Paper of Further Objections and Representations, especially S for all the back and forward text messages, and M, for the ideas you gave me / us, and provided a bit of leadership, especially during our meetings, but also generally.

We were "lucky" that the right people appeared at the right time.

Where I just happened to be the one who had the time to word process this very lengthy document, my apologies to everyone reading all this as it is rather repetitive in some areas. It was a bit difficult at times to keep track of what I /we were trying to get down on paper from our discussions and texts, etc.

I shall thank you all privately for your input, but for reasons of confidentiality I don't want to name any of you publicly.

As you will all read this paper I am really pleased that we managed to get together so quickly to form this small group, where hopefully we will be able to enlarge the group further and gain more input from other people.

Some of the brainstorming sessions were really good fun and a good laugh, that was the part that I personally enjoyed the most by meeting other people that I had never met before, especially with a common purpose in mind regarding this Review / Appeal Notice.

Auld windbag that I am, away I all hear you laughing, you're not a windbag Eric, Ha! Ha! Ha!

I could say more of course, but I'll leave it there, as I really think I've said enough.

So I hope you all have a lovely Christmas.

Relax and enjoy yourselves after all this marathon 2 weeks.

My contact details are;

M:

Email:

For the Attn of;

Mr Robert Devine

Renfrewshire Council

Renfrewshire House

1 Cotton Street

Paisley.

PA1 1WB.

Friday 15<sup>th</sup> of December 2023.

Planning Application: 23/0179/PP. By Mr David Johnston.

For the Site of 2 Johnshill, East End, Lochwinnoch.

Appeal / Review of this Planning Application by the Local Review Board, (LRB).

To be heard by the LRB on the 30<sup>th</sup> of January 2024

FN: MARY CALDERWOOD  
A1: 15 CALDER DRIVE  
A: LOCHWINNOCH  
PC: PA12 4AU

Dear Mr Devine,

I am aware that the Renfrewshire Council Planning Department **REFUSED** this Planning Application, as noted above, on the 8<sup>th</sup> of September 2023.

I am also aware that the applicant, Mr Johnstone appealed this decision for a Notice of Review, which Mr Devine notified Objectors to, on the 1<sup>st</sup> of December 2023, which included Mr Beattie.

Since the 1<sup>st</sup> of December I am aware that Mr Eric C. Beattie of 34 High St Lochwinnoch PA12 4AA has regularly been in touch with you by email regarding Further Objections and Representations to this Review / Appeal.

Where he has, for himself and others, as both objectors and Interested Parties, made out the main papers of these Objections / Representations.

I now ask you to note that I have freely and willingly asked Eric to submit these Representations / Objections to Renfrewshire Council, as either an Original Objector or an Interested Party.

Where I wish the Local Review Body, (LRB) to take note of these Further Objections and Representations into their consideration on the 30<sup>th</sup> of January 2024, when the LRB Review Panel will consider the appeal by the Applicant, Mr Johnston.

Regards

Signature of Objector / Interested Party.

Witnessed by. (If a Witness is available.)

MAY  
CAZDERWOOD

HEAD OF CORPORATE GOVERNANCE

RENFREWSHIRE COUNCIL

FINANCE AND RESOURCES

RENFREWSHIRE HOUSE

PAISLEY

PA1 1TR.

REGARDING

PLANNING APPLICATION 23/0179/PP

BY MR DAVID JOHNSTONE.

LOCAL REVIEW BOARD

NOTICE OF REVIEW

30<sup>TH</sup> OF JANUARY 2024.

PAPERS OF FURTHER REPRESENTATIONS AND  
OBJECTIONS IN RELATION TO THIS REVIEW.

FROM THE (CONCERNED) RESIDENTS OF  
LOCHWINNOCH.



Head of Corporate Governance,  
Renfrewshire Council,  
Finance and Resources,  
Renfrewshire House,  
Paisley,  
PA1 1TR.

N MARY CALDERWOOD.  
A 15 Calder Drive  
A LOCHWINNOCH  
P PA12 1AU.

Thursday 14<sup>th</sup> of December 2023.

(Will all individuals please note that the Head of Corporate Governance will ignore your representations/objections if you have not filled in your personal details with your Name and Address, etc, as above).

Planning Application: 23 /0179/PP.

Erection of single storey dwellinghouses and associated works,

On the Eastern Boundary Of No. 2 Johnshill, East End, Lochwinnoch,

By Mr. David Johnston.

For the Head of Corporate Governance in relation to Notice of Review to this Planning Application.

Relating to the meeting of the Local Review Body, (LRB) for this Notice of Review to be held at 2pm on the 30<sup>th</sup> of January 2024, in Renfrewshire House, Cotton Street, Paisley.

On the grounds of the Letters of Representations – Council Decision, as noted in the letters posted out to individuals, dated 8<sup>th</sup> September 2023, who objected to this Planning Application, where; 'the application together with your representations was considered by the Council on the 8<sup>th</sup> of September'.

Where the decision of the council was;

REFUSE Consent subject to the reasons.

As noted in the accompanying letter,

Ref. 23/0179/PP.

CONDITIONS AND/OR REASONS ATTACHED TO THIS DECISION.

**For the Attention of The Head of Corporate Governance.**

**Dear Sir / Madam,**

**List of Contents for this Paper of Representations/Objections**

- 1. The Interested Parties Initial statement to the Planning Review Panel.**
- 2. Statements, Questions and Representations from the Objectors to the Johnstons regarding this Planning Review / Appeal??**
- 3. A Recent History of the Site: How we got to where we are, from 1991 to 2023.**
- 4. Objections and Further Representations to the Original Planning Application.**
- 5. Representations on the Tree Report.**
- 6. Notice of Review Document.**
- 7. Representations to the Planning Appeal Statement.**
- 8. Our Conclusion to the Planning Appeal Statement**
- 9. Our Own Proposals for the Site at 2 Johnshill, East End, Lochwinnoch.**
- 10. Final Conclusion to this Paper of Further Objections and Representations in relation to this Planning Appeal by the Applicant, Mr David Johnston.**

**1. The Interested parties Initial statement to the Planning Review Panel.**

Will the Head of Corporate Governance, hereby abbreviated to HCG, please note that we wish to make Representations/Objections in relation to the above Planning Review Appeal by the LRB, as an 'Interested Party'.

Where we hope that the HCG will note these reservations in relation to the Review Panel meeting on the noted date will also take these Representations into their considerations and deliberations when making a judgement on this Notice of Review / Appeal by the Applicants, to the LRB.

Where we wish the HCG to note that we do so in the strongest possible terms regarding this Review, not just on the grounds on which the appeal has been based, but across all possible areas of both the original planning application and the associated review.

In previous applications by Mr and Mrs Johnston, we, as interested parties have asked for all previous objections and representations to be taken into consideration regarding any present application, where historically, as far as we are aware, the Johnstons, have been the only applicants to ever apply for planning permissions for this particular site??

Where very importantly, to support our case as the interested parties, various individuals and groups in Lochwinnoch have shown a consistent pattern of objections to the planning applications by this couple over the last 20+ years.

Where, very obviously we wish the 'Woodland Garden' / Area of Woods at 2 Johnshill, East End, Lochwinnoch, across from / in very close proximity to Auld Simon, as the oldest building in Lochwinnoch, for the woodland to remain in its present state, without any property development by these applicants.

***Furthermore, after 20+ years of applications by the Johnstons, we strongly and firmly believe that we have reached an impasse in relation to this situation??***

Approximately every several years just over the last 2 decades, the Johnstons have put in an application for planning permission, and we, the objectors and interested parties have responded and objected to these applications for development on this site.

Where Renfrewshire Council staff and elected officials have consistently supported us in our objections to these applications, by also consistently refusing planning permission for this valued and treasured site within our village, where we wish to record our gratitude for these efforts, where we are very grateful to these individuals over the last 20+ years in their continued support.

For if it was not for this continuous support, we would not be here today, where once again we find ourselves having to object and make representations to this Review / Appeal by Mr and Mrs Johnston.

In spite of our opposition to these continuous Planning Applications we therefore acknowledge that this has cost the Johnstons a lot of money, time and effort in pursuing their case, as well as a lot of corresponding time and effort on our part as the objectors.

To say nothing of the time that the planning department and to a lesser extent the time and deliberations that Councillors on the review panel spend on this issue.

***So in an effort to resolve this situation to the benefit of all parties concerned, i.e., applicants, objectors, Renfrewshire Council Planning Department, Councillors on the review panel, as well as the HCG, in his considerations on this issue, we would like to set out alternative proposals for the site, which can already probably be guessed at by all concerned??***

We will briefly outline these alternative proposals as noted immediately below and elaborate further throughout this Paper of Further Objections and Representations, and towards the end of this paper in our Conclusion.

We acknowledge that this scenario may not be acceptable to Mr and Mrs Johnston in the first instance, as they have held this dream for many years, but as they lived amongst us for many years in our very beautiful village of Lochwinnoch, where they were friendly and friends with, and well known to many of us, where I personally, (Eric) had mutual friends with them.

Where we as the objectors would seriously like to ask them to consider what we propose at some length, as opposed to dismissing our ideas in a knee-jerk type of reaction??

We also recognise that, as stated earlier, that this couple have put a lot of time, effort and expense into their planning applications, but after 20+ years of objections, we would ask them to finally recognise that as a community / the village / Lochwinnoch does not and will not / never accept their proposals for this site.

Whilst some individuals in the village may accept their proposals with their present plans for a property that is visually and aesthetically pleasing in relation to, and the closeness of Auld Simon,

many more people will not, especially neighbours in the surrounding vicinity of the plot, i.e., in Johnshill, East End, St Winnoc Road, Gates Road, and various parts of High Street.

## ***2. Statements, Questions and Representations from the Objectors to the Johnstons regarding this Planning Review / Appeal??***

All of the above then leads us to ask the following questions of Mr and Mrs Johnston??

When are you finally going to accept that your planning applications for this site are absolutely not acceptable to many of residents in Lochwinnoch??

Otherwise, why has there been 20 odd years of objections to your proposals, every time you apply??

No matter how nice or pleasing to the human eye your proposed property may look on this occasion, especially in relation to Auld Simon, like previous plans, it is still not in any way acceptable to the majority of our community in Lochwinnoch.

Where this small woodland area, that has been a precious woodland just off the centre of Lochwinnoch, for approximately for the last 165-170 years, should / could / must remain a 'Woodland Garden', enhancing the local environment / surrounding area, to the benefits of the trees, local flora and fauna, wildlife, roosting birds of all kinds and especially rooks.

Without absolutely any property being built upon it.

Where ultimately all of the above, intangibly enhances and enriches the lives of the human beings who live close by this plot, and any other green spaces, both within Lochwinnoch and outside it.

As a rural village in South Renfrewshire, which we feel is the last real village that is separate from other communities, which is not a suburb of Johnstone or Paisley, as the build-up area has extended ever outwards over the years.

Which is very much obviously why Renfrewshire Council has dependably supported our objections over the last 2 decades, as the benefits of green spaces and closeness to nature are very well, and scientifically recognised, in regard to both physical and especially, mental health.

**So really, in this part of our Representations, in our own way we are also lodging an appeal, as we are appealing to your better natures, Mr And Mrs Johnston??**

**To let all this go, for your own benefit and peace of mind, as well as ours as a group of objectors.**

And ultimately, for the benefit of Lochwinnoch as a community, which you obviously love, and loved, as you lived here for many years.

Where for you to try and accept that there will always be a group of interested parties / objectors in Lochwinnoch, with hopefully, as noted above, the continuing, ongoing support of Renfrewshire Council, where some concerned individuals, as individuals or in groups will always object to your plans for this site.

Where today it is our group who are objecting / making representations, tomorrow it will be someone else, and another group.



(Personal note from Eric)

(Please do not misunderstand me, as there is absolutely nothing personal in all this, along with many others we just completely disagree with your proposals for the 'Woodland Garden' and have done so for many years).

(Where my / our personal reasons for our representations / objections are completely altruistic, to the benefits of my / our community, where we represent the wishes our community, in my (Eric's) personal case my elderly relatives live in close proximity to Auld Simon / Johnshill / East End, where I have been asked to deal with this on behalf of all my family, as well as my own very strong beliefs in what we are doing).

Ultimately this situation reminds us of the Burnfield Road / Playing field site, with planning applications by Stuart Milne Developers, at the end of Newton of Barr, Lochwinnoch.

Where in this case, the Community Council have mounted a very focused, consistent campaign by this developer, sustained over a number of years, where ironically, this is a shorter time span than the one we have mounted against your own proposals.

Where both developers, regardless of size, both own the prospective sites, but cannot do anything with them, due to the number of representations / objections Renfrewshire Council (RC) have received over the years, from Lochwinnoch residents.

Where the term 'Dead Land' could be used to describe both sites.

Where it seems you are stuck with a possible development site that you can't do anything with??

Hence the nickname of 'dead land'.

To continue with these objections and representations, as noted above, we will further outline our proposals for the site towards the end of this paper.

### **3. A Recent History of the Site: How we got to where we are, from 1991 to 2023.**

In the early 1990's S, who has lived in Lochwinnoch for at least 30+ years wanted to further develop the application site into a 'Woodland Garden', where the site had and still has to the present day has become naturally overgrown, per the applicants' paperwork showing the Ordnance Survey Map of 1856, so over approximately the last 135-140 years in 1990-93, plus another 30 years to the present.

So in total the site has therefore been undisturbed for approximately the last 165-170 years.

The following pages are copied from messages between Ms S and me to show the review panel the 'more recent' history of what has happened over the last 30 odd years regarding this plot of woodland at 2 Johnshill / East End.

I have only altered the text to tidy it up, and have been very careful to preserve the anonymity of Ms S, even although I'm sure the Johnstons know who / remember who this lady is??

**Eric**

Thanks for getting back to me S.

I'm really just looking for the process that was involved, that you went through, and the time frame /

dates involved.

I didn't realise the lawyers were involved though, I've never really understood why the Johnstons keep on applying to build on the site, but by the sound of it they have legal rights / title to it?? Which explains why they have kept on applying to build on it over the last 20 odd years x 3-4 times. The situation reminds me of Burnfoot Rd then, they own it, but can't use it as locals keep on objecting to their planning applications??

As I recall they supposedly fenced it off, supposedly maintained it for a number of years, and then claimed legal rights to it??

If you fill in some gaps for me re how long ago you were at the lawyers, that would help.

## S 1

I laid claim to the land around 1991/92.

My then lawyer did a land search and found no record of ownership, he told me to occupy the land and look after it for 10 years and if it was uncontested, it would be mine. I did this at considerable expense, fencing it off, having dead trees felled etc, but only after I got council approval.

During the 10 years, Louise Johnson started her own claim, but I was told by my lawyer I had prior claim so not to worry. When my 10 years were up, I contacted my then lawyer, I'd changed to a different firm by then to ask how to conclude the claim -she said I didn't have to do anything as it was now mine.

However it appears that wasn't the case and Mrs Johnson saw her chance and pursued her claim. By this time I'd built a shed on the plot and was making it into a woodland garden but basically I had to get off the land, remove the shed and that was it. It was heartbreaking at the time, but there didn't appear to be anything else I could do.

Unfortunately I left it too long to complain to the Law Society, so I just had to let it go.

Eric

A quick couple of questions that I mentioned yesterday??

Do you remember more accurately when Louise Johnson put her original claim in during the 10-year period??

Any idea when she further pursued her own claim??

I'm presuming that this was after about 2001-2003??

## S 2

I've found the "Woods File".

I first enquired about the plot in Feb 1993, and it looks like my claim dates from March 1993.

I then set to work having it fenced off by Alter Landscapes, employing a Tree Surgeon to assess the plot then paying him to make the plot safe, which included having some dead elm trees felled because they were dangerous. I had to apply for permission from Renfrewshire Council for that work to be done, even providing photographic evidence that one tree had actually fallen in high winds. This cost me a lot of money.

I was then worried about the spikes on the original iron fence at the front and my lawyer advised me to remove them to avoid public injury, this I did, all 239 with a hacksaw as I recall as I didn't own a Stihl Saw.

I also took out public liability insurance. Ironically, the Council refused permission to have the canopy overhanging the pavement to be cut back even though it forced pedestrians to walk on the road in summer, which worried me.

When the owner of one of the neighbouring garages expressed concern about overhanging branches I had them professionally removed.

I loved the ground, worked on it and my children and dogs shared it with me where I had all sorts of dream for the plot.

Anyway Louise Johnston applied for planning permission 2002 and was refused then, they had laid claim to the land. I was advised that I had prior claim so not to worry, the rest is within what I've already sent you.

Like I said, I thought all was well till Louise approached me when I was gardening at the plot Spring 2009 and told me I had to leave as the ground was theirs and they were "going to build a house ". I've never fully understood what happened, but it appears they did nothing illegal, saw their chance and followed it through.

To summarize, their first attempt at receiving planning permission appears to have been made in early 2002 , which I suppose is the main point. I think at least more than one has been made since then.

### S 3

Ps- I heard Louise had told a friend they'd sold their house in Lade Court and were renting till they built their house up at the woods, so she seemed to be confident that it would go ahead.

Eric

Morning S,

No I fully realise that you have not accused them of any illegal practices.

Where nothing illegal has been done anyway, as they have included a copy of the land certificate showing ownership.

As I've said previously, I've never understood why they kept on applying for planning permission for the site, but this is now obvious as they own it.

Where this can be very expensive, as they have now applied for planning permission 3-4 times over said 20+ years.

Considering that the villagers have consistently objected to their proposals over this period, and the council planning department have also consistently upheld the objections by their refusals, I personally think the Johnsons have been, and are being very naive.

Again it's similar to Burnfield Rd, they might own the land but can't get permission to build on it, it's "dead land" so to speak.

I'm not sure if you realise but all the previous objections are very important, where we as the objectors can ask that all of this historical information be taken into consideration for this present application and appeal, it obviously shows a consistent pattern of objections over a long period of time.

I hope some of this reassures you about what happens next, but my apologies if it also brings up painful memories for you, as you very obviously loved this area of woodland years ago, and still do in the present.

Personally the Johnsons have actually done me / us a back handed favour, by giving me a wake-up call re all this, & motivating me to do something about it, to protect this historical, natural site for Lochwinnoch and the villagers.

Where if the Review panel are consistent with previous decisions??, I would personally hope to bring this plot back into public ownership by whatever means we can get it back, where we can manage this plot and keep it in the natural state that it has been in for the last 160+ years, for the benefit of everyone in Lochwinnoch, as a beautiful, natural Woodland Garden.

Where hopefully the Johnstons have done us all a big favour by appealing this council decision by settling these issues to the benefit of all parties, the community in Lochwinnoch, the Johnstons, and Renfrewshire Council ??

#### S 4

That's reminded of what happened legally, as I understand it my name was entered on the old Land Register, it should also have been put on the new one, that's how I lost the ground because my lawyer didn't do that.

Eric

All of this hassle over all these years because of one simple legal mistake.

Which would probably have taken an hour or two of work to do.

The lawyer was lucky that you didn't make a complaint to the Law Society, as you certainly had grounds to do so.

When I think about it, I was forgetting my manners.

To ask you for permission to put your story in my own paperwork???

I would be careful to maintain confidentiality, & reword your text if necessary, & use only letters like WG for Woodland Garden so that you could not be identified in any way.

The councillors wouldn't be interested anyway, although the Johnstons will likely remember??

Your story is the basis of all of this & I feel very important to our own appeal, which I / we will use to highlight why the site must be left in its present state, so that we as a community in Lochwinnoch can maintain and manage it, and really improve upon it, in a similar manner to what the LCDT are doing with Lochhead Gardens.

Even to the point of involving the LCDT for help re various aspects of these ideas & asking RC for a Community Asset Transfer, (CAT), to extend the plot with the council owned land to the rear of the garden in a similar way to the application the LCDT have done for Lochhead Gardens.



Furthermore it fundamentally shows how right from the time that even before the Johnsons made a claim to this plot, that your plans for it were the foundations of all the objections that have followed over the last 30+ years, to the present.

And into the future, if / when, as I've said above where we hopefully bring the plot back into common law, common sense, community ownership.

Which if you are still interested in, I personally hope that you would still like to be involved in?? This was your dream 30+++ years ago, after all.

So I am really hoping that you are okay with me using your story.

To be honest, personally , I like the sound of S's Garden, L Gardens, or Auld Simon's Garden???

## S 5

Well at the time I was in the process of leaving J, plus a solicitor acquaintance of mine told me she didn't think I had " what it would take", financially or otherwise to fight it, nor was there any point in complaining so I let it go. I'd have loved to have built a tiny wee L- shaped hoose there and see out my days but I always knew that would never be possible without felling healthy trees.

(NB from Eric: The fact that S had thought of building a small house on the plot in no way justifies the planning applications that the Johnstons have submitted over the years. Note the fact that S also acknowledges that healthy trees would have to be felled / sacrificed to build any property).

(Where I chose to leave this text in this part of our objections to highlight the fact that S had realised that building a property on the site was not possible).

Imagine the joy I felt when I had my wee shed built!

Anyway, back to present times and I must admit you've now got me interested in the idea of a Community Garden. I also always knew the plot was too big for me to look after it properly. There were actually some people who referred to it as S's Woods!!

God moves in mysterious ways I have found and if what I want is right, it tends to happen eventually. I would like to be involved in what goes on in the future. By the way , I'm happy to be named personally in the proceedings as I'm confident I haven't falsely accused anyone of anything, my only worry would be lawyer although I haven't named them in any of my communications with you.

There is still a chance that I've misunderstood events! Meanwhile I'll just allow myself to dream of the woodland garden. Oh, btw, there are remains of what appears to be a stone wall / foundations within the ground- I used to sit on them while I had my tea break- I'm sure you've examined the history of the area. x

## S6

Already thinking of projects to open people's eyes to what can be achieved plant wise, there's a lovely " feel" up there. I don't think Mrs Johnston would know what I mean, don't think she would understand my love for the place, but maybe I'm wrong.

Just another piece of info which might explain a lot.

I had the ground professionally valued sometime during the 2000's, as I have the papers somewhere I think. If I remember correctly, it was valued at £65k if outline planning permission was obtained, which of course would involve removal of trees. I did that out of curiosity as I always knew trees would have to go and I wasn't prepared to do that, so it was a dead end.

(2<sup>nd</sup> Note from Eric: As we would obviously not be seeking to build or develop the gardens in this way, on a 'dead plot of land', by asking for planning permission, which negates our complete and whole ambitions for the site, we would want to have the plot evaluated and priced as a garden plot).

Come to think of it, that would be a driving force for other people??

I'll shut up now- things keep coming back to me. Now that I understand your motivations , I'd be happy to meet with you in the New Year and show you the " S's Woods " files ! Till then ...

S7

Ps: I didn't do it before because I thought it would just look like sour grapes, and of course there is a small element of that, that has gone with the passage of time now that I am older and hopefully a bit wiser, but I can now see better reasons for objecting to their plans.

All of this text is rather long winded, but we have chosen to include it to emphasis the recent history of the site and the love and affection which many people in Lochwinnoch feel for the 'Woodland Garden', especially S, who still dreams of what is possible for 'her gardens' 30+ years later.

Where paradoxically to S's, and numerous other villagers' wishes for the 'gardens', like the Johnstons, (where again, within this extremely long paper, again at the risk of repeating oneself, we fully acknowledge their wishes to build on the site re their various planning applications), where they have also spent a lot of their own money in trying to develop the site, albeit it we obviously disagree and object in the strongest possible terms to the applicants building a property in this area of woodland.

Where we also strongly believe this is the wrong type of development for one of the last areas of woodland within our village, that has taken many years to naturally develop, albeit it is now overgrown, needing care and maintenance from interested parties.

#### **4. Objections and Further Representations to the Original Planning Application.**

In the Pre-Application Discussion Details Cont. section of the above, we note that there was "a major change on the site conditions", after Mr Weir's email of the 13.03.23, where the Johnstons thought that a "fresh application with a new approach" could be possible.

So per the Tree Condition Survey that the Johnstons had requested in May 2022, followed by Mr Weir noting changes to the tree plan in his email of March 2023, presumably that 4 of the trees would have to be felled, etc, that the planning department still refused the Johnstons latest planning application.

Where if the Johnstons had been more proactive with better conservation of the ground conditions, soil, tree maintenance and management, obviously these trees would never have needed felling.

Which makes us wonder just how much care of the plot the Johnstons were inclined towards by looking after the site, considering the number of applications they have submitted over nearly 2 decades??

#### **Access and Parking.**

These issues were within our original objections that we submitted against the initial planning application.

Where the site at Auld Simon is often used by local groups as a starting point for local parades, etc. E.g., Gala Day Parade in June, the Samba band have also this location on occasion, Millenium Walk of Faith. Where a large number of children often attend these first two on-going events with their parent(s).

Whilst the Johnstons have only applied for 2 parking spaces on this site, and the Health & Safety of these events can be managed by marshalling, this increase in traffic, however small, could pose a risk to both adults, especially children and the disabled, amongst large crowds of people waiting for parades to start, if the LRB Review Panel were to uphold this appeal, especially if the applicant had visitors to their home??

These points / risks may seem minor, but we wish to make the Review Panel aware of these risks.

#### **Water Supply and Drainage Arrangements.**

At the time of writing this section out, (Monday 11/12/2023 @ 14.35) we are waiting on council staff replying to queries on these points??

As the refusal was based on tree grounds, where the appeal is also based on the same, we have asked officials if the Johnstons would have been aware of further objections from close-by residents.

Where we have since been advised by Planning Department Staff that these objections were available for the applicants viewing, where no attempts were made to do so, therefore the applicants chose not to make themselves aware of any concerns that their prospective neighbours may have on their proposals.

Thereby as far as we the interested parties / objectors are concerned, weakening their case for Review.

Alternatively, if they had attempted to view these objections and addressed the associated concerns, to our mind, they would have better prepared for their Review / Appeal process, by having more answers and information with regards to the impact that this property development would have on the surrounding area, and well beyond the development site.

This lack of concern regarding other people's opinions on their proposals seems to consistent in the applicants overall approach to their Planning Application(s) over a long period of time??

Under this section of the application, new or altered water supply and drainage will be required, where this proposed property will link into the existing drainage system.

The planning application document makes no mention of sewage waste??

Where the home of one elderly widowed resident is built over one of the main drainage pipes for wastewater or sewage. This resident strongly objected to the planning application re these concerns that the existing system wouldn't be able to cope with the extra waste from the proposed new build.

We acknowledge that this waste could only be for mainly 2-4 people, where this may point may seem unlikely. Nonetheless, we feel that point must be addressed, if only to give peace of mind to this elderly villager, who is very concerned about these issues.

Where we wish the Review Panel to note the following questions on these issues??

**Questions:**

1. Are the applicants aware of these issues regarding this individual property??
2. If they are aware of them??, what measures have they taken to address these points??
3. If the applicants are aware of the issues, why have they not highlighted this in their original planning application or even their Statement in Support of their Appeal??
4. Even if this outside the grounds of both planning refusal and appeal??
5. Or what advice have they sought on these issues??
6. Have they followed up on any advice that they have been given??

Furthermore, in a more general sense.

7. Are they aware of the design, layout, and structure of the existing draining system??
8. Especially as they intend to connect to that system??
9. Did they make enquiries about these issues?? 10. Were they required to do so?? 11. Were they aware of such issues, but didn't think that they were relevant to their application??

Where the first 6 questions on the individual property also apply to the more generalised issues of how their new build might affect the surrounding properties.

Where we believe that there are more generalised issues on drainage and sewage within this locale, where we will make more representations on these issues before the meeting of the Review Panel at the end of next month, where these issues are obviously of major concerns concerning raw sewage to this residents in the surrounding area of the application site.

Whilst all of this is obviously a specialised area of Civil Engineering, considering the number of applications that they have applied for in the past, how aware of these overall issues are they, in relation to this plot of land??

The original RC planning application has an Assessment of Flood Risk.

Where they have answered No to both questions in this section.

Does this assessment include any possible damage to tree roots in either the short or long term??

With the possible increase in run-off to other properties re any possible damage, in any direction, e.g., front or back into the gardens at the start of Johnshill or in St Winnoc Rd that are situated below the site of 2 Johnshill??

**Schedule 3 Development.**



We note that the applicant ticked the No box in response to this part of the Planning application, where normally for any Planning Application within Lochwinnoch we would see something in the local press??

Some of us as objectors have discussed this point, but none of us can remember seeing any Notice of Planning Permission within any of the local newspapers, which would normally be weekly in The Gazette. (Covering Johnstone and Renfrewshire).

Whilst we would be surprised if this part of the planning process was not adhered to, we wished to query this anyway, for the reasons stated above.

#### **Certificate and Notes and the Land Ownership Certificate.**

We note both the Certificate and Notes and the Land Ownership Certificate sections towards the end of the Planning Application and acknowledge this gives the applicant full legal title to the site.

We also note that these sections do not give any dates for when Mr and Mrs Johnston gained full title to the site, as S has said in her texts if Mrs Johnston was (first) refused Planning Permission in 2002, then presumably they had title to the plot before this date.

In 2023 it is probably now a moot point, but as the interested parties / objectors we had a discussion on the timeframe involved, i.e., the time between the Johnstons first having title to the plot, and the time they first applied for planning permission, and did this comply with the legislation of the time.

Where we wish all parties to note that we are still trying to have this point clarified from other sources, albeit it may not be relevant to this Review Paper for the LRB.

Like the points in the Schedule 3 Development section, if the Review Panel are able to have this point cleared up before we act on our alternatives for the site, so that any processes have met all due legal process and requirements??

Other than these points, we have no further comments or questions to ask of the applicants for this section of the Planning Permission Document, at this point in time.

#### **5. Examination / Representations of Tree Condition Survey.**

We have listed the Tree Condition Survey here as we believe that it has important relevance to the following sections of our Paper to the Review / Appeal and the Review Panel.

As laypersons who are certainly not Arborists / Arboriculturists for the management, maintenance, and especially the felling of diseased or damaged trees, we have to abide by the recommendations of Mr Calvey.

Although we notice that the Tree Condition Survey is now presently classed as out of date by approximately 6 months in Mid-December 2023, as noted in his report by Mr Calvey himself in his own report.

As the report was only valid for 1 year from the reporting date of May 2022, and published approximately one month later on the 14<sup>th</sup> of June 2022.

Without a further tree survey we now are wondering what the overall condition or state of the site now is??

Where for our part as the objectors, only a visual inspection of the site would be possible, where that inspection would be severely hampered by the large amounts of this, difficult to walk on / passable un-maintained ivy / undergrowth.

Where we also note the conditions of the trees that required Crown Reduction and the trees that needed removal, 6 of for Crown Removal / pruning at the tops of, and 4 for removal.

We further note from the accompanying photographs and text on the 1<sup>st</sup> page of the survey that various trees have very large amounts of ivy growing both around them and up all of the trunks of these large, well-established trees, and at ground level across the whole of the site has been, as stated above un-maintained, even very badly maintained.

Which leaves us wondering how often, and how much the plot has been regularly, even sporadically looked after, in a variety of ways over the last 20 odd years??

Having noted these points in our Paper of Further Representations / Objections where we have deliberately used the full title, to object on these points alone, at the way the plot has obviously been neglected over a large period of time, by the applicants as the legal title holders.

Where we will say quite a bit more on this subject in the next sections of our Paper to the Review Panel, which we would ask the HCG to continue to note on these issues.

## **6. Representations on Notice of Review Document.**

We note that the registered address of the applicants on the 1<sup>st</sup> page of the Notice of Review is;

Flat 0/2,

174 Clarkston Road,

Glasgow,

G44 3DN.

We will make our reasons known for noting this point just very shortly, within this section of our Paper of Representations.

This may be an inappropriate point, but as the applicants now live up in Clarkston, Glasgow with this as their registered address on their appeal, we wish to ask the Review Panel why this appeal should be upheld by the applicants when they don't even live in Lochwinnoch anymore??

Where they have not done so for a number of years.

We are sure the applicants had good personal reasons for this move to Glasgow, but this still implies an absence of loyalty to a village and community that they lived in for many years??

These questions would be completely irrelevant if it were not for the fact that the applicants have, once again, applied for planning permission for this site.

It is only because of the planning permission appeal that we ask these questions.

To think otherwise would be to imply or think that people are not allowed to live where they chose to live, which would be a ludicrous suggestion, I am originally from the South side of Glasgow, but I (Eric ) personally chose to live, and plan to die in Lochwinnoch.

Furthermore, the note below is a copy of the text between S and I on Page 7 of this paper.

### S 3

Ps- I heard Louise had told a friend they'd sold their house in Lade Court and were renting till they built their house up at the woods, so she seemed to be confident that it would go ahead.

Which considering this 'house' has been very consistently objected to and refused by the council over all these years, this piece of gossip seems rather 'over-confident' on the part of Mrs Johnston??

On a more concrete note, we also wish to ask the applicants further questions in a similar vein??

After all these years of said objections and refusals of your plans for this site, apart from changes to the tree plan per the survey report;

1. Can you give us justifications for / valid reasons for why the Review Panel should now uphold this present planning application??
2. In light of the planning department decision, again for Refusal in 2023.
3. Thereby overturning the present planning department decision.
4. Which would also obviously overturn all the previous decisions made by the same department since your 1<sup>st</sup> planning application sometime just into the Millenium??
5. Which would obviously also make Null and Void all the previous Objections over this same time frame, by multiple objectors, of varying age groups including older ones like many of our present group who are now either approaching or in pensionable age, where some of us have been objecting over the last two decades.
6. Where even more so, again if this is a relevant point??

All of the objectors, past and present are obviously all Council Taxpayers, who because we choose to live in Lochwinnoch, we pay our Council tax to Renfrewshire Council as the Local Authority.

So, with all due respect, as you now live in Glasgow, thereby paying your Council Tax to the Glasgow authority, even more so why should the Renfrewshire Review Panel find in your favour, nullifying the wishes of all of these taxpayers, past and present over 20+ years.

This last inquiry might seem a very cheeky, very impertinent question, where we are most definitely not trying to place undue pressure on the Review Panel, where we expect their decisions will be fully impartial, but also meanwhile very fair in their judgement.

So all these questions are **directed solely** at the applicants, where we are interested to hear what their responses are in relation to all of the above questions, again in addition to any other questions we have asked the applicants throughout this paper, including the last one regarding council taxes.

Moving on from these possible mooted points, we would also like to ask further questions concerning this Review / Appeal.

Considering the level of objections from the community over many years, including the present one, and the fact that the Tree Condition Survey Report is now out-of-date, albeit by only 6 months from May this year;

Under the Review procedure part of the appeal, the LRB have accepted your suggestions that you as the applicants feel "is most appropriate for the handling of your Review".

So why have you as the applicants only asked for an Assessment of review documents only, with no further procedure??

Where also, you have made no statement in support of your Review for options 1 or 2, or even asked for a further Site Inspection.

Albeit the last Site Inspection was done only 9 months ago by Mr Weir.

If you as the applicants, feel that you have such a strong case by going to appeal on the Refusal, would a possible combination of procedures, as noted on the Notice of Review document, of Further written submissions, another Site Inspection, and said Assessment of review documents not have been more appropriate to your case for that appeal??

Surely you, as the applicants want to make your case as strong as possible by exploring all possible avenues to further your case, in asking the Review panel to overturn our objections in favour of your appeal??

#### **Or in an alternative scenario;**

As the applicants, you are very aware, that you actually have quite a weak case in only asking for an Assessment of review documents with no further procedure.

Where you may have been, and we emphasis 'may have been', advised by your Consultants that if you wish to go for a Review, this is the best / only option, that this is the minimum threshold for a Review, where the Review panel have no option but to agree to this 'paper' Review at its lowest level under appropriate legislation, to ensure that they, the Council are adhering to that legislation to ensure that you have been fairly treated within the legal guidelines under planning law.

So as we continue to ask, we are curious as to what replies to our queries you may give us on all of the above noted questions, under this section of our papers to your appeal??

Where, as we believe you do have a (fairly / very), weak case for appeal, we will outline in the next section of our Representations / Objections, the importance of the conditions of the trees, as the main grounds of Refusal by the planning department, where as far as we can see as the interested parties / objectors who all live in Lochwinnoch, the ground and surrounding growths, and more so the trees on which the grounds are sited, where there is an 'interdependent relationship' between the two, where the trees are obviously wholly dependent on these grounds, which need to be kept in decent condition for the good maintenance and management of the trees, as the main aspects of this woodland area.

#### **7. Representations / Objections to the Planning Appeal Statement.**

Our representations / objections to the original planning application could be split roughly into 3 areas, i.e.,

1. Circumstances affecting the site itself, including the presence of the trees, wildlife that live on the grounds, birds that use this environment for feeding, nesting, hatching, etc, and various other aspects of a semi-urban woodland site like the one next to Auld Simon.

2. Auld Simon itself, or to give it its original name St John's Kirk, or the Kirk of St John which was dedicated to Saint John, where the name Johnshill comes from, or St Winnock's Church within the



Church of Scotland, dated from 1727-1729, all of which depends on different sites that we at looked at online.

The obvious historical significance of the church as the oldest building in the village.

Where the bell is an original from 1729 and the clock was added in about 1731.

3. How the development of this property could affect the surrounding existing properties, in various ways, of the close-by neighbours.

Where we by now all know, the grounds of Refusal were mainly based on the 1<sup>st</sup> two types of objections, where the trees were all Points 1-5, with Refusal including Auld Simon at Point 4.

So our objections were upheld on Points 1 and 2 as noted above, by the planning department, apart from the 3<sup>rd</sup> category which doesn't seem to have been included in the Refusal.

So the grounds for our original objections and the grounds for the Refusal were both very similar, albeit the Refusal largely quoted points of legislation which we expected it to do, as obviously planning officials are better versed in this type of law making, as opposed to the interested parties / objectors, who are mainly concerned lay-persons who value the 'gardens' for its intrinsic, environmental, and natural values to and for our small community in Lochwinnoch.

Which in the main part, is fine by us as the interested parties / objectors, where a Refusal is a Refusal, on whatever grounds that may be decided on by planning staff??

Where we as the interested parties / objectors obviously hope that these points of the Refusal will also be adequate to maintain this original decision by the planning department, for this present decision in 2023, which also seems similar to all previous Refusals over the long-term objection period.

Where the conditions of the trees are important to all parties concerned in this process, whether from an interested party / objector's, applicant's or officials point of view.

From the Tree Survey Report outlining the most professional opinion on the recent conditions of the site, (May 2022), in contrast to the Appeal Application Supplementary (proposed) Planting Plan, and the detailed Planning Appeal Statement, it is obvious that in these parts of your appeal, you have gone into some detail in support of that appeal.

In direct contrast to the existing state of the of both the ground that is covered in masses of ivy, with that same ivy growing up many of the trees, to at least average head height.

On a personal visit of the site on Wednesday on the 13<sup>th</sup> of December 2023 / the week of 1<sup>st</sup> submissions, I (Eric) walked around the iron fence and take a walk on the grounds, which I did at some risk, where I often found it difficult to keep my footing, due to the undulating ground, which is very uneven across the whole site, which could only be a hinderance for property development, adversely affecting the substantial tree root systems from the various large trees with their foundations underneath these hilly grounds.

I am 5 ft 5-6 inches in height, on tree trunks with ivy, it is well above my head height.

Where quite frankly, in all objective, impartial honesty the plot is in a seriously overgrown condition, which is easily visible even from some distance away, and when driving past the site in the car.

(Eric: Where I chose to take some videos of the site for my own personal reference).

(Note from Eric: For all parties reading this paper, we have chosen not to include these photographs, which were taken my own phone, as we plan to include them in further representations / objections and as part of a much wider photographic portfolio as an ongoing record of the physical conditions that exist at the site.)

Regarding the present conditions on the site, and your plans for the maintenance of the existing trees, as well as new planting on the site, strong contradictions of a paradoxical nature seem to exist on the site.

Where on the one hand, you claim / imply that you will sensitively care for and manage the existing tree outline, presumably pruning back and getting rid of lots of undergrowth, from both across the ground and well up beyond ground level.

Also and obviously to do the same regarding the ivy and other overgrown material up all the trucks of the surviving trees within the boundaries of the plot.

Yet on the other hand, the remaining trees are still all in a seriously overgrown state, where the ivy is still heavily present, even during the winter months where the ivy and undergrowth has reduced, but only because of the colder weather conditions coming up to the winter months within the next 9 days at the Winter Equinox, on the 22<sup>nd</sup> of December for this year.

Where obviously all of this growth that is presently dormant, will return again in the spring and summer months next year and beyond, probably in a worse state that it has been in previous years, as without proper care and management, all this growth is cumulative, especially over long periods of time.

Which is nothing to say of the 4 trees that had to be cut down this last summer due to the fact that they were heavily diseased, again per the Tree Survey Report.

So very frankly, which is it??

Is it care and maintenance of existing woodland, with new growth and planting??

But only if your appeal is successful??

Or

Is it allowing the plot to become more overgrow, requiring more trees to be felled, etc, etc??

If your appeal is refused??

As witnessed by the lack of care for the plot, by yourselves as the Legal Title Owners over the last 20 odd years.

Where in fact, as the facts seem abundantly obvious, the trees have actually been your greatest hinderance to building any kind of property on this plot of woodland over all these years.

We contend as the interested parties / objectors, that in fact your lack of care and maintenance of the site has been a very deliberate part of a very long-term plan to build a house on this site??

By knowing and hoping that with the lack of your care of the site, the trees would eventually through time become diseased, ultimately requiring felling, thereby allowing you to build some kind of property on the site through extra space being created??

Where obviously, if the trees come down through said felling, the greater your chances, as the only applicants over 20 years as the only Legal Title Holders.

Furthermore, as the owners of the plot, no one else in Lochwinnoch is going to do anything about tidying up the site, where that is your prerogative / responsibility and no one else's.

Where all this is witnessed by the fact, that your latest original Planning Application that was submitted in May this year after, and I quote;

"Due to a major change on the site conditions, following previous objections in 2015, we met Planning Officer James Weir on site."

"After his email of 13.03.23, we came to the conclusion that a fresh application with a new approach could be considered favourably."

So for the HCG and the Review Panel, we ask you to note;

The 2 points to note here are;

1. "A major change on the site conditions."
2. "A new approach could be considered favourably."

On Point 1 that yet again we wish to state that these changes had occurred due to lack of care, maintenance, and management of the trees on the site in the long term 20-year period, resulting in Point 2, where "a new approach could be considered favourably."

Where this new approach consists of a smaller property, in the form of a small bungalow type cottage, as opposed to the 2-storey house, with up and down stairs, that the applicants thought would pass due to the similar type of brickwork to Auld Simon.

Which we still find , as oft stated before, highly objectional.

## **8. Our Conclusion of the Planning Appeal Statement.**

As our suppositions to the Planning Appeal Statement are largely contained in the previous section, the conclusions to us seem very obvious.

This situation is a 'Catch 22' situation for both the Applicants and us as the Objectors.

As the applicants have never been able to build on the plot, i.e., 'dead land' as we have previously mentioned, they have never really been interested in caring for the site as it should be and could be cared for.

Even more so now in the present as they presently now live up in Glasgow, with it obviously being further to travel to, as opposed to walking up the street from their previous home in the village.

They have only ever been interested in the site if / when they could build a property on it, contradicting and overturning the wishes of a long history of objectors within Lochwinnoch, where if they had tried approaching some of the neighbours in the local vicinity of 2 Johnshill, they might have met with slightly more success.

Which having spoken to most of the neighbours in the surrounding area, some of whom are elderly long-term residents, we very firmly believe would not have made the slightest bit of difference.

As far as we are aware this never actually previously happened, again as some of the residents in this area have lived in their homes since before the Johnstons put in their 1<sup>st</sup> Planning Application in the early Millenium.

Where we wish to make it absolutely clear, we do not wish to slander Mr and Mrs Johnston, but we no longer wish to see the plot left in its present state of extremely untidy, disrepair, when we feel very strongly that it could be put to much better use.

As the local community we have never been able to maintain the site either, which on reflection could be described as short sighted on our part, but again in a contradictory manner, it has been suggested that some locals did try to briefly maintain the site, but ironically enough, it has been suggested that the applicants also objected to this work being carried out by concerned local residents, who were upset and concerned about the state of the site a number of years ago.

So to the Million Dollar Question??

To try and resolve the Catch 22 Situation that both the applicants and we as the community of Lochwinnoch find ourselves in??

## **9. Our Own Proposals for the Site at 2 Johnshill, East End, Lochwinnoch.**

So to move on to further our own proposals for 'Our Gardens'.

As an Elder and Worship leader in the Church of Scotland, I Praise and Thank the Good Lord that the staff and elected officials of Renfrewshire Council have seen fit to reject the applicants' proposals for the site over a long period of time, thereby leaving the possibilities of our community being able to develop the plot in a careful, considerate, sensitive manner that is in keeping with Renfrewshire Council's Environmental and Sustainable programmes.

In a manner that is similar to the proposals / ideas for the Lochwinnoch Community Development Trust, (LCDT), site at Lochhead Gardens, which we as a group of volunteers / amateur gardeners would bring "S's and Auld Simon's Garden's" to a state of a beautiful, blossoming Woodland Garden. Where, especially with the guidance of S, who loves the ground, in case the LRB Review Panel need reminding of this point??

Where if possible we would also approach Renfrewshire Council to ask about a Community Asset Transfer, (CAT) as we may have mentioned in other previous parts of our Representations, again in a similar manner to the way the LCDT have sought one for Lochhead Gardens.

**NB:** Where we as the interested parties / objectors have privately discussed this idea of a CAT, I (Eric) casually and briefly spoke to one of the local Councillors for the first time ever on this issue, on the afternoon of Wednesday 13<sup>th</sup> of December 2023 regarding this idea, who certainly didn't poo-poo me on it, and who seemed to consider it a reasonable option, for a site of council owned land that has lain unused for a long time, similar to the Lochhead Gardens site.

As a group of concerned locals or 'redevelopment interested parties', if we were able to get a CAT from RC for this part of the woodland area, it would obviously and dramatically increase the size of the area for said redevelopment as the woodland garden.

Where we would even consider making enquiries about the plot of land across from the application site, the lane known as 'Skipper's Path' going down to Gates Road, at the left side of Skipper's Path, where the lane as a Public Right of Way that runs from East End to Gates Road.



This area of land has, like other plots of land in this area of the Lochwinnoch has remained unused for many years in a very overgrown state of ground growth, shrubbery, and trees, which is also very unsightly to the local residents.

Like the application site, it could also be described as 'dead land'.

The 'Skipper's Path Site' is enclosed on 4 sides, with no legal vehicular access, where a number of developers have looked at it over a long number of years, and discounted it for any kind of property development, due to the lack of this access.

Any of this, in part or whole, RC owned land or Skipper's Path would obviously dramatically increase the area of the 'Woodland Gardens', which would considerably widen the scope of activities that we would be able to undertake within this woodland space.

Where if we were given a CAT, we would seek the opinions of the owners of the garages on the council owned land, even if they are mainly run down.

Where furthermore, these proposals seems to fit in with Scottish Government, (SG) Legislation of June 2018, with the;

'Community right to buy abandoned, neglected or detrimental land, (ANDL).

Where we would explore the possibilities of these proposals and form the necessary and relevant community bodies to allow these proposals to come to fruition.

If all these ideas came together, to bring all this land / these plots into community ownership this would be a huge undertaking for us as a community.

Where, very, very importantly the present application site, whilst not physically so, would be a very central and strategic part of these proposals to completely regenerate this whole area of the East End part of the village of Lochwinnoch.

Where absolutely, none, none of this area could ever be considered or given up for any kind of property development.

Where we would expect to have, if necessary, full Title Deeds drawn up, or some kind of Statement of Intent, where one of the preconditions to that title / Intent would be the express statement that all of this extended site would remain as 'green land' in perpetuity, for the permanent benefits, for both the present and future residents of Lochwinnoch.

Where we would take into full consideration on our part, as we are asking the LRB to do regarding this continued Refusal of this appeal, the thoughts and opinions of the surrounding neighbours and residents of the village, if necessary, e.g., by having public meetings to highlight our proposals.

As Papers of Further Objections and Representations to the LRB Review Panel were submitted last night by email to Mr. Robert Devine as a Senior Official of RC, it is only this morning since these submissions last night that we have thought about these ideas after very brief but very hurried discussions on this, where we very importantly feel are central to our Further Representations and Further Objections to the LRB Panel Review at the end of next month.

So in spite of / whilst these ideas / proposals have not formed a central plank of our original papers, within Mr Devine's email stating that any more Further Representations / Objections should be submitted to the Head of Corporate Governance before 3.55pm tomorrow Friday 15<sup>th</sup> of December 2023 as the deadline for paper submissions, we now ask the HCG, the LRB, and the Review Panel of

Elected Officials, or Elected Councillors to take note of these proposals before and during the LRB hearing on the 30<sup>th</sup> of January next year.

By giving our proposals their full consideration in relation to both the application site, and the wider considerations / implications that the Status Quo remains intact, where the decision of the Planning Department from the 8<sup>th</sup> of September 2023 be upheld by the LRB Review Panel, to allow us as the interested parties and objectors to explore the future of our wide range of ideas to allow natural development of this area of the East End of Lochwinnoch.

Without the detrimental effects of a new property, as proposed by the applicants sitting within our own enlarged proposed woodland development site, where as we have stated on numerous occasions now during the length of these Papers, to once again 'strike down' the proposals by the applicants, which are completely at odds with our own natural development of the area, to the benefits of the complete and whole population of Lochwinnoch and beyond into the wider community in Greater Glasgow, Renfrewshire and North Ayrshire, within Muirshiel Regional Park where this natural 'woodland area' or S's & Auld Simon's Woodland Garden would be completely open to all sections of all communities, thereby hopefully increasing visitor numbers to Lochwinnoch, and Renfrewshire in general.

Whereas we are sure, as the Staff / Elected Officials of RC all know, we get large numbers of visitors from across the, e.g., Greater Glasgow area, and from Kilmarnock in East Ayrshire, with School parties on Castle Semple Loch, Less-Able-Bodied Children in wheelchairs, or more mobile Children / Teenagers with 'Special Needs', coming to Muirshiel Regional Park.

(Excuse me / Eric as one of the authors and writers of this paper getting a bit caught up in all these proposals / ideas.)

**In the meantime, to return to the present issue;**

As I / Eric and My Wife hope / plan to live close by in the years to come, with my In-Laws presently reside in the vicinity and many of the objectors also living close to the site, it would be wonderful to be living nearby to these 'gardens', knowing that we had managed to save them from any form of development, and that hopefully, for many generations to come, all sorts of people would get lots of pleasure and educational benefits from having the 'gardens' in this part of Lochwinnoch, similar but different to Lochhead Gardens at the other end of the village.

Where, it seems blindingly obvious to us as the interested parties, some of the most important of these groups would be the local schoolchildren, mainly from Lochwinnoch Primary School, but also from other Primary and Secondary Schools in the area if they wished to come visit (either) site at Lochhead or S's & Auld Simon's Gardens'??

Where we personally envisage that our project may have somewhat wilder aspects to it's development, to differentiate it from Lochhead Gardens to teach, especially the children, different aspects of flora and fauna, teaching them about the trees, and hopefully / possibly small wild animals who take up residence in a slightly wilder garden site.

Where the ideas and possibilities seem endless, in this bigger 'garden' site if we able to get a CAT from RC, where to re-assure council officials and staff, we would wish to naturally develop that piece of land in a similar manner to the site at 2 Johnshill, where we would welcome site visitations from council staff to appraise them of our progress on the CAT site, and the whole site generally.

## **10. Final Conclusion to this Paper for the LRB and the HCG, of Further Objections and Representations in relation to this Planning Appeal by the Applicant, Mr David Johnston.**

In asking for this Notice of Review with the LRB, thereby highlighting the conditions that presently exist on the planning / application site, many of our group felt that Mr And Mrs Johnston have actually done us, our group / our village / our community in Lochwinnoch an unforeseen, unintended, backhanded favour.

By bringing to our attention, in the “full glaring light of day” to the conditions that presently exist on the site of S’s beloved ‘Woodland Garden’.

If anyone on the Review Panel doubts what we are saying, then we would like to invite you down to Lochwinnoch for an anonymous visit to examine for yourself the conditions on this plot, one of the last plots of woodland in a fairly built-up area, within a rural village.

Where it also seems that the site across from the oldest building in Lochwinnoch, and a Holy Place of Worship as the remains of an ancient church, is only / has only ever been any good to the applicants if they were going to be able to build a property on it.

At this point in this Paper of Representations / Objections, we as the ‘interested parties’ wish all other parties to note that, in case it is in any doubt, that once again we object to any development on this site in the strongest possible terms.

With no caveats or compromises on our part re any form of house building or development of any kind, however small or aesthetic this may be.

The site has been a natural woodland for nearly 170 years, can we just leave it that way Please, for the benefits of this community.

In spite of the conditions that the applicants have left the plot in, over many years, we also feel compassion for them, where we fully acknowledge, realise and understand that Mr and Mrs Johnston have also held this dream close to their hearts for many years.

However, that does not compromise our intentions to bring this plot back into community ownership, where this seems to be a very black and white scenario, with very little grey area in-between their proposals and ours.

Where we feel that after 20 plus years of sustained upheld objections, within the last 170 years, that the site / plot / gardens themselves have waited long enough for someone to take decent care of them, in a manner appropriate to the surrounding, natural, God / Holy-Spirit Protected Area, where “Thy Will Be Done”, Not my will, But Thy Will, as The Will of God that seems to have keeping them waiting for someone to look after them.

With as we have now stated on numerous occasions, the obvious enduring support of Renfrewshire Council Local Authority.

When the LRB Review Panel make a ruling on this Appeal at the end of next month, if the LRB upholds the decision of their Planning Department, we will obviously be very, very grateful.

We do not wish to consider the other possibility at this point in time.

If the Appeal is again Refused like previous long-term decisions, Mr and Mrs Johnston obviously have a choice to make, both individually and together??

If they choose to accept the decision of the Review Panel, then we will enter into negotiations with them as soon as they are ready, to bring the Title Deeds back into Community Ownership.

Where we would compromise as much as possible with them through appointed lawyers, short of any future development on the site.

Even to the point of entering into financial talks with them regarding the site??

Where we would be prepared to wait an appropriate and discrete length of time to let them catch their breath, so to speak.

However should the applicants refuse to accept the ruling of the Appeal Body, we want them to understand, in no uncertain terms, that we will fight them absolutely every step of the way should they decide to appeal to any higher authority than the one they have already just had a ruling from.

Where we in no way wish to look as if we are blackmailing the applicants into withdrawing their case, but we wish them to clearly understand what our intentions are for the future??

Where we very, very firmly believe even now, **that whilst we are being very, very cautious and very, careful**, we also believe that we have an excellent chance of winning our case with the Review Panel.

Where we also believe, should it be necessary, that we can also win any future case to any higher authority if you should decide to go there??

But we'll leave this decision up to you, obviously depending on the decision of the Review Panel.

In the final part of this text we sincerely hope that we have presented a very strong case to the Review Panel to, once again reject and Refuse the Development Appeal by the applicants, in line with the decision by your associated Planning Department decision in September this year, and the Review Panel's decision at the end of January 2024.

We acknowledge that the applicants will respond to these Further Objections and Representations, and we await their responses to these Representations.

Where we will, once again, respond in a similar manner to the Applicants' own Representations.

Considering how very long this Representations Paper is, we wish to thank all everyone who has to read through this document.

We as the Interested Parties / Objectors do realise that this paper is a very, very long read in representing our case, and in some parts the reader may find it a bit boring or losing the thread of our arguments.

Or for where the paper, throughout its length is also very repetitive.

If this is the case for anyone, we would like to sincerely apologise.

However we have tried to make our case as strong as we can possibly make it, hence the length of it, by going through all of documents provided by both the applicants and Renfrewshire Council and trying to address each of the sections of these documents in very fine detail.

Hoping that You all have a Lovely Christmas

Regards and Best Wishes

From (Eric the Auld Gasbag) and The Team for S's & Auld Simon's 'Garden's'



## References

Other than three brief online references regarding Auld Simon and Scottish Government Legislation, nothing other than the paperwork / documents provided by the Planning Department, no other documents were used to reference any part of this Paper of Representations.

Therefore no Reference List is required in any form of an academic manner.

## Final Personal Notes:

Should anyone wish to contact me for any reason, regarding any of the contents within this Paper of Objections and Representations??

My contact details are below, at the end of this paragraph.

I also publicly wish to thank everyone who contributed towards this Paper of Further Objections and Representations, especially S for all the back and forward text messages, and M, for the ideas you gave me / us, and provided a bit of leadership, especially during our meetings, but also generally.

We were "lucky" that the right people appeared at the right time.

Where I just happened to be the one who had the time to word process this very lengthy document, my apologies to everyone reading all this as it is rather repetitive in some areas. It was a bit difficult at times to keep track of what I /we were trying to get down on paper from our discussions and texts, etc.

I shall thank you all privately for your input, but for reasons of confidentiality I don't want to name any of you publicly.

As you will all read this paper I am really pleased that we managed to get together so quickly to form this small group, where hopefully we will be able to enlarge the group further and gain more input from other people.

Some of the brainstorming sessions were really good fun and a good laugh, that was the part that I personally enjoyed the most by meeting other people that I had never met before, especially with a common purpose in mind regarding this Review / Appeal Notice.

Auld windbag that I am, away I all hear you laughing, you're not a windbag Eric, Ha! Ha! Ha!

I could say more of course, but I'll leave it there, as I really think I've said enough.

So I hope you all have a lovely Christmas.

Relax and enjoy yourselves after all this marathon 2 weeks.

My contact details are;

M: [REDACTED]

Email:

[REDACTED]

For the Attn of;

Mr Robert Devine

Renfrewshire Council

Renfrewshire House

1 Cotton Street

Paisley.

PA1 1WB.

Friday 15<sup>th</sup> of December 2023.

Planning Application: 23/0179/PP. By Mr David Johnston.

For the Site of 2 Johnshill, East End, Lochwinnoch.

Appeal / Review of this Planning Application by the Local Review Board, (LRB).

To be heard by the LRB on the 30<sup>th</sup> of January 2024

FN: MRS J Kinning  
A1: 16 St winnoc Rd  
A: Lochwinnoch  
PC:

Dear Mr Devine,

I am aware that the Renfrewshire Council Planning Department **REFUSED** this Planning Application, as noted above, on the 8<sup>th</sup> of September 2023.

I am also aware that the applicant, Mr Johnstone appealed this decision for a Notice of Review, which Mr Devine notified Objectors to, on the 1<sup>st</sup> of December 2023, which included Mr Beattie.

Since the 1<sup>st</sup> of December I am aware that Mr Eric C. Beattie of 34 High St Lochwinnoch PA12 4AA has regularly been in touch with you by email regarding Further Objections and Representations to this Review / Appeal.

Where he has, for himself and others, as both objectors and Interested Parties, made out the main papers of these Objections / Representations.

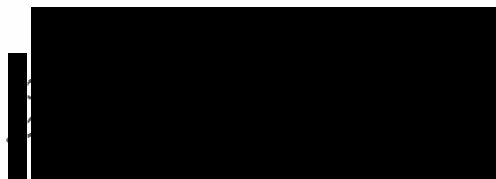
I now ask you to note that I have freely and willingly asked Eric to submit these Representations / Objections to Renfrewshire Council, as either an Original Objector or an Interested Party.

Where I wish the Local Review Body, (LRB) to take note of these Further Objections and Representations into their consideration on the 30<sup>th</sup> of January 2024, when the LRB Review Panel will consider the appeal by the Applicant, Mr Johnston.

Regards



Signature of Objector / Interested Party.



Witnessed by. (If a Witness is available.)

HEAD OF CORPORATE GOVERNANCE  
RENFREWSHIRE COUNCIL  
FINANCE AND RESOURCES  
RENFREWSHIRE HOUSE  
PAISLEY  
PA1 1TR.  
REGARDING  
PLANNING APPLICATION 23/0179/PP  
BY MR DAVID JOHNSTONE.  
LOCAL REVIEW BOARD  
NOTICE OF REVIEW  
30<sup>TH</sup> OF JANUARY 2024.  
PAPERS OF FURTHER REPRESENTATIONS AND  
OBJECTIONS IN RELATION TO THIS REVIEW.  
FROM THE (CONCERNED) RESIDENTS OF  
LOCHWINNOCH.

Head of Corporate Governance,  
Renfrewshire Council,  
Finance and Resources,  
Renfrewshire House,  
Paisley,  
PA1 1TR.

N MRS SKINNING  
A  
A 16 ST WINNOCH RD  
P LOCHWINNOCH, PA12 4ET  
Thursday 14<sup>th</sup> of December 2023.

(Will all Individuals please note that the Head of Corporate Governance will ignore your representations/objections if you have not filled in your personal details with your Name and Address, etc, as above).

Planning Application: 23 /0179/PP.

Erection of single storey dwellinghouses and associated works,

On the Eastern Boundary Of No. 2 Johnshill, East End, Lochwinnoch,

By Mr. David Johnston.

For the Head of Corporate Governance in relation to Notice of Review to this Planning Application.

Relating to the meeting of the Local Review Body, (LRB) for this Notice of Review to be held at 2pm on the 30<sup>th</sup> of January 2024, in Renfrewshire House, Cotton Street, Paisley.

On the grounds of the Letters of Representations – Council Decision, as noted in the letters posted out to individuals, dated 8<sup>th</sup> September 2023, who objected to this Planning Application, where; ‘the application together with your representations was considered by the Council on the 8<sup>th</sup> of September’.

Where the decision of the council was;

REFUSE Consent subject to the reasons.

As noted in the accompanying letter,

Ref. 23/0179/PP.

CONDITIONS AND/OR REASONS ATTACHED TO THIS DECISION.



**For the Attention of The Head of Corporate Governance.**

**Dear Sir / Madam,**

**List of Contents for this Paper of Representations/Objections**

- 1. The Interested Parties Initial statement to the Planning Review Panel.**
- 2. Statements, Questions and Representations from the Objectors to the Johnstons regarding this Planning Review / Appeal??**
- 3. A Recent History of the Site: How we got to where we are, from 1991 to 2023.**
- 4. Objections and Further Representations to the Original Planning Application.**
- 5. Representations on the Tree Report.**
- 6. Notice of Review Document.**
- 7. Representations to the Planning Appeal Statement.**
- 8. Our Conclusion to the Planning Appeal Statement**
- 9. Our Own Proposals for the Site at 2 Johnshill, East End, Lochwinnoch.**
- 10. Final Conclusion to this Paper of Further Objections and Representations in relation to this Planning Appeal by the Applicant, Mr David Johnston.**

**1. The Interested parties Initial statement to the Planning Review Panel.**

Will the Head of Corporate Governance, hereby abbreviated to HCG, please note that we wish to make Representations/Objections in relation to the above Planning Review Appeal by the LRB, as an 'Interested Party'.

Where we hope that the HCG will note these reservations in relation to the Review Panel meeting on the noted date will also take these Representations into their considerations and deliberations when making a judgement on this Notice of Review / Appeal by the Applicants, to the LRB.

Where we wish the HCG to note that we do so in the strongest possible terms regarding this Review, not just on the grounds on which the appeal has been based, but across all possible areas of both the original planning application and the associated review.

In previous applications by Mr and Mrs Johnston, we, as interested parties have asked for all previous objections and representations to be taken into consideration regarding any present application, where historically, as far as we are aware, the Johnstons, have been the only applicants to ever apply for planning permissions for this particular site??

Where very importantly, to support our case as the interested parties, various individuals and groups in Lochwinnoch have shown a consistent pattern of objections to the planning applications by this couple over the last 20+ years.

Where, very obviously we wish the 'Woodland Garden' / Area of Woods at 2 Johnshill, East End, Lochwinnoch, across from / in very close proximity to Auld Simon, as the oldest building in Lochwinnoch, for the woodland to remain in its present state, without any property development by these applicants.

***Furthermore, after 20+ years of applications by the Johnstons, we strongly and firmly believe that we have reached an impasse in relation to this situation??***

Approximately every several years just over the last 2 decades, the Johnstons have put in an application for planning permission, and we, the objectors and interested parties have responded and objected to these applications for development on this site.

Where Renfrewshire Council staff and elected officials have consistently supported us in our objections to these applications, by also consistently refusing planning permission for this valued and treasured site within our village, where we wish to record our gratitude for these efforts, where we are very grateful to these individuals over the last 20+ years in their continued support.

For if it was not for this continuous support, we would not be here today, where once again we find ourselves having to object and make representations to this Review / Appeal by Mr and Mrs Johnston.

In spite of our opposition to these continuous Planning Applications we therefore acknowledge that this has cost the Johnstons a lot of money, time and effort in pursuing their case, as well as a lot of corresponding time and effort on our part as the objectors.

To say nothing of the time that the planning department and to a lesser extent the time and deliberations that Councillors on the review panel spend on this issue.

***So in an effort to resolve this situation to the benefit of all parties concerned, i.e., applicants, objectors, Renfrewshire Council Planning Department, Councillors on the review panel, as well as the HCG, in his considerations on this issue, we would like to set out alternative proposals for the site, which can already probably be guessed at by all concerned??***

We will briefly outline these alternative proposals as noted immediately below and elaborate further throughout this Paper of Further Objections and Representations, and towards the end of this paper in our Conclusion.

We acknowledge that this scenario may not be acceptable to Mr and Mrs Johnston in the first instance, as they have held this dream for many years, but as they lived amongst us for many years in our very beautiful village of Lochwinnoch, where they were friendly and friends with, and well known to many of us, where I personally, (Eric) had mutual friends with them.

Where we as the objectors would seriously like to ask them to consider what we propose at some length, as opposed to dismissing our ideas in a knee-jerk type of reaction??

We also recognise that, as stated earlier, that this couple have put a lot of time, effort and expense into their planning applications, but after 20+ years of objections, we would ask them to finally recognise that as a community / the village / Lochwinnoch does not and will not / never accept their proposals for this site.

Whilst some individuals in the village may accept their proposals with their present plans for a property that is visually and aesthetically pleasing in relation to, and the closeness of Auld Simon,

many more people will not, especially neighbours in the surrounding vicinity of the plot, i.e., in Johnshill, East End, St Winnoc Road, Gates Road, and various parts of High Street.

## ***2. Statements, Questions and Representations from the Objectors to the Johnstons regarding this Planning Review / Appeal??***

All of the above then leads us to ask the following questions of Mr and Mrs Johnston??

When are you finally going to accept that your planning applications for this site are absolutely not acceptable to many of residents in Lochwinnoch??

Otherwise, why has there been 20 odd years of objections to your proposals, every time you apply??

No matter how nice or pleasing to the human eye your proposed property may look on this occasion, especially in relation to Auld Simon, like previous plans, it is still not in any way acceptable to the majority of our community in Lochwinnoch.

Where this small woodland area, that has been a precious woodland just off the centre of Lochwinnoch, for approximately for the last 165-170 years, should / could / must remain a 'Woodland Garden', enhancing the local environment / surrounding area, to the benefits of the trees, local flora and fauna, wildlife, roosting birds of all kinds and especially rooks.

Without absolutely any property being built upon it.

Where ultimately all of the above, intangibly enhances and enriches the lives of the human beings who live close by this plot, and any other green spaces, both within Lochwinnoch and outside it.

As a rural village in South Renfrewshire, which we feel is the last real village that is separate from other communities, which is not a suburb of Johnstone or Paisley, as the build-up area has extended ever outwards over the years.

Which is very much obviously why Renfrewshire Council has dependably supported our objections over the last 2 decades, as the benefits of green spaces and closeness to nature are very well, and scientifically recognised, in regard to both physical and especially, mental health.

**So really, in this part of our Representations, in our own way we are also lodging an appeal, as we are appealing to your better natures, Mr And Mrs Johnston??**

**To let all this go, for your own benefit and peace of mind, as well as ours as a group of objectors.**

And ultimately, for the benefit of Lochwinnoch as a community, which you obviously love, and loved, as you lived here for many years.

Where for you to try and accept that there will always be a group of interested parties / objectors in Lochwinnoch, with hopefully, as noted above, the continuing, ongoing support of Renfrewshire Council, where some concerned individuals, as individuals or in groups will always object to your plans for this site.

Where today it is our group who are objecting / making representations, tomorrow it will be someone else, and another group.

(Personal note from Eric)

(Please do not misunderstand me, as there is absolutely nothing personal in all this, along with many others we just completely disagree with your proposals for the 'Woodland Garden' and have done so for many years).

(Where my / our personal reasons for our representations / objections are completely altruistic, to the benefits of my / our community, where we represent the wishes our community, in my (Eric's) personal case my elderly relatives live in close proximity to Auld Simon / Johnshill / East End, where I have been asked to deal with this on behalf of all my family, as well as my own very strong beliefs in what we are doing).

Ultimately this situation reminds us of the Burnfield Road / Playing field site, with planning applications by Stuart Milne Developers, at the end of Newton of Barr, Lochwinnoch.

Where in this case, the Community Council have mounted a very focused, consistent campaign by this developer, sustained over a number of years, where ironically, this is a shorter time span than the one we have mounted against your own proposals.

Where both developers, regardless of size, both own the prospective sites, but cannot do anything with them, due to the number of representations / objections Renfrewshire Council (RC) have received over the years, from Lochwinnoch residents.

Where the term 'Dead Land' could be used to describe both sites.

Where it seems you are stuck with a possible development site that you can't do anything with??

Hence the nickname of 'dead land'.

To continue with these objections and representations, as noted above, we will further outline our proposals for the site towards the end of this paper.

### **3. A Recent History of the Site: How we got to where we are, from 1991 to 2023.**

In the early 1990's S, who has lived in Lochwinnoch for at least 30+ years wanted to further develop the application site into a 'Woodland Garden', where the site had and still has to the present day has become naturally overgrown, per the applicants' paperwork showing the Ordnance Survey Map of 1856, so over approximately the last 135-140 years in 1990-93, plus another 30 years to the present.

So in total the site has therefore been undisturbed for approximately the last 165-170 years.

The following pages are copied from messages between Ms S and me to show the review panel the 'more recent' history of what has happened over the last 30 odd years regarding this plot of woodland at 2 Johnshill / East End.

I have only altered the text to tidy it up, and have been very careful to preserve the anonymity of Ms S, even although I'm sure the Johnstons know who / remember who this lady is??

**Eric**

Thanks for getting back to me S.

I'm really just looking for the process that was involved, that you went through, and the time frame /



dates involved.

I didn't realise the lawyers were involved though, I've never really understood why the Johnstons keep on applying to build on the site, but by the sound of it they have legal rights / title to it?? Which explains why they have kept on applying to build on it over the last 20 odd years x 3-4 times. The situation reminds me of Burnfoot Rd then, they own it, but can't use it as locals keep on objecting to their planning applications??

As I recall they supposedly fenced it off, supposedly maintained it for a number of years, and then claimed legal rights to it??

If you fill in some gaps for me re how long ago you were at the lawyers, that would help.

## S 1

I laid claim to the land around 1991/92.

My then lawyer did a land search and found no record of ownership, he told me to occupy the land and look after it for 10 years and if it was uncontested, it would be mine. I did this at considerable expense, fencing it off, having dead trees felled etc, but only after I got council approval.

During the 10 years, Louise Johnson started her own claim, but I was told by my lawyer I had prior claim so not to worry. When my 10 years were up, I contacted my then lawyer, I'd changed to a different firm by then to ask how to conclude the claim -she said I didn't have to do anything as it was now mine.

However it appears that wasn't the case and Mrs Johnson saw her chance and pursued her claim. By this time I'd built a shed on the plot and was making it into a woodland garden but basically I had to get off the land, remove the shed and that was it. It was heartbreaking at the time, but there didn't appear to be anything else I could do.

Unfortunately I left it too long to complain to the Law Society, so I just had to let it go.

## Eric

A quick couple of questions that I mentioned yesterday??

Do you remember more accurately when Louise Johnson put her original claim in during the 10-year period??

Any idea when she further pursued her own claim??

I'm presuming that this was after about 2001-2003??

## S 2

I've found the "Woods File".

I first enquired about the plot in Feb 1993, and it looks like my claim dates from March 1993.

I then set to work having it fenced off by Alter Landscapes, employing a Tree Surgeon to assess the plot then paying him to make the plot safe, which included having some dead elm trees felled because they were dangerous. I had to apply for permission from Renfrewshire Council for that work to be done, even providing photographic evidence that one tree had actually fallen in high winds. This cost me a lot of money.

I was then worried about the spikes on the original iron fence at the front and my lawyer advised me to remove them to avoid public injury, this I did, all 239 with a hacksaw as I recall as I didn't own a Stihl Saw.

I also took out public liability insurance. Ironically, the Council refused permission to have the canopy overhanging the pavement to be cut back even though it forced pedestrians to walk on the road in summer, which worried me.

When the owner of one of the neighbouring garages expressed concern about overhanging branches I had them professionally removed.

I loved the ground, worked on it and my children and dogs shared it with me where I had all sorts of dream for the plot.

Anyway Louise Johnston applied for planning permission 2002 and was refused then, they had laid claim to the land. I was advised that I had prior claim so not to worry, the rest is within what I've already sent you.

Like I said, I thought all was well till Louise approached me when I was gardening at the plot Spring 2009 and told me I had to leave as the ground was theirs and they were "going to build a house ". I've never fully understood what happened, but it appears they did nothing illegal, saw their chance and followed it through.

To summarize, their first attempt at receiving planning permission appears to have been made in early 2002 , which I suppose is the main point. I think at least more than one has been made since then.

### S 3

Ps- I heard Louise had told a friend they'd sold their house in Lade Court and were renting till they built their house up at the woods, so she seemed to be confident that it would go ahead.

Eric

Morning S,

No I fully realise that you have not accused them of any illegal practices.

Where nothing illegal has been done anyway, as they have included a copy of the land certificate showing ownership.

As I've said previously, I've never understood why they kept on applying for planning permission for the site, but this is now obvious as they own it.

Where this can be very expensive, as they have now applied for planning permission 3-4 times over said 20+ years.

Considering that the villagers have consistently objected to their proposals over this period, and the council planning department have also consistently upheld the objections by their refusals, I personally think the Johnsons have been, and are being very naive.

Again it's similar to Burnfield Rd, they might own the land but can't get permission to build on it, it's "dead land" so to speak.

I'm not sure if you realise but all the previous objections are very important, where we as the objectors can ask that all of this historical information be taken into consideration for this present application and appeal, it obviously shows a consistent pattern of objections over a long period of time.

I hope some of this reassures you about what happens next, but my apologies if it also brings up painful memories for you, as you very obviously loved this area of woodland years ago, and still do in the present.

Personally the Johnsons have actually done me / us a back handed favour, by giving me a wake-up call re all this, & motivating me to do something about it, to protect this historical, natural site for Lochwinnoch and the villagers.

Where if the Review panel are consistent with previous decisions??, I would personally hope to bring this plot back into public ownership by whatever means we can get it back, where we can manage this plot and keep it in the natural state that it has been in for the last 160+ years, for the benefit of everyone in Lochwinnoch, as a beautiful, natural Woodland Garden.

Where hopefully the Johnstons have done us all a big favour by appealing this council decision by settling these issues to the benefit of all parties, the community in Lochwinnoch, the Johnstons, and Renfrewshire Council ??

#### S 4

That's reminded of what happened legally, as I understand it my name was entered on the old Land Register, it should also have been put on the new one, that's how I lost the ground because my lawyer didn't do that.

Eric

All of this hassle over all these years because of one simple legal mistake.

Which would probably have taken an hour or two of work to do.

The lawyer was lucky that you didn't make a complaint to the Law Society, as you certainly had grounds to do so.

When I think about it, I was forgetting my manners.

To ask you for permission to put your story in my own paperwork???

I would be careful to maintain confidentiality, & reword your text if necessary, & use only letters like WG for Woodland Garden so that you could not be identified in any way.

The councillors wouldn't be interested anyway, although the Johnstons will likely remember??

Your story is the basis of all of this & I feel very important to our own appeal, which I / we will use to highlight why the site must be left in its present state, so that we as a community in Lochwinnoch can maintain and manage it, and really improve upon it, in a similar manner to what the LCDT are doing with Lochhead Gardens.

Even to the point of involving the LCDT for help re various aspects of these ideas & asking RC for a Community Asset Transfer, (CAT), to extend the plot with the council owned land to the rear of the garden in a similar way to the application the LCDT have done for Lochhead Gardens.

Furthermore it fundamentally shows how right from the time that even before the Johnsons made a claim to this plot, that your plans for it were the foundations of all the objections that have followed over the last 30+ years, to the present.

And into the future, if / when, as I've said above where we hopefully bring the plot back into common law, common sense, community ownership.

Which if you are still interested in, I personally hope that you would still like to be involved in?? This was your dream 30+++ years ago, after all.

So I am really hoping that you are okay with me using your story.

To be honest, personally , I like the sound of S's Garden, L Gardens, or Auld Simon's Garden???

## S 5

Well at the time I was in the process of leaving J, plus a solicitor acquaintance of mine told me she didn't think I had " what it would take", financially or otherwise to fight it, nor was there any point in complaining so I let it go. I'd have loved to have built a tiny wee L- shaped hoose there and see out my days but I always knew that would never be possible without felling healthy trees.

(NB from Eric: The fact that S had thought of building a small house on the plot in no way justifies the planning applications that the Johnstons have submitted over the years. Note the fact that S also acknowledges that healthy trees would have to be felled / sacrificed to build any property).

(Where I chose to leave this text in this part of our objections to highlight the fact that S had realised that building a property on the site was not possible).

Imagine the joy I felt when I had my wee shed built!

Anyway, back to present times and I must admit you've now got me interested in the idea of a Community Garden. I also always knew the plot was too big for me to look after it properly. There were actually some people who referred to it as S's Woods!!

God moves in mysterious ways I have found and if what I want is right, it tends to happen eventually. I would like to be involved in what goes on in the future. By the way , I'm happy to be named personally in the proceedings as I'm confident I haven't falsely accused anyone of anything, my only worry would be lawyer although I haven't named them in any of my communications with you.

There is still a chance that I've misunderstood events! Meanwhile I'll just allow myself to dream of the woodland garden. Oh, btw, there are remains of what appears to be a stone wall / foundations within the ground- I used to sit on them while I had my tea break- I'm sure you've examined the history of the area. x

## S6

Already thinking of projects to open people's eyes to what can be achieved plant wise, there's a lovely " feel" up there. I don't think Mrs Johnston would know what I mean, don't think she would understand my love for the place, but maybe I'm wrong.

Just another piece of info which might explain a lot.



I had the ground professionally valued sometime during the 2000's, as I have the papers somewhere I think. If I remember correctly, it was valued at £65k if outline planning permission was obtained, which of course would involve removal of trees. I did that out of curiosity as I always knew trees would have to go and I wasn't prepared to do that, so it was a dead end.

(2<sup>nd</sup> Note from Eric: As we would obviously not be seeking to build or develop the gardens in this way, on a 'dead plot of land', by asking for planning permission, which negates our complete and whole ambitions for the site, we would want to have the plot evaluated and priced as a garden plot).

Come to think of it, that would be a driving force for other people??

I'll shut up now- things keep coming back to me. Now that I understand your motivations , I'd be happy to meet with you in the New Year and show you the " S's Woods " files ! Till then ...

S7

Ps: I didn't do it before because I thought it would just look like sour grapes, and of course there is a small element of that, that has gone with the passage of time now that I am older and hopefully a bit wiser, but I can now see better reasons for objecting to their plans.

All of this text is rather long winded, but we have chosen to include it to emphasis the recent history of the site and the love and affection which many people in Lochwinnoch feel for the 'Woodland Garden', especially S, who still dreams of what is possible for 'her gardens' 30+ years later.

Where paradoxically to S's, and numerous other villagers' wishes for the 'gardens', like the Johnstons, (where again, within this extremely long paper, again at the risk of repeating oneself, we fully acknowledge their wishes to build on the site re their various planning applications), where they have also spent a lot of their own money in trying to develop the site, albeit it we obviously disagree and object in the strongest possible terms to the applicants building a property in this area of woodland.

Where we also strongly believe this is the wrong type of development for one of the last areas of woodland within our village, that has taken many years to naturally develop, albeit it is now overgrown, needing care and maintenance from interested parties.

#### **4. Objections and Further Representations to the Original Planning Application.**

In the Pre-Application Discussion Details Cont. section of the above, we note that there was "a major change on the site conditions", after Mr Weir's email of the 13.03.23, where the Johnstons thought that a "fresh application with a new approach" could be possible.

So per the Tree Condition Survey that the Johnstons had requested in May 2022, followed by Mr Weir noting changes to the tree plan in his email of March 2023, presumably that 4 of the trees would have to be felled, etc, that the planning department still refused the Johnstons latest planning application.

Where if the Johnstons had been more proactive with better conservation of the ground conditions, soil, tree maintenance and management, obviously these tress would never have needed felling.

Which makes us wonder just how much care of the plot the Johnstons were inclined towards by looking after the site, considering the number of applications they have submitted over nearly 2 decades??

#### **Access and Parking.**

These issues were within our original objections that we submitted against the initial planning application.

Where the site at Auld Simon is often used by local groups as a starting point for local parades, etc. E.g., Gala Day Parade in June, the Samba band have also this location on occasion, Millenium Walk of Faith. Where a large number of children often attend these first two on-going events with their parent(s).

Whilst the Johnstons have only applied for 2 parking spaces on this site, and the Health & Safety of these events can be managed by marshalling, this increase in traffic, however small, could pose a risk to both adults, especially children and the disabled, amongst large crowds of people waiting for parades to start, if the LRB Review Panel were to uphold this appeal, especially if the applicant had visitors to their home??

These points / risks may seem minor, but we wish to make the Review Panel aware of these risks.

#### **Water Supply and Drainage Arrangements.**

At the time of writing this section out, (Monday 11/12/2023 @ 14.35) we are waiting on council staff replying to queries on these points??

As the refusal was based on tree grounds, where the appeal is also based on the same, we have asked officials if the Johnstons would have been aware of further objections from close-by residents.

Where we have since been advised by Planning Department Staff that these objections were available for the applicants viewing, where no attempts were made to do so, therefore the applicants chose not to make themselves aware of any concerns that their prospective neighbours may have on their proposals.

Thereby as far as we the interested parties / objectors are concerned, weakening their case for Review.

Alternatively, if they had attempted to view these objections and addressed the associated concerns, to our mind, they would have better prepared for their Review / Appeal process, by having more answers and information with regards to the impact that this property development would have on the surrounding area, and well beyond the development site.

This lack of concern regarding other people's opinions on their proposals seems to consistent in the applicants overall approach to their Planning Application(s) over a long period of time??

Under this section of the application, new or altered water supply and drainage will be required, where this proposed property will link into the existing drainage system.

The planning application document makes no mention of sewage waste??

Where the home of one elderly widowed resident is built over one of the main drainage pipes for wastewater or sewage. This resident strongly objected to the planning application re these concerns that the existing system wouldn't be able to cope with the extra waste from the proposed new build.

We acknowledge that this waste could only be for mainly 2-4 people, where this may point may seem unlikely. Nonetheless, we feel that point must be addressed, if only to give peace of mind to this elderly villager, who is very concerned about these issues.

Where we wish the Review Panel to note the following questions on these issues??

**Questions:**

1. Are the applicants aware of these issues regarding this individual property??
2. If they are aware of them??, what measures have they taken to address these points??
3. If the applicants are aware of the issues, why have they not highlighted this in their original planning application or even their Statement in Support of their Appeal??
4. Even if this outside the grounds of both planning refusal and appeal??
5. Or what advice have they sought on these issues??
6. Have they followed up on any advice that they have been given??

Furthermore, in a more general sense.

7. Are they aware of the design, layout, and structure of the existing draining system??
8. Especially as they intend to connect to that system??
9. Did they make enquiries about these issues?? 10. Were they required to do so?? 11. Were they aware of such issues, but didn't think that they were relevant to their application??

Where the first 6 questions on the individual property also apply to the more generalised issues of how their new build might affect the surrounding properties.

Where we believe that there are more generalised issues on drainage and sewage within this locale, where we will make more representations on these issues before the meeting of the Review Panel at the end of next month, where these issues are obviously of major concerns concerning raw sewage to this residents in the surrounding area of the application site.

Whilst all of this is obviously a specialised area of Civil Engineering, considering the number of applications that they have applied for in the past, how aware of these overall issues are they, in relation to this plot of land??

The original RC planning application has an Assessment of Flood Risk.

Where they have answered No to both questions in this section.

Does this assessment include any possible damage to tree roots in either the short or long term??

With the possible increase in run-off to other properties re any possible damage, in any direction, e.g., front or back into the gardens at the start of Johnshill or in St Winnoc Rd that are situated below the site of 2 Johnshill??

**Schedule 3 Development.**

We note that the applicant ticked the No box in response to this part of the Planning application, where normally for any Planning Application within Lochwinnoch we would see something in the local press??

Some of us as objectors have discussed this point, but none of us can remember seeing any Notice of Planning Permission within any of the local newspapers, which would normally be weekly in The Gazette. (Covering Johnstone and Renfrewshire).

Whilst we would be surprised if this part of the planning process was not adhered to, we wished to query this anyway, for the reasons stated above.

#### **Certificate and Notes and the Land Ownership Certificate.**

We note both the Certificate and Notes and the Land Ownership Certificate sections towards the end of the Planning Application and acknowledge this gives the applicant full legal title to the site.

We also note that these sections do not give any dates for when Mr and Mrs Johnston gained full title to the site, as S has said in her texts if Mrs Johnston was (first) refused Planning Permission in 2002, then presumably they had title to the plot before this date.

In 2023 it is probably now a moot point, but as the interested parties / objectors we had a discussion on the timeframe involved, i.e., the time between the Johnstons first having title to the plot, and the time they first applied for planning permission, and did this comply with the legislation of the time.

Where we wish all parties to note that we are still trying to have this point clarified from other sources, albeit it may not be relevant to this Review Paper for the LRB.

Like the points in the Schedule 3 Development section, if the Review Panel are able to have this point cleared up before we act on our alternatives for the site, so that any processes have met all due legal process and requirements??

Other than these points, we have no further comments or questions to ask of the applicants for this section of the Planning Permission Document, at this point in time.

#### **5. Examination / Representations of Tree Condition Survey.**

We have listed the Tree Condition Survey here as we believe that it has important relevance to the following sections of our Paper to the Review / Appeal and the Review Panel.

As laypersons who are certainly not Arborists / Arboriculturists for the management, maintenance, and especially the felling of diseased or damaged trees, we have to abide by the recommendations of Mr Calvey.

Although we notice that the Tree Condition Survey is now presently classed as out of date by approximately 6 months in Mid-December 2023, as noted in his report by Mr Calvey himself in his own report.

As the report was only valid for 1 year from the reporting date of May 2022, and published approximately one month later on the 14<sup>th</sup> of June 2022.

Without a further tree survey we now are wondering what the overall condition or state of the site now is??



Where for our part as the objectors, only a visual inspection of the site would be possible, where that inspection would be severely hampered by the large amounts of this, difficult to walk on / passable un-maintained ivy / undergrowth.

Where we also note the conditions of the trees that required Crown Reduction and the trees that needed removal, 6 of for Crown Removal / pruning at the tops of, and 4 for removal.

We further note from the accompanying photographs and text on the 1<sup>st</sup> page of the survey that various trees have very large amounts of ivy growing both around them and up all of the trunks of these large, well-established trees, and at ground level across the whole of the site has been, as stated above un-maintained, even very badly maintained.

Which leaves us wondering how often, and how much the plot has been regularly, even sporadically looked after, in a variety of ways over the last 20 odd years??

Having noted these points in our Paper of Further Representations / Objections where we have deliberately used the full title, to object on these points alone, at the way the plot has obviously been neglected over a large period of time, by the applicants as the legal title holders.

Where we will say quite a bit more on this subject in the next sections of our Paper to the Review Panel, which we would ask the HCG to continue to note on these issues.

## **6. Representations on Notice of Review Document.**

We note that the registered address of the applicants on the 1<sup>st</sup> page of the Notice of Review is;

Flat 0/2,

174 Clarkston Road,

Glasgow,

G44 3DN.

We will make our reasons known for noting this point just very shortly, within this section of our Paper of Representations.

This may be an inappropriate point, but as the applicants now live up in Clarkston, Glasgow with this as their registered address on their appeal, we wish to ask the Review Panel why this appeal should be upheld by the applicants when they don't even live in Lochwinnoch anymore??

Where they have not done so for a number of years.

We are sure the applicants had good personal reasons for this move to Glasgow, but this still implies an absence of loyalty to a village and community that they lived in for many years??

These questions would be completely irrelevant if it were not for the fact that the applicants have, once again, applied for planning permission for this site.

It is only because of the planning permission appeal that we ask these questions.

To think otherwise would be to imply or think that people are not allowed to live where they chose to live, which would be a ludicrous suggestion, I am originally from the South side of Glasgow, but I (Eric ) personally chose to live, and plan to die in Lochwinnoch.

Furthermore, the note below is a copy of the text between S and I on Page 7 of this paper.

### S 3

Ps- I heard Louise had told a friend they'd sold their house in Lade Court and were renting till they built their house up at the woods, so she seemed to be confident that it would go ahead.

Which considering this 'house' has been very consistently objected to and refused by the council over all these years, this piece of gossip seems rather 'over-confident' on the part of Mrs Johnston??

On a more concrete note, we also wish to ask the applicants further questions in a similar vein??

After all these years of said objections and refusals of your plans for this site, apart from changes to the tree plan per the survey report;

1. Can you give us justifications for / valid reasons for why the Review Panel should now uphold this present planning application??

2. In light of the planning department decision, again for Refusal in 2023.

3. Thereby overturning the present planning department decision.

4. Which would also obviously overturn all the previous decisions made by the same department since your 1<sup>st</sup> planning application sometime just into the Millenium??

5. Which would obviously also make Null and Void all the previous Objections over this same time frame, by multiple objectors, of varying age groups including older ones like many of our present group who are now either approaching or in pensionable age, where some of us have been objecting over the last two decades.

6. Where even more so, again if this is a relevant point??

All of the objectors, past and present are obviously all Council Taxpayers, who because we choose to live in Lochwinnoch, we pay our Council tax to Renfrewshire Council as the Local Authority.

So, with all due respect, as you now live in Glasgow, thereby paying your Council Tax to the Glasgow authority, even more so why should the Renfrewshire Review Panel find in your favour, nullifying the wishes of all of these taxpayers, past and present over 20+ years.

This last inquiry might seem a very cheeky, very impertinent question, where we are most definitely not trying to place undue pressure on the Review Panel, where we expect their decisions will be fully impartial, but also meanwhile very fair in their judgement.

So all these questions are **directed solely** at the applicants, where we are interested to hear what their responses are in relation to all of the above questions, again in addition to any other questions we have asked the applicants throughout this paper, including the last one regarding council taxes.

Moving on from these possible mooted points, we would also like to ask further questions concerning this Review / Appeal.

Considering the level of objections from the community over many years, including the present one, and the fact that the Tree Condition Survey Report is now out-of-date, albeit by only 6 months from May this year;

Under the Review procedure part of the appeal, the LRB have accepted your suggestions that you as the applicants feel "is most appropriate for the handling of your Review".

So why have you as the applicants only asked for an Assessment of review documents only, with no further procedure??

Where also, you have made no statement in support of your Review for options 1 or 2, or even asked for a further Site Inspection.

Albeit the last Site Inspection was done only 9 months ago by Mr Weir.

If you as the applicants, feel that you have such a strong case by going to appeal on the Refusal, would a possible combination of procedures, as noted on the Notice of Review document, of Further written submissions, another Site Inspection, and said Assessment of review documents not have been more appropriate to your case for that appeal??

Surely you, as the applicants want to make your case as strong as possible by exploring all possible avenues to further your case, in asking the Review panel to overturn our objections in favour of your appeal??

**Or in an alternative scenario;**

As the applicants, you are very aware, that you actually have quite a weak case in only asking for an Assessment of review documents with no further procedure.

Where you may have been, and we emphasis 'may have been', advised by your Consultants that if you wish to go for a Review, this is the best / only option, that this is the minimum threshold for a Review, where the Review panel have no option but to agree to this 'paper' Review at its lowest level under appropriate legislation, to ensure that they, the Council are adhering to that legislation to ensure that you have been fairly treated within the legal guidelines under planning law.

So as we continue to ask, we are curious as to what replies to our queries you may give us on all of the above noted questions, under this section of our papers to your appeal??

Where, as we believe you do have a (fairly / very), weak case for appeal, we will outline in the next section of our Representations / Objections, the importance of the conditions of the trees, as the main grounds of Refusal by the planning department, where as far as we can see as the interested parties / objectors who all live in Lochwinnoch, the ground and surrounding growths, and more so the trees on which the grounds are sited, where there is an 'interdependent relationship' between the two, where the trees are obviously wholly dependent on these grounds, which need to be kept in decent condition for the good maintenance and management of the trees, as the main aspects of this woodland area.

## **7. Representations / Objections to the Planning Appeal Statement.**

Our representations / objections to the original planning application could be split roughly into 3 areas, i.e.,

1. Circumstances affecting the site itself, including the presence of the trees, wildlife that live on the grounds, birds that use this environment for feeding, nesting, hatching, etc, and various other aspects of a semi-urban woodland site like the one next to Auld Simon.
2. Auld Simon itself, or to give it its original name St John's Kirk, or the Kirk of St John which was dedicated to Saint John, where the name Johnshill comes from, or St Winnock's Church within the

Church of Scotland, dated from 1727-1729, all of which depends on different sites that we at looked at online.

The obvious historical significance of the church as the oldest building in the village.

Where the bell is an original from 1729 and the clock was added in about 1731.

3. How the development of this property could affect the surrounding existing properties, in various ways, of the close-by neighbours.

Where we by now all know, the grounds of Refusal were mainly based on the 1<sup>st</sup> two types of objections, where the trees were all Points 1-5, with Refusal including Auld Simon at Point 4.

So our objections were upheld on Points 1 and 2 as noted above, by the planning department, apart from the 3<sup>rd</sup> category which doesn't seem to have been included in the Refusal.

So the grounds for our original objections and the grounds for the Refusal were both very similar, albeit the Refusal largely quoted points of legislation which we expected it to do, as obviously planning officials are better versed in this type of law making, as opposed to the interested parties / objectors, who are mainly concerned lay-persons who value the 'gardens' for its intrinsic, environmental, and natural values to and for our small community in Lochwinnoch.

Which in the main part, is fine by us as the interested parties / objectors, where a Refusal is a Refusal, on whatever grounds that may be decided on by planning staff??

Where we as the interested parties / objectors obviously hope that these points of the Refusal will also be adequate to maintain this original decision by the planning department, for this present decision in 2023, which also seems similar to all previous Refusals over the long-term objection period.

Where the conditions of the trees are important to all parties concerned in this process, whether from an interested party / objector's, applicant's or officials point of view.

From the Tree Survey Report outlining the most professional opinion on the recent conditions of the site, (May 2022), in contrast to the Appeal Application Supplementary (proposed) Planting Plan, and the detailed Planning Appeal Statement, it is obvious that in these parts of your appeal, you have gone into some detail in support of that appeal.

In direct contrast to the existing state of the of both the ground that is covered in masses of ivy, with that same ivy growing up many of the trees, to at least average head height.

On a personal visit of the site on Wednesday on the 13<sup>th</sup> of December 2023 / the week of 1<sup>st</sup> submissions, I (Eric) walked around the iron fence and take a walk on the grounds, which I did at some risk, where I often found it difficult to keep my footing, due to the undulating ground, which is very uneven across the whole site, which could only be a hinderance for property development, adversely affecting the substantial tree root systems from the various large trees with their foundations underneath these hilly grounds.

I am 5 ft 5-6 inches in height, on tree trunks with ivy, it is well above my head height.

Where quite frankly, in all objective, impartial honesty the plot is in a seriously overgrown condition, which is easily visible even from some distance away, and when driving past the site in the car.

(Eric: Where I chose to take some videos of the site for my own personal reference).



(Note from Eric: For all parties reading this paper, we have chosen not to include these photographs, which were taken my own phone, as we plan to include them in further representations / objections and as part of a much wider photographic portfolio as an ongoing record of the physical conditions that exist at the site.)

Regarding the present conditions on the site, and your plans for the maintenance of the existing trees, as well as new planting on the site, strong contradictions of a paradoxical nature seem to exist on the site.

Where on the one hand, you claim / imply that you will sensitively care for and manage the existing tree outline, presumably pruning back and getting rid of lots of undergrowth, from both across the ground and well up beyond ground level.

Also and obviously to do the same regarding the ivy and other overgrown material up all the trucks of the surviving trees within the boundaries of the plot.

Yet on the other hand, the remaining trees are still all in a seriously overgrown state, where the ivy is still heavily present, even during the winter months where the ivy and undergrowth has reduced, but only because of the colder weather conditions coming up to the winter months within the next 9 days at the Winter Equinox, on the 22<sup>nd</sup> of December for this year.

Where obviously all of this growth that is presently dormant, will return again in the spring and summer months next year and beyond, probably in a worse state that it has been in previous years, as without proper care and management, all this growth is cumulative, especially over long periods of time.

Which is nothing to say of the 4 trees that had to be cut down this last summer due to the fact that they were heavily diseased, again per the Tree Survey Report.

So very frankly, which is it??

Is it care and maintenance of existing woodland, with new growth and planting??

But only if your appeal is successful??

Or

Is it allowing the plot to become more overgrow, requiring more trees to be felled, etc, etc??

If your appeal is refused??

As witnessed by the lack of care for the plot, by yourselves as the Legal Title Owners over the last 20 odd years.

Where in fact, as the facts seem abundantly obvious, the trees have actually been your greatest hinderance to building any kind of property on this plot of woodland over all these years.

We contend as the interested parties / objectors, that in fact your lack of care and maintenance of the site has been a very deliberate part of a very long-term plan to build a house on this site??

By knowing and hoping that with the lack of your care of the site, the trees would eventually through time become diseased, ultimately requiring felling, thereby allowing you to build some kind of property on the site through extra space being created??

Where obviously, if the trees come down through said felling, the greater your chances, as the only applicants over 20 years as the only Legal Title Holders.

Furthermore, as the owners of the plot, no one else in Lochwinnoch is going to do anything about tidying up the site, where that is your prerogative / responsibility and no one else's.

Where all this is witnessed by the fact, that your latest original Planning Application that was submitted in May this year after, and I quote;

"Due to a major change on the site conditions, following previous objections in 2015, we met Planning Officer James Weir on site."

"After his email of 13.03.23, we came to the conclusion that a fresh application with a new approach could be considered favourably."

So for the HCG and the Review Panel, we ask you to note;

The 2 points to note here are;

1. "A major change on the site conditions."
2. "A new approach could be considered favourably."

On Point 1 that yet again we wish to state that these changes had occurred due to lack of care, maintenance, and management of the trees on the site in the long term 20-year period, resulting in Point 2, where "a new approach could be considered favourably."

Where this new approach consists of a smaller property, in the form of a small bungalow type cottage, as opposed to the 2-storey house, with up and down stairs, that the applicants thought would pass due to the similar type of brickwork to Auld Simon.

Which we still find , as oft stated before, highly objectional.

## **8. Our Conclusion of the Planning Appeal Statement.**

As our suppositions to the Planning Appeal Statement are largely contained in the previous section, the conclusions to us seem very obvious.

This situation is a 'Catch 22' situation for both the Applicants and us as the Objectors.

As the applicants have never been able to build on the plot, i.e., 'dead land' as we have previously mentioned, they have never really been interested in caring for the site as it should be and could be cared for.

Even more so now in the present as they presently now live up in Glasgow, with it obviously being further to travel to, as opposed to walking up the street from their previous home in the village.

They have only ever been interested in the site if / when they could build a property on it, contradicting and overturning the wishes of a long history of objectors within Lochwinnoch, where if they had tried approaching some of the neighbours in the local vicinity of 2 Johnshill, they might have met with slightly more success.

Which having spoken to most of the neighbours in the surrounding area, some of whom are elderly long-term residents, we very firmly believe would not have made the slightest bit of difference.

As far as we are aware this never actually previously happened, again as some of the residents in this area have lived in their homes since before the Johnstons put in their 1<sup>st</sup> Planning Application in the early Millenium.

Where we wish to make it absolutely clear, we do not wish to slander Mr and Mrs Johnston, but we no longer wish to see the plot left in its present state of extremely untidy, disrepair, when we feel very strongly that it could be put to much better use.

As the local community we have never been able to maintain the site either, which on reflection could be described as short sighted on our part, but again in a contradictory manner, it has been suggested that some locals did try to briefly maintain the site, but ironically enough, it has been suggested that the applicants also objected to this work being carried out by concerned local residents, who were upset and concerned about the state of the site a number of years ago.

So to the Million Dollar Question??

To try and resolve the Catch 22 Situation that both the applicants and we as the community of Lochwinnoch find ourselves in??

#### **9. Our Own Proposals for the Site at 2 Johnshill, East End, Lochwinnoch.**

So to move on to further our own proposals for 'Our Gardens'.

As an Elder and Worship leader in the Church of Scotland, I Praise and Thank the Good Lord that the staff and elected officials of Renfrewshire Council have seen fit to reject the applicants' proposals for the site over a long period of time, thereby leaving the possibilities of our community being able to develop the plot in a careful, considerate, sensitive manner that is in keeping with Renfrewshire Council's Environmental and Sustainable programmes.

In a manner that is similar to the proposals / ideas for the Lochwinnoch Community Development Trust, (LCDT), site at Lochhead Gardens, which we as a group of volunteers / amateur gardeners would bring "S's and Auld Simon's Garden's" to a state of a beautiful, blossoming Woodland Garden. Where, especially with the guidance of S, who loves the ground, in case the LRB Review Panel need reminding of this point??

Where if possible we would also approach Renfrewshire Council to ask about a Community Asset Transfer, (CAT) as we may have mentioned in other previous parts of our Representations, again in a similar manner to the way the LCDT have sought one for Lochhead Gardens.

**NB:** Where we as the interested parties / objectors have privately discussed this idea of a CAT, I (Eric) casually and briefly spoke to one of the local Councillors for the first time ever on this issue, on the afternoon of Wednesday 13<sup>th</sup> of December 2023 regarding this idea, who certainly didn't poo-poo me on it, and who seemed to consider it a reasonable option, for a site of council owned land that has lain unused for a long time, similar to the Lochhead Gardens site.

As a group of concerned locals or 'redevelopment interested parties', if we were able to get a CAT from RC for this part of the woodland area, it would obviously and dramatically increase the size of the area for said redevelopment as the woodland garden.

Where we would even consider making enquiries about the plot of land across from the application site, the lane known as 'Skipper's Path going down to Gates Road, at the left side of Skipper's Path, where the lane as a Public Right of Way that runs from East End to Gates Road.

This area of land has, like other plots of land in this area of the Lochwinnoch has remained unused for many years in a very overgrown state of ground growth, shrubbery, and trees, which is also very unsightly to the local residents.

Like the application site, it could also be described as 'dead land'.

The 'Skipper's Path Site' is enclosed on 4 sides, with no legal vehicular access, where a number of developers have looked at it over a long number of years, and discounted it for any kind of property development, due to the lack of this access.

Any of this, in part or whole, RC owned land or Skipper's Path would obviously dramatically increase the area of the 'Woodland Gardens', which would considerably widen the scope of activities that we would be able to undertake within this woodland space.

Where if we were given a CAT, we would seek the opinions of the owners of the garages on the council owned land, even if they are mainly run down.

Where furthermore, these proposals seems to fit in with Scottish Government, (SG) Legislation of June 2018, with the;

'Community right to buy abandoned, neglected or detrimental land, (ANDL).

Where we would explore the possibilities of these proposals and form the necessary and relevant community bodies to allow these proposals to come to fruition.

If all these ideas came together, to bring all this land / these plots into community ownership this would be a huge undertaking for us as a community.

Where, very, very importantly the present application site, whilst not physically so, would be a very central and strategic part of these proposals to completely regenerate this whole area of the East End part of the village of Lochwinnoch.

Where absolutely, none, none of this area could ever be considered or given up for any kind of property development.

Where we would expect to have, if necessary, full Title Deeds drawn up, or some kind of Statement of Intent, where one of the preconditions to that title / Intent would be the express statement that all of this extended site would remain as 'green land' in perpetuity, for the permanent benefits, for both the present and future residents of Lochwinnoch.

Where we would take into full consideration on our part, as we are asking the LRB to do regarding this continued Refusal of this appeal, the thoughts and opinions of the surrounding neighbours and residents of the village, if necessary, e.g., by having public meetings to highlight our proposals.

As Papers of Further Objections and Representations to the LRB Review Panel were submitted last night by email to Mr. Robert Devine as a Senior Official of RC, it is only this morning since these submissions last night that we have thought about these ideas after very brief but very hurried discussions on this, where we very importantly feel are central to our Further Representations and Further Objections to the LRB Panel Review at the end of next month.

So in spite of / whilst these ideas / proposals have not formed a central plank of our original papers, within Mr Devine's email stating that any more Further Representations / Objections should be submitted to the Head of Corporate Governance before 3.55pm tomorrow Friday 15<sup>th</sup> of December 2023 as the deadline for paper submissions, we now ask the HCG, the LRB, and the Review Panel of



Elected Officials, or Elected Councillors to take note of these proposals before and during the LRB hearing on the 30<sup>th</sup> of January next year.

By giving our proposals their full consideration in relation to both the application site, and the wider considerations / implications that the Status Quo remains intact, where the decision of the Planning Department from the 8<sup>th</sup> of September 2023 be upheld by the LRB Review Panel, to allow us as the interested parties and objectors to explore the future of our wide range of ideas to allow natural development of this area of the East End of Lochwinnoch.

Without the detrimental effects of a new property, as proposed by the applicants sitting within our own enlarged proposed woodland development site, where as we have stated on numerous occasions now during the length of these Papers, to once again 'strike down' the proposals by the applicants, which are completely at odds with our own natural development of the area, to the benefits of the complete and whole population of Lochwinnoch and beyond into the wider community in Greater Glasgow, Renfrewshire and North Ayrshire, within Muirshiel Regional Park where this natural 'woodland area' or S's & Auld Simon's Woodland Garden would be completely open to all sections of all communities, thereby hopefully increasing visitor numbers to Lochwinnoch, and Renfrewshire in general.

Whereas we are sure, as the Staff / Elected Officials of RC all know, we get large numbers of visitors from across the, e.g., Greater Glasgow area, and from Kilmarnock in East Ayrshire, with School parties on Castle Semple Loch, Less-Able-Bodied Children in wheelchairs, or more mobile Children / Teenagers with 'Special Needs', coming to Muirshiel Regional Park.

(Excuse me / Eric as one of the authors and writers of this paper getting a bit caught up in all these proposals / ideas.)

**In the meantime, to return to the present issue;**

As I / Eric and My Wife hope / plan to live close by in the years to come, with my In-Laws presently reside in the vicinity and many of the objectors also living close to the site, it would be wonderful to be living nearby to these 'gardens', knowing that we had managed to save them from any form of development, and that hopefully, for many generations to come, all sorts of people would get lots of pleasure and educational benefits from having the 'gardens' in this part of Lochwinnoch, similar but different to Lochhead Gardens at the other end of the village.

Where, it seems blindingly obvious to us as the interested parties, some of the most important of these groups would be the local schoolchildren, mainly from Lochwinnoch Primary School, but also from other Primary and Secondary Schools in the area if they wished to come visit (either) site at Lochhead or S's & Auld Simon's Gardens'??

Where we personally envisage that our project may have somewhat wilder aspects to it's development, to differentiate it from Lochhead Gardens to teach, especially the children, different aspects of flora and fauna, teaching them about the trees, and hopefully / possibly small wild animals who take up residence in a slightly wilder garden site.

Where the ideas and possibilities seem endless, in this bigger 'garden' site if we able to get a CAT from RC, where to re-assure council officials and staff, we would wish to naturally develop that piece of land in a similar manner to the site at 2 Johnshill, where we would welcome site visitations from council staff to appraise them of our progress on the CAT site, and the whole site generally.

# **10. Final Conclusion to this Paper for the LRB and the HCG, of Further Objections and Representations in relation to this Planning Appeal by the Applicant, Mr David Johnston.**

In asking for this Notice of Review with the LRB, thereby highlighting the conditions that presently exist on the planning / application site, many of our group felt that Mr And Mrs Johnston have actually done us, our group / our village / our community in Lochwinnoch an unforeseen, unintended, backhanded favour.

By bringing to our attention, in the "full glaring light of day" to the conditions that presently exist on the site of S's beloved 'Woodland Garden'.

If anyone on the Review Panel doubts what we are saying, then we would like to invite you down to Lochwinnoch for an anonymous visit to examine for yourself the conditions on this plot, one of the last plots of woodland in a fairly built-up area, within a rural village.

Where it also seems that the site across from the oldest building in Lochwinnoch, and a Holy Place of Worship as the remains of an ancient church, is only / has only ever been any good to the applicants if they were going to be able to build a property on it.

At this point in this Paper of Representations / Objections, we as the 'interested parties' wish all other parties to note that, in case it is in any doubt, that once again we object to any development on this site in the strongest possible terms.

With no caveats or compromises on our part re any form of house building or development of any kind, however small or aesthetic this may be.

The site has been a natural woodland for nearly 170 years, can we just leave it that way Please, for the benefits of this community.

In spite of the conditions that the applicants have left the plot in, over many years, we also feel compassion for them, where we fully acknowledge, realise and understand that Mr and Mrs Johnston have also held this dream close to their hearts for many years.

However, that does not compromise our intentions to bring this plot back into community ownership, where this seems to be a very black and white scenario, with very little grey area in-between their proposals and ours.

Where we feel that after 20 plus years of sustained upheld objections, within the last 170 years, that the site / plot / gardens themselves have waited long enough for someone to take decent care of them, in a manner appropriate to the surrounding, natural, God / Holy-Spirit Protected Area, where "Thy Will Be Done", Not my will, But Thy Will, as The Will of God that seems to have keeping them waiting for someone to look after them.

With as we have now stated on numerous occasions, the obvious enduring support of Renfrewshire Council Local Authority.

When the LRB Review Panel make a ruling on this Appeal at the end of next month, if the LRB upholds the decision of their Planning Department, we will obviously be very, very grateful.

We do not wish to consider the other possibility at this point in time.

If the Appeal is again Refused like previous long-term decisions, Mr and Mrs Johnston obviously have a choice to make, both individually and together??

If they choose to accept the decision of the Review Panel, then we will enter into negotiations with them as soon as they are ready, to bring the Title Deeds back into Community Ownership.

Where we would compromise as much as possible with them through appointed lawyers, short of any future development on the site.

Even to the point of entering into financial talks with them regarding the site??

Where we would be prepared to wait an appropriate and discrete length of time to let them catch their breath, so to speak.

However should the applicants refuse to accept the ruling of the Appeal Body, we want them to understand, in no uncertain terms, that we will fight them absolutely every step of the way should they decide to appeal to any higher authority than the one they have already just had a ruling from.

Where we in no way wish to look as if we are blackmailing the applicants into withdrawing their case, but we wish them to clearly understand what **our** intentions are for the future??

Where we very, very firmly believe even now, **that whilst we are being very, very cautious and very, careful**, we also believe that we have an excellent chance of winning our case with the Review Panel.

Where we also believe, should it be necessary, that we can also win any future case to any higher authority if you should decide to go there??

But we'll leave this decision up to you, obviously depending on the decision of the Review Panel.

In the final part of this text we sincerely hope that we have presented a very strong case to the Review Panel to, once again reject and Refuse the Development Appeal by the applicants, in line with the decision by your associated Planning Department decision in September this year, and the Review Panel's decision at the end of January 2024.

We acknowledge that the applicants will respond to these Further Objections and Representations, and we await their responses to these Representations.

Where we will, once again, respond in a similar manner to the Applicants' own Representations.

Considering how very long this Representations Paper is, we wish to thank all everyone who has to read through this document.

We as the Interested Parties / Objectors do realise that this paper is a very, very long read in representing our case, and in some parts the reader may find it a bit boring or losing the thread of our arguments.

Or for where the paper, throughout its length is also very repetitive.

If this is the case for anyone, we would like to sincerely apologise.

However we have tried to make our case as strong as we can possibly make it, hence the length of it, by going through all of documents provided by both the applicants and Renfrewshire Council and trying to address each of the sections of these documents in very fine detail.

Hoping that You all have a Lovely Christmas

Regards and Best Wishes

From (Eric the Auld Gasbag) and The Team for S's & Auld Simon's 'Garden's'

## References

Other than three brief online references regarding Auld Simon and Scottish Government Legislation, nothing other than the paperwork / documents provided by the Planning Department, no other documents were used to reference any part of this Paper of Representations.

Therefore no Reference List is required in any form of an academic manner.

## Final Personal Notes:

Should anyone wish to contact me for any reason, regarding any of the contents within this Paper of Objections and Representations??

My contact details are below, at the end of this paragraph.

I also publicly wish to thank everyone who contributed towards this Paper of Further Objections and Representations, especially S for all the back and forward text messages, and M, for the ideas you gave me / us, and provided a bit of leadership, especially during our meetings, but also generally.

We were "lucky" that the right people appeared at the right time.

Where I just happened to be the one who had the time to word process this very lengthy document, my apologies to everyone reading all this as it is rather repetitive in some areas. It was a bit difficult at times to keep track of what I /we were trying to get down on paper from our discussions and texts, etc.

I shall thank you all privately for your input, but for reasons of confidentiality I don't want to name any of you publicly.

As you will all read this paper I am really pleased that we managed to get together so quickly to form this small group, where hopefully we will be able to enlarge the group further and gain more input from other people.

Some of the brainstorming sessions were really good fun and a good laugh, that was the part that I personally enjoyed the most by meeting other people that I had never met before, especially with a common purpose in mind regarding this Review / Appeal Notice.

Auld windbag that I am, away I all hear you laughing, you're not a windbag Eric, Ha! Ha! Ha!

I could say more of course, but I'll leave it there, as I really think I've said enough.

So I hope you all have a lovely Christmas.

Relax and enjoy yourselves after all this marathon 2 weeks.

My contact details are;

M:

Email:



For the Attn of;  
Mr Robert Devine  
Renfrewshire Council  
Renfrewshire House  
1 Cotton Street  
Paisley.  
PA1 1WB.

Friday 15<sup>th</sup> of December 2023.

Planning Application: 23/0179/PP. By Mr David Johnston.

For the Site of 2 Johnshill, East End, Lochwinnoch.

Appeal / Review of this Planning Application by the Local Review Board, (LRB).

To be heard by the LRB on the 30<sup>th</sup> of January 2024

FN:

A1:

A:

PC:

MRS PETA DEWAR  
4 St Winnoc Rd  
Lochwinnoch  
Renfrewshire  
PA12 4ET

Dear Mr Devine,

I am aware that the Renfrewshire Council Planning Department **REFUSED** this Planning Application, as noted above, on the 8<sup>th</sup> of September 2023.

I am also aware that the applicant, Mr Johnstone appealed this decision for a Notice of Review, which Mr Devine notified Objectors to, on the 1<sup>st</sup> of December 2023, which included Mr Beattie.

Since the 1<sup>st</sup> of December I am aware that Mr Eric C. Beattie of 34 High St Lochwinnoch PA12 4AA has regularly been in touch with you by email regarding Further Objections and Representations to this Review / Appeal.

Where he has, for himself and others, as both objectors and Interested Parties, made out the main papers of these Objections / Representations.

I now ask you to note that I have freely and willingly asked Eric to submit these Representations / Objections to Renfrewshire Council, as either an Original Objector or an Interested Party.

Where I wish the Local Review Body, (LRB) to take note of these Further Objections and Representations into their consideration on the 30<sup>th</sup> of January 2024, when the LRB Review Panel will consider the appeal by the Applicant, Mr Johnston.

Regards



Signature of Objector / Interested Party.

Witnessed by. (If a Witness is available.)

Head of Corporate Governance,  
Renfrewshire Council,  
Finance and Resources,  
Renfrewshire House,  
Paisley,  
PA1 1TR.

N MRS PETA DEWAR  
A 4 ST WINNOCH RD  
A LOCHWINNOCH, PA12 4ET.  
P

Thursday 14<sup>th</sup> of December 2023.

(Will all individuals please note that the Head of Corporate Governance will ignore your representations/objections if you have not filled in your personal details with your Name and Address, etc, as above).

Planning Application: 23 /0179/PP.

Erection of single storey dwellinghouses and associated works,

On the Eastern Boundary Of No. 2 Johnshill, East End, Lochwinnoch,

By Mr. David Johnston.

For the Head of Corporate Governance in relation to Notice of Review to this Planning Application.

Relating to the meeting of the Local Review Body, (LRB) for this Notice of Review to be held at 2pm on the 30<sup>th</sup> of January 2024, in Renfrewshire House, Cotton Street, Paisley.

On the grounds of the Letters of Representations – Council Decision, as noted in the letters posted out to individuals, dated 8<sup>th</sup> September 2023, who objected to this Planning Application, where; 'the application together with your representations was considered by the Council on the 8<sup>th</sup> of September'.

Where the decision of the council was;

REFUSE Consent subject to the reasons.

As noted in the accompanying letter,

Ref. 23/0179/PP.

CONDITIONS AND/OR REASONS ATTACHED TO THIS DECISION.

**For the Attention of The Head of Corporate Governance.**

**Dear Sir / Madam,**

**List of Contents for this Paper of Representations/Objections**

- 1. The Interested Parties Initial statement to the Planning Review Panel.**
- 2. Statements, Questions and Representations from the Objectors to the Johnstons regarding this Planning Review / Appeal??**
- 3. A Recent History of the Site: How we got to where we are, from 1991 to 2023.**
- 4. Objections and Further Representations to the Original Planning Application.**
- 5. Representations on the Tree Report.**
- 6. Notice of Review Document.**
- 7. Representations to the Planning Appeal Statement.**
- 8. Our Conclusion to the Planning Appeal Statement**
- 9. Our Own Proposals for the Site at 2 Johnshill, East End, Lochwinnoch.**
- 10. Final Conclusion to this Paper of Further Objections and Representations in relation to this Planning Appeal by the Applicant, Mr David Johnston.**

**1. The Interested parties Initial statement to the Planning Review Panel.**

Will the Head of Corporate Governance, hereby abbreviated to HCG, please note that we wish to make Representations/Objections in relation to the above Planning Review Appeal by the LRB, as an 'Interested Party'.

Where we hope that the HCG will note these reservations in relation to the Review Panel meeting on the noted date will also take these Representations into their considerations and deliberations when making a judgement on this Notice of Review / Appeal by the Applicants, to the LRB.

Where we wish the HCG to note that we do so in the strongest possible terms regarding this Review, not just on the grounds on which the appeal has been based, but across all possible areas of both the original planning application and the associated review.

In previous applications by Mr and Mrs Johnston, we, as interested parties have asked for all previous objections and representations to be taken into consideration regarding any present application, where historically, as far as we are aware, the Johnstons, have been the only applicants to ever apply for planning permissions for this particular site??

Where very importantly, to support our case as the interested parties, various individuals and groups in Lochwinnoch have shown a consistent pattern of objections to the planning applications by this couple over the last 20+ years.

Where, very obviously we wish the 'Woodland Garden' / Area of Woods at 2 Johnshill, East End, Lochwinnoch, across from / in very close proximity to Auld Simon, as the oldest building in Lochwinnoch, for the woodland to remain in its present state, without any property development by these applicants.

***Furthermore, after 20+ years of applications by the Johnstons, we strongly and firmly believe that we have reached an impasse in relation to this situation??***

Approximately every several years just over the last 2 decades, the Johnstons have put in an application for planning permission, and we, the objectors and interested parties have responded and objected to these applications for development on this site.

Where Renfrewshire Council staff and elected officials have consistently supported us in our objections to these applications, by also consistently refusing planning permission for this valued and treasured site within our village, where we wish to record our gratitude for these efforts, where we are very grateful to these individuals over the last 20+ years in their continued support.

For if it was not for this continuous support, we would not be here today, where once again we find ourselves having to object and make representations to this Review / Appeal by Mr and Mrs Johnston.

In spite of our opposition to these continuous Planning Applications we therefore acknowledge that this has cost the Johnstons a lot of money, time and effort in pursuing their case, as well as a lot of corresponding time and effort on our part as the objectors.

To say nothing of the time that the planning department and to a lesser extent the time and deliberations that Councillors on the review panel spend on this issue.

***So in an effort to resolve this situation to the benefit of all parties concerned, i.e., applicants, objectors, Renfrewshire Council Planning Department, Councillors on the review panel, as well as the HCG, in his considerations on this issue, we would like to set out alternative proposals for the site, which can already probably be guessed at by all concerned??***

We will briefly outline these alternative proposals as noted immediately below and elaborate further throughout this Paper of Further Objections and Representations, and towards the end of this paper in our Conclusion.

We acknowledge that this scenario may not be acceptable to Mr and Mrs Johnston in the first instance, as they have held this dream for many years, but as they lived amongst us for many years in our very beautiful village of Lochwinnoch, where they were friendly and friends with, and well known to many of us, where I personally, (Eric) had mutual friends with them.

Where we as the objectors would seriously like to ask them to consider what we propose at some length, as opposed to dismissing our ideas in a knee-jerk type of reaction??

We also recognise that, as stated earlier, that this couple have put a lot of time, effort and expense into their planning applications, but after 20+ years of objections, we would ask them to finally recognise that as a community / the village / Lochwinnoch does not and will not / never accept their proposals for this site.

Whilst some individuals in the village may accept their proposals with their present plans for a property that is visually and aesthetically pleasing in relation to, and the closeness of Auld Simon,



many more people will not, especially neighbours in the surrounding vicinity of the plot, i.e., in Johnshill, East End, St Winnoc Road, Gates Road, and various parts of High Street.

## ***2. Statements, Questions and Representations from the Objectors to the Johnstons regarding this Planning Review / Appeal??***

All of the above then leads us to ask the following questions of Mr and Mrs Johnston??

When are you finally going to accept that your planning applications for this site are absolutely not acceptable to many of residents in Lochwinnoch??

Otherwise, why has there been 20 odd years of objections to your proposals, every time you apply??

No matter how nice or pleasing to the human eye your proposed property may look on this occasion, especially in relation to Auld Simon, like previous plans, it is still not in any way acceptable to the majority of our community in Lochwinnoch.

Where this small woodland area, that has been a precious woodland just off the centre of Lochwinnoch, for approximately for the last 165-170 years, should / could / must remain a 'Woodland Garden', enhancing the local environment / surrounding area, to the benefits of the trees, local flora and fauna, wildlife, roosting birds of all kinds and especially rooks.

Without absolutely any property being built upon it.

Where ultimately all of the above, intangibly enhances and enriches the lives of the human beings who live close by this plot, and any other green spaces, both within Lochwinnoch and outside it.

As a rural village in South Renfrewshire, which we feel is the last real village that is separate from other communities, which is not a suburb of Johnstone or Paisley, as the build-up area has extended ever outwards over the years.

Which is very much obviously why Renfrewshire Council has dependably supported our objections over the last 2 decades, as the benefits of green spaces and closeness to nature are very well, and scientifically recognised, in regard to both physical and especially, mental health.

**So really, in this part of our Representations, in our own way we are also lodging an appeal, as we are appealing to your better natures, Mr And Mrs Johnston??**

**To let all this go, for your own benefit and peace of mind, as well as ours as a group of objectors.**

And ultimately, for the benefit of Lochwinnoch as a community, which you obviously love, and loved, as you lived here for many years.

Where for you to try and accept that there will always be a group of interested parties / objectors in Lochwinnoch, with hopefully, as noted above, the continuing, ongoing support of Renfrewshire Council, where some concerned individuals, as individuals or in groups will always object to your plans for this site.

Where today it is our group who are objecting / making representations, tomorrow it will be someone else, and another group.

(Personal note from Eric)

(Please do not misunderstand me, as there is absolutely nothing personal in all this, along with many others we just completely disagree with your proposals for the 'Woodland Garden' and have done so for many years).

(Where my / our personal reasons for our representations / objections are completely altruistic, to the benefits of my / our community, where we represent the wishes our community, in my (Eric's) personal case my elderly relatives live in close proximity to Auld Simon / Johnshill / East End, where I have been asked to deal with this on behalf of all my family, as well as my own very strong beliefs in what we are doing).

Ultimately this situation reminds us of the Burnfield Road / Playing field site, with planning applications by Stuart Milne Developers, at the end of Newton of Barr, Lochwinnoch.

Where in this case, the Community Council have mounted a very focused, consistent campaign by this developer, sustained over a number of years, where ironically, this is a shorter time span than the one we have mounted against your own proposals.

Where both developers, regardless of size, both own the prospective sites, but cannot do anything with them, due to the number of representations / objections Renfrewshire Council (RC) have received over the years, from Lochwinnoch residents.

Where the term 'Dead Land' could be used to describe both sites.

Where it seems you are stuck with a possible development site that you can't do anything with??

Hence the nickname of 'dead land'.

To continue with these objections and representations, as noted above, we will further outline our proposals for the site towards the end of this paper.

### **3. A Recent History of the Site: How we got to where we are, from 1991 to 2023.**

In the early 1990's S, who has lived in Lochwinnoch for at least 30+ years wanted to further develop the application site into a 'Woodland Garden', where the site had and still has to the present day has become naturally overgrown, per the applicants' paperwork showing the Ordnance Survey Map of 1856, so over approximately the last 135-140 years in 1990-93, plus another 30 years to the present.

So in total the site has therefore been undisturbed for approximately the last 165-170 years.

The following pages are copied from messages between Ms S and me to show the review panel the 'more recent' history of what has happened over the last 30 odd years regarding this plot of woodland at 2 Johnshill / East End.

I have only altered the text to tidy it up, and have been very careful to preserve the anonymity of Ms S, even although I'm sure the Johnstons know who / remember who this lady is??

**Eric**

Thanks for getting back to me S.

I'm really just looking for the process that was involved, that you went through, and the time frame /

dates involved.

I didn't realise the lawyers were involved though, I've never really understood why the Johnstons keep on applying to build on the site, but by the sound of it they have legal rights / title to it?? Which explains why they have kept on applying to build on it over the last 20 odd years x 3-4 times. The situation reminds me of Burnfoot Rd then, they own it, but can't use it as locals keep on objecting to their planning applications??

As I recall they supposedly fenced it off, supposedly maintained it for a number of years, and then claimed legal rights to it??

If you fill in some gaps for me re how long ago you were at the lawyers, that would help.

## S 1

I laid claim to the land around 1991/92.

My then lawyer did a land search and found no record of ownership, he told me to occupy the land and look after it for 10 years and if it was uncontested, it would be mine. I did this at considerable expense, fencing it off, having dead trees felled etc, but only after I got council approval.

During the 10 years, Louise Johnson started her own claim, but I was told by my lawyer I had prior claim so not to worry. When my 10 years were up, I contacted my then lawyer, I'd changed to a different firm by then to ask how to conclude the claim -she said I didn't have to do anything as it was now mine.

However it appears that wasn't the case and Mrs Johnson saw her chance and pursued her claim. By this time I'd built a shed on the plot and was making it into a woodland garden but basically I had to get off the land, remove the shed and that was it. It was heartbreaking at the time, but there didn't appear to be anything else I could do.

Unfortunately I left it too long to complain to the Law Society, so I just had to let it go.

## Eric

A quick couple of questions that I mentioned yesterday??

Do you remember more accurately when Louise Johnson put her original claim in during the 10-year period??

Any idea when she further pursued her own claim??

I'm presuming that this was after about 2001-2003??

## S 2

I've found the "Woods File".

I first enquired about the plot in Feb 1993, and it looks like my claim dates from March 1993.

I then set to work having it fenced off by Alter Landscapes, employing a Tree Surgeon to assess the plot then paying him to make the plot safe, which included having some dead elm trees felled because they were dangerous. I had to apply for permission from Renfrewshire Council for that work to be done, even providing photographic evidence that one tree had actually fallen in high winds. This cost me a lot of money.

I was then worried about the spikes on the original iron fence at the front and my lawyer advised me to remove them to avoid public injury, this I did, all 239 with a hacksaw as I recall as I didn't own a Stihl Saw.

I also took out public liability insurance. Ironically, the Council refused permission to have the canopy overhanging the pavement to be cut back even though it forced pedestrians to walk on the road in summer, which worried me.

When the owner of one of the neighbouring garages expressed concern about overhanging branches I had them professionally removed.

I loved the ground, worked on it and my children and dogs shared it with me where I had all sorts of dream for the plot.

Anyway Louise Johnston applied for planning permission 2002 and was refused then, they had laid claim to the land. I was advised that I had prior claim so not to worry, the rest is within what I've already sent you.

Like I said, I thought all was well till Louise approached me when I was gardening at the plot Spring 2009 and told me I had to leave as the ground was theirs and they were "going to build a house ". I've never fully understood what happened, but it appears they did nothing illegal, saw their chance and followed it through.

To summarize, their first attempt at receiving planning permission appears to have been made in early 2002 , which I suppose is the main point. I think at least more than one has been made since then.

### S 3

Ps- I heard Louise had told a friend they'd sold their house in Lade Court and were renting till they built their house up at the woods, so she seemed to be confident that it would go ahead.

**Eric**

Morning S,

No I fully realise that you have not accused them of any illegal practices.

Where nothing illegal has been done anyway, as they have included a copy of the land certificate showing ownership.

As I've said previously, I've never understood why they kept on applying for planning permission for the site, but this is now obvious as they own it.

Where this can be very expensive, as they have now applied for planning permission 3-4 times over said 20+ years.

Considering that the villagers have consistently objected to their proposals over this period, and the council planning department have also consistently upheld the objections by their refusals, I personally think the Johnsons have been, and are being very naive.

Again it's similar to Burnfield Rd, they might own the land but can't get permission to build on it, it's "dead land" so to speak.

I'm not sure if you realise but all the previous objections are very important, where we as the objectors can ask that all of this historical information be taken into consideration for this present application and appeal, it obviously shows a consistent pattern of objections over a long period of time.

I hope some of this reassures you about what happens next, but my apologies if it also brings up painful memories for you, as you very obviously loved this area of woodland years ago, and still do in the present.

Personally the Johnsons have actually done me / us a back handed favour, by giving me a wake-up call re all this, & motivating me to do something about it, to protect this historical, natural site for Lochwinnoch and the villagers.

Where if the Review panel are consistent with previous decisions??, I would personally hope to bring this plot back into public ownership by whatever means we can get it back, where we can manage this plot and keep it in the natural state that it has been in for the last 160+ years, for the benefit of everyone in Lochwinnoch, as a beautiful, natural Woodland Garden.

Where hopefully the Johnstons have done us all a big favour by appealing this council decision by settling these issues to the benefit of all parties, the community in Lochwinnoch, the Johnstons, and Renfrewshire Council ??

#### S 4

That's reminded of what happened legally, as I understand it my name was entered on the old Land Register, it should also have been put on the new one, that's how I lost the ground because my lawyer didn't do that.

#### Eric

All of this hassle over all these years because of one simple legal mistake.

Which would probably have taken an hour or two of work to do.

The lawyer was lucky that you didn't make a complaint to the Law Society, as you certainly had grounds to do so.

When I think about it, I was forgetting my manners.

To ask you for permission to put your story in my own paperwork???

I would be careful to maintain confidentiality, & reword your text if necessary, & use only letters like WG for Woodland Garden so that you could not be identified in any way.

The councillors wouldn't be interested anyway, although the Johnstons will likely remember??

Your story is the basis of all of this & I feel very important to our own appeal, which I / we will use to highlight why the site must be left in its present state, so that we as a community in Lochwinnoch can maintain and manage it, and really improve upon it, in a similar manner to what the LCDT are doing with Lochhead Gardens.

Even to the point of involving the LCDT for help re various aspects of these ideas & asking RC for a Community Asset Transfer, (CAT), to extend the plot with the council owned land to the rear of the garden in a similar way to the application the LCDT have done for Lochhead Gardens.



Furthermore it fundamentally shows how right from the time that even before the Johnsons made a claim to this plot, that your plans for it were the foundations of all the objections that have followed over the last 30+ years, to the present.

And into the future, if / when, as I've said above where we hopefully bring the plot back into common law, common sense, community ownership.

Which if you are still interested in, I personally hope that you would still like to be involved in?? This was your dream 30+++ years ago, after all.

So I am really hoping that you are okay with me using your story.

To be honest, personally , I like the sound of S's Garden, L Gardens, or Auld Simon's Garden???

## S 5

Well at the time I was in the process of leaving J, plus a solicitor acquaintance of mine told me she didn't think I had " what it would take", financially or otherwise to fight it, nor was there any point in complaining so I let it go. I'd have loved to have built a tiny wee L- shaped hoose there and see out my days but I always knew that would never be possible without felling healthy trees.

(NB from Eric: The fact that S had thought of building a small house on the plot in no way justifies the planning applications that the Johnstons have submitted over the years. Note the fact that S also acknowledges that healthy trees would have to be felled / sacrificed to build any property).

(Where I chose to leave this text in this part of our objections to highlight the fact that S had realised that building a property on the site was not possible).

Imagine the joy I felt when I had my wee shed built!

Anyway, back to present times and I must admit you've now got me interested in the idea of a Community Garden. I also always knew the plot was too big for me to look after it properly. There were actually some people who referred to it as S's Woods!!

God moves in mysterious ways I have found and if what I want is right, it tends to happen eventually. I would like to be involved in what goes on in the future. By the way , I'm happy to be named personally in the proceedings as I'm confident I haven't falsely accused anyone of anything, my only worry would be lawyer although I haven't named them in any of my communications with you.

There is still a chance that I've misunderstood events! Meanwhile I'll just allow myself to dream of the woodland garden. Oh, btw, there are remains of what appears to be a stone wall / foundations within the ground- I used to sit on them while I had my tea break- I'm sure you've examined the history of the area. x

## S6

Already thinking of projects to open people's eyes to what can be achieved plant wise, there's a lovely " feel" up there. I don't think Mrs Johnston would know what I mean, don't think she would understand my love for the place, but maybe I'm wrong.

Just another piece of info which might explain a lot.

Where the home of one elderly widowed resident is built over one of the main drainage pipes for wastewater or sewage. This resident strongly objected to the planning application re these concerns that the existing system wouldn't be able to cope with the extra waste from the proposed new build.

We acknowledge that this waste could only be for mainly 2-4 people, where this may point may seem unlikely. Nonetheless, we feel that point must be addressed, if only to give peace of mind to this elderly villager, who is very concerned about these issues.

Where we wish the Review Panel to note the following questions on these issues??

**Questions:**

1. Are the applicants aware of these issues regarding this individual property??
2. If they are aware of them??, what measures have they taken to address these points??
3. If the applicants are aware of the issues, why have they not highlighted this in their original planning application or even their Statement in Support of their Appeal??
4. Even if this outside the grounds of both planning refusal and appeal??
5. Or what advice have they sought on these issues??
6. Have they followed up on any advice that they have been given??

Furthermore, in a more general sense.

7. Are they aware of the design, layout, and structure of the existing draining system??
8. Especially as they intend to connect to that system??
9. Did they make enquiries about these issues?? 10. Were they required to do so?? 11. Were they aware of such issues, but didn't think that they were relevant to their application??

Where the first 6 questions on the individual property also apply to the more generalised issues of how their new build might affect the surrounding properties.

Where we believe that there are more generalised issues on drainage and sewage within this locale, where we will make more representations on these issues before the meeting of the Review Panel at the end of next month, where these issues are obviously of major concerns concerning raw sewage to this residents in the surrounding area of the application site.

Whilst all of this is obviously a specialised area of Civil Engineering, considering the number of applications that they have applied for in the past, how aware of these overall issues are they, in relation to this plot of land??

The original RC planning application has an Assessment of Flood Risk.

Where they have answered No to both questions in this section.

Does this assessment include any possible damage to tree roots in either the short or long term??

With the possible increase in run-off to other properties re any possible damage, in any direction, e.g., front or back into the gardens at the start of Johnshill or in St Winnoc Rd that are situated below the site of 2 Johnshill??

**Schedule 3 Development.**

We note that the applicant ticked the No box in response to this part of the Planning application, where normally for any Planning Application within Lochwinnoch we would see something in the local press??

Some of us as objectors have discussed this point, but none of us can remember seeing any Notice of Planning Permission within any of the local newspapers, which would normally be weekly in The Gazette. (Covering Johnstone and Renfrewshire).

Whilst we would be surprised if this part of the planning process was not adhered to, we wished to query this anyway, for the reasons stated above.

#### **Certificate and Notes and the Land Ownership Certificate.**

We note both the Certificate and Notes and the Land Ownership Certificate sections towards the end of the Planning Application and acknowledge this gives the applicant full legal title to the site.

We also note that these sections do not give any dates for when Mr and Mrs Johnston gained full title to the site, as S has said in her texts if Mrs Johnston was (first) refused Planning Permission in 2002, then presumably they had title to the plot before this date.

In 2023 it is probably now a moot point, but as the interested parties / objectors we had a discussion on the timeframe involved, i.e., the time between the Johnstons first having title to the plot, and the time they first applied for planning permission, and did this comply with the legislation of the time.

Where we wish all parties to note that we are still trying to have this point clarified from other sources, albeit it may not be relevant to this Review Paper for the LRB.

Like the points in the Schedule 3 Development section, if the Review Panel are able to have this point cleared up before we act on our alternatives for the site, so that any processes have met all due legal process and requirements??

Other than these points, we have no further comments or questions to ask of the applicants for this section of the Planning Permission Document, at this point in time.

#### **5. Examination / Representations of Tree Condition Survey.**

We have listed the Tree Condition Survey here as we believe that it has important relevance to the following sections of our Paper to the Review / Appeal and the Review Panel.

As laypersons who are certainly not Arborists / Arboriculturists for the management, maintenance, and especially the felling of diseased or damaged trees, we have to abide by the recommendations of Mr Calvey.

Although we notice that the Tree Condition Survey is now presently classed as out of date by approximately 6 months in Mid-December 2023, as noted in his report by Mr Calvey himself in his own report.

As the report was only valid for 1 year from the reporting date of May 2022, and published approximately one month later on the 14<sup>th</sup> of June 2022.

Without a further tree survey we now are wondering what the overall condition or state of the site now is??

Where for our part as the objectors, only a visual inspection of the site would be possible, where that inspection would be severely hampered by the large amounts of this, difficult to walk on / passable un-maintained ivy / undergrowth.

Where we also note the conditions of the trees that required Crown Reduction and the trees that needed removal, 6 of for Crown Removal / pruning at the tops of, and 4 for removal.

We further note from the accompanying photographs and text on the 1<sup>st</sup> page of the survey that various trees have very large amounts of ivy growing both around them and up all of the trunks of these large, well-established trees, and at ground level across the whole of the site has been, as stated above un-maintained, even very badly maintained.

Which leaves us wondering how often, and how much the plot has been regularly, even sporadically looked after, in a variety of ways over the last 20 odd years??

Having noted these points in our Paper of Further Representations / Objections where we have deliberately used the full title, to object on these points alone, at the way the plot has obviously been neglected over a large period of time, by the applicants as the legal title holders.

Where we will say quite a bit more on this subject in the next sections of our Paper to the Review Panel, which we would ask the HCG to continue to note on these issues.

## **6. Representations on Notice of Review Document.**

We note that the registered address of the applicants on the 1<sup>st</sup> page of the Notice of Review is;

Flat 0/2,

174 Clarkston Road,

Glasgow,

G44 3DN.

We will make our reasons known for noting this point just very shortly, within this section of our Paper of Representations.

This may be an inappropriate point, but as the applicants now live up in Clarkston, Glasgow with this as their registered address on their appeal, we wish to ask the Review Panel why this appeal should be upheld by the applicants when they don't even live in Lochwinnoch anymore??

Where they have not done so for a number of years.

We are sure the applicants had good personal reasons for this move to Glasgow, but this still implies an absence of loyalty to a village and community that they lived in for many years??

These questions would be completely irrelevant if it were not for the fact that the applicants have, once again, applied for planning permission for this site.

It is only because of the planning permission appeal that we ask these questions.

To think otherwise would be to imply or think that people are not allowed to live where they chose to live, which would be a ludicrous suggestion, I am originally from the South side of Glasgow, but I (Eric ) personally chose to live, and plan to die in Lochwinnoch.

Furthermore, the note below is a copy of the text between S and I on Page 7 of this paper.

### S 3

Ps- I heard Louise had told a friend they'd sold their house in Lade Court and were renting till they built their house up at the woods, so she seemed to be confident that it would go ahead.

Which considering this 'house' has been very consistently objected to and refused by the council over all these years, this piece of gossip seems rather 'over-confident' on the part of Mrs Johnston??

On a more concrete note, we also wish to ask the applicants further questions in a similar vein??

After all these years of said objections and refusals of your plans for this site, apart from changes to the tree plan per the survey report;

1. Can you give us justifications for / valid reasons for why the Review Panel should now uphold this present planning application??
2. In light of the planning department decision, again for Refusal in 2023.
3. Thereby overturning the present planning department decision.
4. Which would also obviously overturn all the previous decisions made by the same department since your 1<sup>st</sup> planning application sometime just into the Millenium??
5. Which would obviously also make Null and Void all the previous Objections over this same time frame, by multiple objectors, of varying age groups including older ones like many of our present group who are now either approaching or in pensionable age, where some of us have been objecting over the last two decades.
6. Where even more so, again if this is a relevant point??

All of the objectors, past and present are obviously all Council Taxpayers, who because we choose to live in Lochwinnoch, we pay our Council tax to Renfrewshire Council as the Local Authority.

So, with all due respect, as you now live in Glasgow, thereby paying your Council Tax to the Glasgow authority, even more so why should the Renfrewshire Review Panel find in your favour, nullifying the wishes of all of these taxpayers, past and present over 20+ years.

This last inquiry might seem a very cheeky, very impertinent question, where we are most definitely not trying to place undue pressure on the Review Panel, where we expect their decisions will be fully impartial, but also meanwhile very fair in their judgement.

So all these questions are **directed solely** at the applicants, where we are interested to hear what their responses are in relation to all of the above questions, again in addition to any other questions we have asked the applicants throughout this paper, including the last one regarding council taxes.

Moving on from these possible mooted points, we would also like to ask further questions concerning this Review / Appeal.

Considering the level of objections from the community over many years, including the present one, and the fact that the Tree Condition Survey Report is now out-of-date, albeit by only 6 months from May this year;

Under the Review procedure part of the appeal, the LRB have accepted your suggestions that you as the applicants feel "is most appropriate for the handling of your Review".



So why have you as the applicants only asked for an Assessment of review documents only, with no further procedure??

Where also, you have made no statement in support of your Review for options 1 or 2, or even asked for a further Site Inspection.

Albeit the last Site Inspection was done only 9 months ago by Mr Weir.

If you as the applicants, feel that you have such a strong case by going to appeal on the Refusal, would a possible combination of procedures, as noted on the Notice of Review document, of Further written submissions, another Site Inspection, and said Assessment of review documents not have been more appropriate to your case for that appeal??

Surely you, as the applicants want to make your case as strong as possible by exploring all possible avenues to further your case, in asking the Review panel to overturn our objections in favour of your appeal??

**Or in an alternative scenario;**

As the applicants, you are very aware, that you actually have quite a weak case in only asking for an Assessment of review documents with no further procedure.

Where you may have been, and we emphasis 'may have been', advised by your Consultants that if you wish to go for a Review, this is the best / only option, that this is the minimum threshold for a Review, where the Review panel have no option but to agree to this 'paper' Review at its lowest level under appropriate legislation, to ensure that they, the Council are adhering to that legislation to ensure that you have been fairly treated within the legal guidelines under planning law.

So as we continue to ask, we are curious as to what replies to our queries you may give us on all of the above noted questions, under this section of our papers to your appeal??

Where, as we believe you do have a (fairly / very), weak case for appeal, we will outline in the next section of our Representations / Objections, the importance of the conditions of the trees, as the main grounds of Refusal by the planning department, where as far as we can see as the interested parties / objectors who all live in Lochwinnoch, the ground and surrounding growths, and more so the trees on which the grounds are sited, where there is an 'interdependent relationship' between the two, where the trees are obviously wholly dependent on these grounds, which need to be kept in decent condition for the good maintenance and management of the trees, as the main aspects of this woodland area.

## **7. Representations / Objections to the Planning Appeal Statement.**

Our representations / objections to the original planning application could be split roughly into 3 areas, i.e.,

1. Circumstances affecting the site itself, including the presence of the trees, wildlife that live on the grounds, birds that use this environment for feeding, nesting, hatching, etc, and various other aspects of a semi-urban woodland site like the one next to Auld Simon.

2. Auld Simon itself, or to give it its original name St John's Kirk, or the Kirk of St John which was dedicated to Saint John, where the name Johnshill comes from, or St Winnock's Church within the

Church of Scotland, dated from 1727-1729, all of which depends on different sites that we at looked at online.

The obvious historical significance of the church as the oldest building in the village.

Where the bell is an original from 1729 and the clock was added in about 1731.

3. How the development of this property could affect the surrounding existing properties, in various ways, of the close-by neighbours.

Where we by now all know, the grounds of Refusal were mainly based on the 1<sup>st</sup> two types of objections, where the trees were all Points 1-5, with Refusal including Auld Simon at Point 4.

So our objections were upheld on Points 1 and 2 as noted above, by the planning department, apart from the 3<sup>rd</sup> category which doesn't seem to have been included in the Refusal.

So the grounds for our original objections and the grounds for the Refusal were both very similar, albeit the Refusal largely quoted points of legislation which we expected it to do, as obviously planning officials are better versed in this type of law making, as opposed to the interested parties / objectors, who are mainly concerned lay-persons who value the 'gardens' for its intrinsic, environmental, and natural values to and for our small community in Lochwinnoch.

Which in the main part, is fine by us as the interested parties / objectors, where a Refusal is a Refusal, on whatever grounds that may be decided on by planning staff??

Where we as the interested parties / objectors obviously hope that these points of the Refusal will also be adequate to maintain this original decision by the planning department, for this present decision in 2023, which also seems similar to all previous Refusals over the long-term objection period.

Where the conditions of the trees are important to all parties concerned in this process, whether from an interested party / objector's, applicant's or officials point of view.

From the Tree Survey Report outlining the most professional opinion on the recent conditions of the site, (May 2022), in contrast to the Appeal Application Supplementary (proposed) Planting Plan, and the detailed Planning Appeal Statement, it is obvious that in these parts of your appeal, you have gone into some detail in support of that appeal.

In direct contrast to the existing state of the of both the ground that is covered in masses of ivy, with that same ivy growing up many of the trees, to at least average head height.

On a personal visit of the site on Wednesday on the 13<sup>th</sup> of December 2023 / the week of 1<sup>st</sup> submissions, I (Eric) walked around the iron fence and take a walk on the grounds, which I did at some risk, where I often found it difficult to keep my footing, due to the undulating ground, which is very uneven across the whole site, which could only be a hinderance for property development, adversely affecting the substantial tree root systems from the various large trees with their foundations underneath these hilly grounds.

I am 5 ft 5-6 inches in height, on tree trunks with ivy, it is well above my head height.

Where quite frankly, in all objective, impartial honesty the plot is in a seriously overgrown condition, which is easily visible even from some distance away, and when driving past the site in the car.

(Eric: Where I chose to take some videos of the site for my own personal reference).

(Note from Eric: For all parties reading this paper, we have chosen not to include these photographs, which were taken my own phone, as we plan to include them in further representations / objections and as part of a much wider photographic portfolio as an ongoing record of the physical conditions that exist at the site.)

Regarding the present conditions on the site, and your plans for the maintenance of the existing trees, as well as new planting on the site, strong contradictions of a paradoxical nature seem to exist on the site.

Where on the one hand, you claim / imply that you will sensitively care for and manage the existing tree outline, presumably pruning back and getting rid of lots of undergrowth, from both across the ground and well up beyond ground level.

Also and obviously to do the same regarding the ivy and other overgrown material up all the trucks of the surviving trees within the boundaries of the plot.

Yet on the other hand, the remaining trees are still all in a seriously overgrown state, where the ivy is still heavily present, even during the winter months where the ivy and undergrowth has reduced, but only because of the colder weather conditions coming up to the winter months within the next 9 days at the Winter Equinox, on the 22<sup>nd</sup> of December for this year.

Where obviously all of this growth that is presently dormant, will return again in the spring and summer months next year and beyond, probably in a worse state that it has been in previous years, as without proper care and management, all this growth is cumulative, especially over long periods of time.

Which is nothing to say of the 4 trees that had to be cut down this last summer due to the fact that they were heavily diseased, again per the Tree Survey Report.

So very frankly, which is it??

Is it care and maintenance of existing woodland, with new growth and planting??

But only if your appeal is successful??

Or

Is it allowing the plot to become more overgrow, requiring more trees to be felled, etc, etc??

If your appeal is refused??

As witnessed by the lack of care for the plot, by yourselves as the Legal Title Owners over the last 20 odd years.

Where in fact, as the facts seem abundantly obvious, the trees have actually been your greatest hinderance to building any kind of property on this plot of woodland over all these years.

We contend as the interested parties / objectors, that in fact your lack of care and maintenance of the site has been a very deliberate part of a very long-term plan to build a house on this site??

By knowing and hoping that with the lack of your care of the site, the trees would eventually through time become diseased, ultimately requiring felling, thereby allowing you to build some kind of property on the site through extra space being created??

Where obviously, if the trees come down through said felling, the greater your chances, as the only applicants over 20 years as the only Legal Title Holders.

Furthermore, as the owners of the plot, no one else in Lochwinnoch is going to do anything about tidying up the site, where that is your prerogative / responsibility and no one else's.

Where all this is witnessed by the fact, that your latest original Planning Application that was submitted in May this year after, and I quote;

"Due to a major change on the site conditions, following previous objections in 2015, we met Planning Officer James Weir on site."

"After his email of 13.03.23, we came to the conclusion that a fresh application with a new approach could be considered favourably."

So for the HCG and the Review Panel, we ask you to note;

The 2 points to note here are;

1. "A major change on the site conditions."
2. "A new approach could be considered favourably."

On Point 1 that yet again we wish to state that these changes had occurred due to lack of care, maintenance, and management of the trees on the site in the long term 20-year period, resulting in Point 2, where "a new approach could be considered favourably."

Where this new approach consists of a smaller property, in the form of a small bungalow type cottage, as opposed to the 2-storey house, with up and down stairs, that the applicants thought would pass due to the similar type of brickwork to Auld Simon.

Which we still find , as oft stated before, highly objectional.

## **8. Our Conclusion of the Planning Appeal Statement.**

As our suppositions to the Planning Appeal Statement are largely contained in the previous section, the conclusions to us seem very obvious.

This situation is a 'Catch 22' situation for both the Applicants and us as the Objectors.

As the applicants have never been able to build on the plot, i.e., 'dead land' as we have previously mentioned, they have never really been interested in caring for the site as it should be and could be cared for.

Even more so now in the present as they presently now live up in Glasgow, with it obviously being further to travel to, as opposed to walking up the street from their previous home in the village.

They have only ever been interested in the site if / when they could build a property on it, contradicting and overturning the wishes of a long history of objectors within Lochwinnoch, where if they had tried approaching some of the neighbours in the local vicinity of 2 Johnshill, they might have met with slightly more success.

Which having spoken to most of the neighbours in the surrounding area, some of whom are elderly long-term residents, we very firmly believe would not have made the slightest bit of difference.

As far as we are aware this never actually previously happened, again as some of the residents in this area have lived in their homes since before the Johnstons put in their 1<sup>st</sup> Planning Application in the early Millenium.

Where we wish to make it absolutely clear, we do not wish to slander Mr and Mrs Johnston, but we no longer wish to see the plot left in its present state of extremely untidy, disrepair, when we feel very strongly that it could be put to much better use.

As the local community we have never been able to maintain the site either, which on reflection could be described as short sighted on our part, but again in a contradictory manner, it has been suggested that some locals did try to briefly maintain the site, but ironically enough, it has been suggested that the applicants also objected to this work being carried out by concerned local residents, who were upset and concerned about the state of the site a number of years ago.

So to the Million Dollar Question??

To try and resolve the Catch 22 Situation that both the applicants and we as the community of Lochwinnoch find ourselves in??

## **9. Our Own Proposals for the Site at 2 Johnshill, East End, Lochwinnoch.**

So to move on to further our own proposals for 'Our Gardens'.

As an Elder and Worship leader in the Church of Scotland, I Praise and Thank the Good Lord that the staff and elected officials of Renfrewshire Council have seen fit to reject the applicants' proposals for the site over a long period of time, thereby leaving the possibilities of our community being able to develop the plot in a careful, considerate, sensitive manner that is in keeping with Renfrewshire Council's Environmental and Sustainable programmes.

In a manner that is similar to the proposals / ideas for the Lochwinnoch Community Development Trust, (LCDT), site at Lochhead Gardens, which we as a group of volunteers / amateur gardeners would bring "S's and Auld Simon's Garden's" to a state of a beautiful, blossoming Woodland Garden. Where, especially with the guidance of S, who loves the ground, in case the LRB Review Panel need reminding of this point??

Where if possible we would also approach Renfrewshire Council to ask about a Community Asset Transfer, (CAT) as we may have mentioned in other previous parts of our Representations, again in a similar manner to the way the LCDT have sought one for Lochhead Gardens.

**NB:** Where we as the interested parties / objectors have privately discussed this idea of a CAT, I (Eric) casually and briefly spoke to one of the local Councillors for the first time ever on this issue, on the afternoon of Wednesday 13<sup>th</sup> of December 2023 regarding this idea, who certainly didn't poo-poo me on it, and who seemed to consider it a reasonable option, for a site of council owned land that has lain unused for a long time, similar to the Lochhead Gardens site.

As a group of concerned locals or 'redevelopment interested parties', if we were able to get a CAT from RC for this part of the woodland area, it would obviously and dramatically increase the size of the area for said redevelopment as the woodland garden.

Where we would even consider making enquiries about the plot of land across from the application site, the lane known as 'Skipper's Path going down to Gates Road, at the left side of Skipper's Path, where the lane as a Public Right of Way that runs from East End to Gates Road.



This area of land has, like other plots of land in this area of the Lochwinnoch has remained unused for many years in a very overgrown state of ground growth, shrubbery, and trees, which is also very unsightly to the local residents.

Like the application site, it could also be described as 'dead land'.

The 'Skipper's Path Site' is enclosed on 4 sides, with no legal vehicular access, where a number of developers have looked at it over a long number of years, and discounted it for any kind of property development, due to the lack of this access.

Any of this, in part or whole, RC owned land or Skipper's Path would obviously dramatically increase the area of the 'Woodland Gardens', which would considerably widen the scope of activities that we would be able to undertake within this woodland space.

Where if we were given a CAT, we would seek the opinions of the owners of the garages on the council owned land, even if they are mainly run down.

Where furthermore, these proposals seems to fit in with Scottish Government, (SG) Legislation of June 2018, with the;

'Community right to buy abandoned, neglected or detrimental land, (ANDL).

Where we would explore the possibilities of these proposals and form the necessary and relevant community bodies to allow these proposals to come to fruition.

If all these ideas came together, to bring all this land / these plots into community ownership this would be a huge undertaking for us as a community.

Where, very, very importantly the present application site, whilst not physically so, would be a very central and strategic part of these proposals to completely regenerate this whole area of the East End part of the village of Lochwinnoch.

Where absolutely, none, none of this area could ever be considered or given up for any kind of property development.

Where we would expect to have, if necessary, full Title Deeds drawn up, or some kind of Statement of Intent, where one of the preconditions to that title / Intent would be the express statement that all of this extended site would remain as 'green land' in perpetuity, for the permanent benefits, for both the present and future residents of Lochwinnoch.

Where we would take into full consideration on our part, as we are asking the LRB to do regarding this continued Refusal of this appeal, the thoughts and opinions of the surrounding neighbours and residents of the village, if necessary, e.g., by having public meetings to highlight our proposals.

As Papers of Further Objections and Representations to the LRB Review Panel were submitted last night by email to Mr. Robert Devine as a Senior Official of RC, it is only this morning since these submissions last night that we have thought about these ideas after very brief but very hurried discussions on this, where we very importantly feel are central to our Further Representations and Further Objections to the LRB Panel Review at the end of next month.

So in spite of / whilst these ideas / proposals have not formed a central plank of our original papers, within Mr Devine's email stating that any more Further Representations / Objections should be submitted to the Head of Corporate Governance before 3.55pm tomorrow Friday 15<sup>th</sup> of December 2023 as the deadline for paper submissions, we now ask the HCG, the LRB, and the Review Panel of

Elected Officials, or Elected Councillors to take note of these proposals before and during the LRB hearing on the 30<sup>th</sup> of January next year.

By giving our proposals their full consideration in relation to both the application site, and the wider considerations / implications that the Status Quo remains intact, where the decision of the Planning Department from the 8<sup>th</sup> of September 2023 be upheld by the LRB Review Panel, to allow us as the interested parties and objectors to explore the future of our wide range of ideas to allow natural development of this area of the East End of Lochwinnoch.

Without the detrimental effects of a new property, as proposed by the applicants sitting within our own enlarged proposed woodland development site, where as we have stated on numerous occasions now during the length of these Papers, to once again 'strike down' the proposals by the applicants, which are completely at odds with our own natural development of the area, to the benefits of the complete and whole population of Lochwinnoch and beyond into the wider community in Greater Glasgow, Renfrewshire and North Ayrshire, within Muirshiel Regional Park where this natural 'woodland area' or S's & Auld Simon's Woodland Garden would be completely open to all sections of all communities, thereby hopefully increasing visitor numbers to Lochwinnoch, and Renfrewshire in general.

Whereas we are sure, as the Staff / Elected Officials of RC all know, we get large numbers of visitors from across the, e.g., Greater Glasgow area, and from Kilmarnock in East Ayrshire, with School parties on Castle Semple Loch, Less-Able-Bodied Children in wheelchairs, or more mobile Children / Teenagers with 'Special Needs', coming to Muirshiel Regional Park.

(Excuse me / Eric as one of the authors and writers of this paper getting a bit caught up in all these proposals / ideas.)

#### **In the meantime, to return to the present issue;**

As I / Eric and My Wife hope / plan to live close by in the years to come, with my In-Laws presently reside in the vicinity and many of the objectors also living close to the site, it would be wonderful to be living nearby to these 'gardens', knowing that we had managed to save them from any form of development, and that hopefully, for many generations to come, all sorts of people would get lots of pleasure and educational benefits from having the 'gardens' in this part of Lochwinnoch, similar but different to Lochhead Gardens at the other end of the village.

Where, it seems blindingly obvious to us as the interested parties, some of the most important of these groups would be the local schoolchildren, mainly from Lochwinnoch Primary School, but also from other Primary and Secondary Schools in the area if they wished to come visit (either) site at Lochhead or S's & Auld Simon's Gardens'??

Where we personally envisage that our project may have somewhat wilder aspects to it's development, to differentiate it from Lochhead Gardens to teach, especially the children, different aspects of flora and fauna, teaching them about the trees, and hopefully / possibly small wild animals who take up residence in a slightly wilder garden site.

Where the ideas and possibilities seem endless, in this bigger 'garden' site if we able to get a CAT from RC, where to re-assure council officials and staff, we would wish to naturally develop that piece of land in a similar manner to the site at 2 Johnshill, where we would welcome site visitations from council staff to appraise them of our progress on the CAT site, and the whole site generally.

# **10. Final Conclusion to this Paper for the LRB and the HCG, of Further Objections and Representations in relation to this Planning Appeal by the Applicant, Mr David Johnston.**

In asking for this Notice of Review with the LRB, thereby highlighting the conditions that presently exist on the planning / application site, many of our group felt that Mr And Mrs Johnston have actually done us, our group / our village / our community in Lochwinnoch an unforeseen, unintended, backhanded favour.

By bringing to our attention, in the “full glaring light of day” to the conditions that presently exist on the site of S’s beloved ‘Woodland Garden’.

If anyone on the Review Panel doubts what we are saying, then we would like to invite you down to Lochwinnoch for an anonymous visit to examine for yourself the conditions on this plot, one of the last plots of woodland in a fairly built-up area, within a rural village.

Where it also seems that the site across from the oldest building in Lochwinnoch, and a Holy Place of Worship as the remains of an ancient church, is only / has only ever been any good to the applicants if they were going to be able to build a property on it.

At this point in this Paper of Representations / Objections, we as the ‘interested parties’ wish all other parties to note that, in case it is in any doubt, that once again we object to any development on this site in the strongest possible terms.

With no caveats or compromises on our part re any form of house building or development of any kind, however small or aesthetic this may be.

The site has been a natural woodland for nearly 170 years, can we just leave it that way Please, for the benefits of this community.

In spite of the conditions that the applicants have left the plot in, over many years, we also feel compassion for them, where we fully acknowledge, realise and understand that Mr and Mrs Johnston have also held this dream close to their hearts for many years.

However, that does not compromise our intentions to bring this plot back into community ownership, where this seems to be a very black and white scenario, with very little grey area in-between their proposals and ours.

Where we feel that after 20 plus years of sustained upheld objections, within the last 170 years, that the site / plot / gardens themselves have waited long enough for someone to take decent care of them, in a manner appropriate to the surrounding, natural, God / Holy-Spirit Protected Area, where “Thy Will Be Done”, Not my will, But Thy Will, as The Will of God that seems to have keeping them waiting for someone to look after them.

With as we have now stated on numerous occasions, the obvious enduring support of Renfrewshire Council Local Authority.

When the LRB Review Panel make a ruling on this Appeal at the end of next month, if the LRB upholds the decision of their Planning Department, we will obviously be very, very grateful.

We do not wish to consider the other possibility at this point in time.

If the Appeal is again Refused like previous long-term decisions, Mr and Mrs Johnston obviously have a choice to make, both individually and together??

If they choose to accept the decision of the Review Panel, then we will enter into negotiations with them as soon as they are ready, to bring the Title Deeds back into Community Ownership.

Where we would compromise as much as possible with them through appointed lawyers, short of any future development on the site.

Even to the point of entering into financial talks with them regarding the site??

Where we would be prepared to wait an appropriate and discrete length of time to let them catch their breath, so to speak.

However should the applicants refuse to accept the ruling of the Appeal Body, we want them to understand, in no uncertain terms, that we will fight them absolutely every step of the way should they decide to appeal to any higher authority than the one they have already just had a ruling from.

Where we in no way wish to look as if we are blackmailing the applicants into withdrawing their case, but we wish them to clearly understand what our intentions are for the future??

Where we very, very firmly believe even now, **that whilst we are being very, very cautious and very, careful**, we also believe that we have an excellent chance of winning our case with the Review Panel.

Where we also believe, should it be necessary, that we can also win any future case to any higher authority if you should decide to go there??

But we'll leave this decision up to you, obviously depending on the decision of the Review Panel.

In the final part of this text we sincerely hope that we have presented a very strong case to the Review Panel to, once again reject and Refuse the Development Appeal by the applicants, in line with the decision by your associated Planning Department decision in September this year, and the Review Panel's decision at the end of January 2024.

We acknowledge that the applicants will respond to these Further Objections and Representations, and we await their responses to these Representations.

Where we will, once again, respond in a similar manner to the Applicants' own Representations.

Considering how very long this Representations Paper is, we wish to thank all everyone who has to read through this document.

We as the Interested Parties / Objectors do realise that this paper is a very, very long read in representing our case, and in some parts the reader may find it a bit boring or losing the thread of our arguments.

Or for where the paper, throughout its length is also very repetitive.

If this is the case for anyone, we would like to sincerely apologise.

However we have tried to make our case as strong as we can possibly make it, hence the length of it, by going through all of documents provided by both the applicants and Renfrewshire Council and trying to address each of the sections of these documents in very fine detail.

Hoping that You all have a Lovely Christmas

Regards and Best Wishes

From (Eric the Auld Gasbag) and The Team for S's & Auld Simon's 'Garden's'

## References

Other than three brief online references regarding Auld Simon and Scottish Government Legislation, nothing other than the paperwork / documents provided by the Planning Department, no other documents were used to reference any part of this Paper of Representations.

Therefore no Reference List is required in any form of an academic manner.

## Final Personal Notes:

Should anyone wish to contact me for any reason, regarding any of the contents within this Paper of Objections and Representations??

My contact details are below, at the end of this paragraph.

I also publicly wish to thank everyone who contributed towards this Paper of Further Objections and Representations, especially S for all the back and forward text messages, and M, for the ideas you gave me / us, and provided a bit of leadership, especially during our meetings, but also generally.

We were "lucky" that the right people appeared at the right time.

Where I just happened to be the one who had the time to word process this very lengthy document, my apologies to everyone reading all this as it is rather repetitive in some areas. It was a bit difficult at times to keep track of what I /we were trying to get down on paper from our discussions and texts, etc.

I shall thank you all privately for your input, but for reasons of confidentiality I don't want to name any of you publicly.

As you will all read this paper I am really pleased that we managed to get together so quickly to form this small group, where hopefully we will be able to enlarge the group further and gain more input from other people.

Some of the brainstorming sessions were really good fun and a good laugh, that was the part that I personally enjoyed the most by meeting other people that I had never met before, especially with a common purpose in mind regarding this Review / Appeal Notice.

Auld windbag that I am, away I all hear you laughing, you're not a windbag Eric, Ha! Ha! Ha!

I could say more of course, but I'll leave it there, as I really think I've said enough.

So I hope you all have a lovely Christmas.

Relax and enjoy yourselves after all this marathon 2 weeks.

My contact details are;

M:

Email:



Head of Corporate Governance,  
Renfrewshire Council,  
Finance and Resources,  
Renfrewshire House,  
Paisley,  
PA1 1TR.

N: Eric C. Beattie

A: 34 High Street

A: Lochwinnoch

P: PA12 4AA

Friday 15<sup>th</sup> of December 2023.

(Will all Individuals please note that the Head of Corporate Governance will ignore your representations/objections if you have not filled in your personal details with your Name and Address, etc, as above).

Planning Application: 23 /0179/PP.

Erection of single storey dwellinghouses and associated works,

On the Eastern Boundary Of No. 2 Johnshill, East End, Lochwinnoch,

By Mr. David Johnston.

For the Head of Corporate Governance in relation to Notice of Review to this Planning Application.

Relating to the meeting of the Local Review Body, (LRB) for this Notice of Review to be held at 2pm on the 30<sup>th</sup> of January 2024, in Renfrewshire House, Cotton Street, Paisley.

On the grounds of the Letters of Representations – Council Decision, as noted in the letters posted out to individuals, dated 8<sup>th</sup> September 2023, who objected to this Planning Application, where; 'the application together with your representations was considered by the Council on the 8<sup>th</sup> of September'.

Where the decision of the council was;

REFUSE Consent subject to the reasons.

As noted in the accompanying letter,

Ref. 23/0179/PP.

CONDITIONS AND/OR REASONS ATTACHED TO THIS DECISION.

**For the Attention of The Head of Corporate Governance.**

**Dear Sir / Madam,**

**List of Contents for this Paper of Representations/Objections**

- 1. The Interested Parties Initial statement to the Planning Review Panel.**
- 2. Statements, Questions and Representations from the Objectors to the Johnstons regarding this Planning Review / Appeal??**
- 3. A Recent History of the Site: How we got to where we are, from 1991 to 2023.**
- 4. Objections and Further Representations to the Original Planning Application.**
- 5. Representations on the Tree Report.**
- 6. Notice of Review Document.**
- 7. Representations to the Planning Appeal Statement.**
- 8. Our Conclusion to the Planning Appeal Statement**
- 9. Our Own Proposals for the Site at 2 Johnshill, East End, Lochwinnoch.**
- 10. Final Conclusion to this Paper of Further Objections and Representations in relation to this Planning Appeal by the Applicant, Mr David Johnston.**

**1. The Interested parties Initial statement to the Planning Review Panel.**

Will the Head of Corporate Governance, hereby abbreviated to HCG, please note that we wish to make Representations/Objections in relation to the above Planning Review Appeal by the LRB, as an 'Interested Party'.

Where we hope that the HCG will note these reservations in relation to the Review Panel meeting on the noted date will also take these Representations into their considerations and deliberations when making a judgement on this Notice of Review / Appeal by the Applicants, to the LRB.

Where we wish the HCG to note that we do so in the strongest possible terms regarding this Review, not just on the grounds on which the appeal has been based, but across all possible areas of both the original planning application and the associated review.

In previous applications by Mr and Mrs Johnston, we, as interested parties have asked for all previous objections and representations to be taken into consideration regarding any present application, where historically, as far as we are aware, the Johnstons, have been the only applicants to ever apply for planning permissions for this particular site??

Where very importantly, to support our case as the interested parties, various individuals and groups in Lochwinnoch have shown a consistent pattern of objections to the planning applications by this couple over the last 20+ years.

Where, very obviously we wish the 'Woodland Garden' / Area of Woods at 2 Johnshill, East End, Lochwinnoch, across from / in very close proximity to Auld Simon, as the oldest building in Lochwinnoch, for the woodland to remain in its present state, without any property development by these applicants.

***Furthermore, after 20+ years of applications by the Johnstons, we strongly and firmly believe that we have reached an impasse in relation to this situation??***

Approximately every several years just over the last 2 decades, the Johnstons have put in an application for planning permission, and we, the objectors and interested parties have responded and objected to these applications for development on this site.

Where Renfrewshire Council staff and elected officials have consistently supported us in our objections to these applications, by also consistently refusing planning permission for this valued and treasured site within our village, where we wish to record our gratitude for these efforts, where we are very grateful to these individuals over the last 20+ years in their continued support.

For if it was not for this continuous support, we would not be here today, where once again we find ourselves having to object and make representations to this Review / Appeal by Mr and Mrs Johnston.

In spite of our opposition to these continuous Planning Applications we therefore acknowledge that this has cost the Johnstons a lot of money, time and effort in pursuing their case, as well as a lot of corresponding time and effort on our part as the objectors.

To say nothing of the time that the planning department and to a lesser extent the time and deliberations that Councillors on the review panel spend on this issue.

***So in an effort to resolve this situation to the benefit of all parties concerned, i.e., applicants, objectors, Renfrewshire Council Planning Department, Councillors on the review panel, as well as the HCG, in his considerations on this issue, we would like to set out alternative proposals for the site, which can already probably be guessed at by all concerned??***

We will briefly outline these alternative proposals as noted immediately below and elaborate further throughout this Paper of Further Objections and Representations, and towards the end of this paper in our Conclusion.

We acknowledge that this scenario may not be acceptable to Mr and Mrs Johnston in the first instance, as they have held this dream for many years, but as they lived amongst us for many years in our very beautiful village of Lochwinnoch, where they were friendly and friends with, and well known to many of us, where I personally, (Eric) had mutual friends with them.

Where we as the objectors would seriously like to ask them to consider what we propose at some length, as opposed to dismissing our ideas in a knee-jerk type of reaction??

We also recognise that, as stated earlier, that this couple have put a lot of time, effort and expense into their planning applications, but after 20+ years of objections, we would ask them to finally recognise that as a community / the village / Lochwinnoch does not and will not / never accept their proposals for this site.

Whilst some individuals in the village may accept their proposals with their present plans for a property that is visually and aesthetically pleasing in relation to, and the closeness of Auld Simon,

many more people will not, especially neighbours in the surrounding vicinity of the plot, i.e., in Johnshill, East End, St Winnoc Road, Gates Road, and various parts of High Street.

***2. Statements, Questions and Representations from the Objectors to the Johnstons regarding this Planning Review / Appeal??***

All of the above then leads us to ask the following questions of Mr and Mrs Johnston??

When are you finally going to accept that your planning applications for this site are absolutely not acceptable to many of residents in Lochwinnoch??

Otherwise, why has there been 20 odd years of objections to your proposals, every time you apply??

No matter how nice or pleasing to the human eye your proposed property may look on this occasion, especially in relation to Auld Simon, like previous plans, it is still not in any way acceptable to the majority of our community in Lochwinnoch.

Where this small woodland area, that has been a precious woodland just off the centre of Lochwinnoch, for approximately for the last 165-170 years, should / could / must remain a 'Woodland Garden', enhancing the local environment / surrounding area, to the benefits of the trees, local flora and fauna, wildlife, roosting birds of all kinds and especially rooks.

Without absolutely any property being built upon it.

Where ultimately all of the above, intangibly enhances and enriches the lives of the human beings who live close by this plot, and any other green spaces, both within Lochwinnoch and outside it.

As a rural village in South Renfrewshire, which we feel is the last real village that is separate from other communities, which is not a suburb of Johnstone or Paisley, as the build-up area has extended ever outwards over the years.

Which is very much obviously why Renfrewshire Council has dependably supported our objections over the last 2 decades, as the benefits of green spaces and closeness to nature are very well, and scientifically recognised, in regard to both physical and especially, mental health.

**So really, in this part of our Representations, in our own way we are also lodging an appeal, as we are appealing to your better natures, Mr And Mrs Johnston??**

**To let all this go, for your own benefit and peace of mind, as well as ours as a group of objectors.**

And ultimately, for the benefit of Lochwinnoch as a community, which you obviously love, and loved, as you lived here for many years.

Where for you to try and accept that there will always be a group of interested parties / objectors in Lochwinnoch, with hopefully, as noted above, the continuing, ongoing support of Renfrewshire Council, where some concerned individuals, as individuals or in groups will always object to your plans for this site.

Where today it is our group who are objecting / making representations, tomorrow it will be someone else, and another group.

(Personal note from Eric)

(Please do not misunderstand me, as there is absolutely nothing personal in all this, along with many others we just completely disagree with your proposals for the 'Woodland Garden' and have done so for many years).

(Where my / our personal reasons for our representations / objections are completely altruistic, to the benefits of my / our community, where we represent the wishes our community, in my (Eric's) personal case my elderly relatives live in close proximity to Auld Simon / Johnshill / East End, where I have been asked to deal with this on behalf of all my family, as well as my own very strong beliefs in what we are doing).

Ultimately this situation reminds us of the Burnfield Road / Playing field site, with planning applications by Stuart Milne Developers, at the end of Newton of Barr, Lochwinnoch.

Where in this case, the Community Council have mounted a very focused, consistent campaign by this developer, sustained over a number of years, where ironically, this is a shorter time span than the one we have mounted against your own proposals.

Where both developers, regardless of size, both own the prospective sites, but cannot do anything with them, due to the number of representations / objections Renfrewshire Council (RC) have received over the years, from Lochwinnoch residents.

Where the term 'Dead Land' could be used to describe both sites.

Where it seems you are stuck with a possible development site that you can't do anything with??

Hence the nickname of 'dead land'.

To continue with these objections and representations, as noted above, we will further outline our proposals for the site towards the end of this paper.

### **3. A Recent History of the Site: How we got to where we are, from 1991 to 2023.**

In the early 1990's S, who has lived in Lochwinnoch for at least 30+ years wanted to further develop the application site into a 'Woodland Garden', where the site had and still has to the present day has become naturally overgrown, per the applicants' paperwork showing the Ordnance Survey Map of 1856, so over approximately the last 135-140 years in 1990-93, plus another 30 years to the present.

So in total the site has therefore been undisturbed for approximately the last 165-170 years.

The following pages are copied from messages between Ms S and me to show the review panel the 'more recent' history of what has happened over the last 30 odd years regarding this plot of woodland at 2 Johnshill / East End.

I have only altered the text to tidy it up, and have been very careful to preserve the anonymity of Ms S, even although I'm sure the Johnstons know who / remember who this lady is??

**Eric**

Thanks for getting back to me S.

I'm really just looking for the process that was involved, that you went through, and the time frame /



dates involved.

I didn't realise the lawyers were involved though, I've never really understood why the Johnstons keep on applying to build on the site, but by the sound of it they have legal rights / title to it?? Which explains why they have kept on applying to build on it over the last 20 odd years x 3-4 times. The situation reminds me of Burnfoot Rd then, they own it, but can't use it as locals keep on objecting to their planning applications??

As I recall they supposedly fenced it off, supposedly maintained it for a number of years, and then claimed legal rights to it??

If you fill in some gaps for me re how long ago you were at the lawyers, that would help.

## **S 1**

I laid claim to the land around 1991/92.

My then lawyer did a land search and found no record of ownership, he told me to occupy the land and look after it for 10 years and if it was uncontested, it would be mine. I did this at considerable expense, fencing it off, having dead trees felled etc, but only after I got council approval.

During the 10 years, Louise Johnson started her own claim, but I was told by my lawyer I had prior claim so not to worry. When my 10 years were up, I contacted my then lawyer, I'd changed to a different firm by then to ask how to conclude the claim -she said I didn't have to do anything as it was now mine.

However it appears that wasn't the case and Mrs Johnson saw her chance and pursued her claim. By this time I'd built a shed on the plot and was making it into a woodland garden but basically I had to get off the land, remove the shed and that was it. It was heartbreaking at the time, but there didn't appear to be anything else I could do.

Unfortunately I left it too long to complain to the Law Society, so I just had to let it go.

## **Eric**

A quick couple of questions that I mentioned yesterday??

Do you remember more accurately when Louise Johnson put her original claim in during the 10-year period??

Any idea when she further pursued her own claim??

I'm presuming that this was after about 2001-2003??

## **S 2**

I've found the "Woods File".

I first enquired about the plot in Feb 1993, and it looks like my claim dates from March 1993.

I then set to work having it fenced off by Alter Landscapes, employing a Tree Surgeon to assess the plot then paying him to make the plot safe, which included having some dead elm trees felled because they were dangerous. I had to apply for permission from Renfrewshire Council for that work to be done, even providing photographic evidence that one tree had actually fallen in high winds. This cost me a lot of money.

I was then worried about the spikes on the original iron fence at the front and my lawyer advised me to remove them to avoid public injury, this I did, all 239 with a hacksaw as I recall as I didn't own a Stihl Saw.

I also took out public liability insurance. Ironically, the Council refused permission to have the canopy overhanging the pavement to be cut back even though it forced pedestrians to walk on the road in summer, which worried me.

When the owner of one of the neighbouring garages expressed concern about overhanging branches I had them professionally removed.

I loved the ground, worked on it and my children and dogs shared it with me where I had all sorts of dream for the plot.

Anyway Louise Johnston applied for planning permission 2002 and was refused then, they had laid claim to the land. I was advised that I had prior claim so not to worry, the rest is within what I've already sent you.

Like I said, I thought all was well till Louise approached me when I was gardening at the plot Spring 2009 and told me I had to leave as the ground was theirs and they were "going to build a house ". I've never fully understood what happened, but it appears they did nothing illegal, saw their chance and followed it through.

To summarize, their first attempt at receiving planning permission appears to have been made in early 2002 , which I suppose is the main point. I think at least more than one has been made since then.

### **S 3**

Ps- I heard Louise had told a friend they'd sold their house in Lade Court and were renting till they built their house up at the woods, so she seemed to be confident that it would go ahead.

### **Eric**

Morning S,

No I fully realise that you have not accused them of any illegal practices.

Where nothing illegal has been done anyway, as they have included a copy of the land certificate showing ownership.

As I've said previously, I've never understood why they kept on applying for planning permission for the site, but this is now obvious as they own it.

Where this can be very expensive, as they have now applied for planning permission 3-4 times over said 20+ years.

Considering that the villagers have consistently objected to their proposals over this period, and the council planning department have also consistently upheld the objections by their refusals, I personally think the Johnsons have been, and are being very naive.

Again it's similar to Burnfield Rd, they might own the land but can't get permission to build on it, it's "dead land" so to speak.

I'm not sure if you realise but all the previous objections are very important, where we as the objectors can ask that all of this historical information be taken into consideration for this present application and appeal, it obviously shows a consistent pattern of objections over a long period of time.

I hope some of this reassures you about what happens next, but my apologies if it also brings up painful memories for you, as you very obviously loved this area of woodland years ago, and still do in the present.

Personally the Johnsons have actually done me / us a back handed favour, by giving me a wake-up call re all this, & motivating me to do something about it, to protect this historical, natural site for Lochwinnoch and the villagers.

Where if the Review panel are consistent with previous decisions??, I would personally hope to bring this plot back into public ownership by whatever means we can get it back, where we can manage this plot and keep it in the natural state that it has been in for the last 160+ years, for the benefit of everyone in Lochwinnoch, as a beautiful, natural Woodland Garden.

Where hopefully the Johnstons have done us all a big favour by appealing this council decision by settling these issues to the benefit of all parties, the community in Lochwinnoch, the Johnstons, and Renfrewshire Council ??

#### **S 4**

That's reminded of what happened legally, as I understand it my name was entered on the old Land Register, it should also have been put on the new one, that's how I lost the ground because my lawyer didn't do that.

#### **Eric**

All of this hassle over all these years because of one simple legal mistake.

Which would probably have taken an hour or two of work to do.

The lawyer was lucky that you didn't make a complaint to the Law Society, as you certainly had grounds to do so.

When I think about it, I was forgetting my manners.

To ask you for permission to put your story in my own paperwork???

I would be careful to maintain confidentiality, & reword your text if necessary, & use only letters like WG for Woodland Garden so that you could not be identified in any way.

The councillors wouldn't be interested anyway, although the Johnstons will likely remember??

Your story is the basis of all of this & I feel very important to our own appeal, which I / we will use to highlight why the site must be left in its present state, so that we as a community in Lochwinnoch can maintain and manage it, and really improve upon it, in a similar manner to what the LCDT are doing with Lochhead Gardens.

Even to the point of involving the LCDT for help re various aspects of these ideas & asking RC for a Community Asset Transfer, (CAT), to extend the plot with the council owned land to the rear of the garden in a similar way to the application the LCDT have done for Lochhead Gardens.

Furthermore it fundamentally shows how right from the time that even before the Johnsons made a claim to this plot, that your plans for it were the foundations of all the objections that have followed over the last 30+ years, to the present.

And into the future, if / when, as I've said above where we hopefully bring the plot back into common law, common sense, community ownership.

Which if you are still interested in, I personally hope that you would still like to be involved in?? This was your dream 30+++ years ago, after all.

So I am really hoping that you are okay with me using your story.  
To be honest, personally , I like the sound of S's Garden, L Gardens, or Auld Simon's Garden???

## **S 5**

Well at the time I was in the process of leaving J, plus a solicitor acquaintance of mine told me she didn't think I had " what it would take", financially or otherwise to fight it, nor was there any point in complaining so I let it go. I'd have loved to have built a tiny wee L- shaped hoose there and see out my days but I always knew that would never be possible without felling healthy trees.

(NB from Eric: The fact that S had thought of building a small house on the plot in no way justifies the planning applications that the Johnstons have submitted over the years. Note the fact that S also acknowledges that healthy trees would have to be felled / sacrificed to build any property).

(Where I chose to leave this text in this part of our objections to highlight the fact that S had realised that building a property on the site was not possible).

Imagine the joy I felt when I had my wee shed built!

Anyway, back to present times and I must admit you've now got me interested in the idea of a Community Garden. I also always knew the plot was too big for me to look after it properly. There were actually some people who referred to it as S's Woods!!

God moves in mysterious ways I have found and if what I want is right, it tends to happen eventually. I would like to be involved in what goes on in the future. By the way , I'm happy to be named personally in the proceedings as I'm confident I haven't falsely accused anyone of anything, my only worry would be lawyer although I haven't named them in any of my communications with you.

There is still a chance that I've misunderstood events! Meanwhile I'll just allow myself to dream of the woodland garden. Oh, btw, there are remains of what appears to be a stone wall / foundations within the ground- I used to sit on them while I had my tea break- I'm sure you've examined the history of the area. x

## **S6**

Already thinking of projects to open people's eyes to what can be achieved plant wise, there's a lovely " feel" up there. I don't think Mrs Johnston would know what I mean, don't think she would understand my love for the place, but maybe I'm wrong.

Just another piece of info which might explain a lot.

I had the ground professionally valued sometime during the 2000's, as I have the papers somewhere I think. If I remember correctly, it was valued at £65k if outline planning permission was obtained, which of course would involve removal of trees. I did that out of curiosity as I always knew trees would have to go and I wasn't prepared to do that, so it was a dead end.

(2<sup>nd</sup> Note from Eric: As we would obviously not be seeking to build or develop the gardens in this way, on a 'dead plot of land', by asking for planning permission, which negates our complete and whole ambitions for the site, we would want to have the plot evaluated and priced as a garden plot).

Come to think of it, that would be a driving force for other people??

I'll shut up now- things keep coming back to me. Now that I understand your motivations , I'd be happy to meet with you in the New Year and show you the " S's Woods " files ! Till then ...

S7

Ps: I didn't do it before because I thought it would just look like sour grapes, and of course there is a small element of that, that has gone with the passage of time now that I am older and hopefully a bit wiser, but I can now see better reasons for objecting to their plans.

All of this text is rather long winded, but we have chosen to include it to emphasis the recent history of the site and the love and affection which many people in Lochwinnoch feel for the 'Woodland Garden', especially S, who still dreams of what is possible for 'her gardens' 30+ years later.

Where paradoxically to S's, and numerous other villagers' wishes for the 'gardens', like the Johnstons, (where again, within this extremely long paper, again at the risk of repeating oneself, we fully acknowledge their wishes to build on the site re their various planning applications), where they have also spent a lot of their own money in trying to develop the site, albeit it we obviously disagree and object in the strongest possible terms to the applicants building a property in this area of woodland.

Where we also strongly believe this is the wrong type of development for one of the last areas of woodland within our village, that has taken many years to naturally develop, albeit it is now overgrown, needing care and maintenance from interested parties.

#### **4. Objections and Further Representations to the Original Planning Application.**

In the Pre-Application Discussion Details Cont. section of the above, we note that there was "a major change on the site conditions", after Mr Weir's email of the 13.03.23, where the Johnstons thought that a "fresh application with a new approach" could be possible.

So per the Tree Condition Survey that the Johnstons had requested in May 2022, followed by Mr Weir noting changes to the tree plan in his email of March 2023, presumably that 4 of the trees would have to be felled, etc, that the planning department still refused the Johnstons latest planning application.

Where if the Johnstons had been more proactive with better conservation of the ground conditions, soil, tree maintenance and management, obviously these trees would never have needed felling.



Which makes us wonder just how much care of the plot the Johnstons were inclined towards by looking after the site, considering the number of applications they have submitted over nearly 2 decades??

### **Access and Parking.**

These issues were within our original objections that we submitted against the initial planning application.

Where the site at Auld Simon is often used by local groups as a starting point for local parades, etc. E.g., Gala Day Parade in June, the Samba band have also this location on occasion, Millenium Walk of Faith. Where a large number of children often attend these first two on-going events with their parent(s).

Whilst the Johnstons have only applied for 2 parking spaces on this site, and the Health & Safety of these events can be managed by marshalling, this increase in traffic, however small, could pose a risk to both adults, especially children and the disabled, amongst large crowds of people waiting for parades to start, if the LRB Review Panel were to uphold this appeal, especially if the applicant had visitors to their home??

These points / risks may seem minor, but we wish to make the Review Panel aware of these risks.

### **Water Supply and Drainage Arrangements.**

At the time of writing this section out, (Monday 11/12/2023 @ 14.35) we are waiting on council staff replying to queries on these points??

As the refusal was based on tree grounds, where the appeal is also based on the same, we have asked officials if the Johnstons would have been aware of further objections from close-by residents.

Where we have since been advised by Planning Department Staff that these objections were available for the applicants viewing, where no attempts were made to do so, therefore the applicants chose not to make themselves aware of any concerns that their prospective neighbours may have on their proposals.

Thereby as far as we the interested parties / objectors are concerned, weakening their case for Review.

Alternatively, if they had attempted to view these objections and addressed the associated concerns, to our mind, they would have better prepared for their Review / Appeal process, by having more answers and information with regards to the impact that this property development would have on the surrounding area, and well beyond the development site.

This lack of concern regarding other people's opinions on their proposals seems to consistent in the applicants overall approach to their Planning Application(s) over a long period of time??

Under this section of the application, new or altered water supply and drainage will be required, where this proposed property will link into the existing drainage system.

The planning application document makes no mention of sewage waste??

Where the home of one elderly widowed resident is built over one of the main drainage pipes for wastewater or sewage. This resident strongly objected to the planning application re these concerns that the existing system wouldn't be able to cope with the extra waste from the proposed new build.

We acknowledge that this waste could only be for mainly 2-4 people, where this may point may seem unlikely. Nonetheless, we feel that point must be addressed, if only to give peace of mind to this elderly villager, who is very concerned about these issues.

Where we wish the Review Panel to note the following questions on these issues??

**Questions:**

1. Are the applicants aware of these issues regarding this individual property??
2. If they are aware of them??, what measures have they taken to address these points??
3. If the applicants are aware of the issues, why have they not highlighted this in their original planning application or even their Statement in Support of their Appeal??
4. Even if this outside the grounds of both planning refusal and appeal??
5. Or what advice have they sought on these issues??
6. Have they followed up on any advice that they have been given??

Furthermore, in a more general sense.

7. Are they aware of the design, layout, and structure of the existing draining system??
8. Especially as they intend to connect to that system??
9. Did they make enquiries about these issues?? 10. Were they required to do so?? 11. Were they aware of such issues, but didn't think that they were relevant to their application??

Where the first 6 questions on the individual property also apply to the more generalised issues of how their new build might affect the surrounding properties.

Where we believe that there are more generalised issues on drainage and sewage within this locale, where we will make more representations on these issues before the meeting of the Review Panel at the end of next month, where these issues are obviously of major concerns concerning raw sewage to this residents in the surrounding area of the application site.

Whilst all of this is obviously a specialised area of Civil Engineering, considering the number of applications that they have applied for in the past, how aware of these overall issues are they, in relation to this plot of land??

The original RC planning application has an Assessment of Flood Risk.

Where they have answered No to both questions in this section.

Does this assessment include any possible damage to tree roots in either the short or long term??

With the possible increase in run-off to other properties re any possible damage, in any direction, e.g., front or back into the gardens at the start of Johnshill or in St Winnoc Rd that are situated below the site of 2 Johnshill??

**Schedule 3 Development.**

We note that the applicant ticked the No box in response to this part of the Planning application, where normally for any Planning Application within Lochwinnoch we would see something in the local press??

Some of us as objectors have discussed this point, but none of us can remember seeing any Notice of Planning Permission within any of the local newspapers, which would normally be weekly in The Gazette. (Covering Johnstone and Renfrewshire).

Whilst we would be surprised if this part of the planning process was not adhered to, we wished to query this anyway, for the reasons stated above.

#### **Certificate and Notes and the Land Ownership Certificate.**

We note both the Certificate and Notes and the Land Ownership Certificate sections towards the end of the Planning Application and acknowledge this gives the applicant full legal title to the site.

We also note that these sections do not give any dates for when Mr and Mrs Johnston gained full title to the site, as S has said in her texts if Mrs Johnston was (first) refused Planning Permission in 2002, then presumably they had title to the plot before this date.

In 2023 it is probably now a moot point, but as the interested parties / objectors we had a discussion on the timeframe involved, i.e., the time between the Johnstons first having title to the plot, and the time they first applied for planning permission, and did this comply with the legislation of the time.

Where we wish all parties to note that we are still trying to have this point clarified from other sources, albeit it may not be relevant to this Review Paper for the LRB.

Like the points in the Schedule 3 Development section, if the Review Panel are able to have this point cleared up before we act on our alternatives for the site, so that any processes have met all due legal process and requirements??

Other than these points, we have no further comments or questions to ask of the applicants for this section of the Planning Permission Document, at this point in time.

#### **5. Examination / Representations of Tree Condition Survey.**

We have listed the Tree Condition Survey here as we believe that it has important relevance to the following sections of our Paper to the Review / Appeal and the Review Panel.

As laypersons who are certainly not Arborists / Arboriculturists for the management, maintenance, and especially the felling of diseased or damaged trees, we have to abide by the recommendations of Mr Calvey.

Although we notice that the Tree Condition Survey is now presently classed as out of date by approximately 6 months in Mid-December 2023, as noted in his report by Mr Calvey himself in his own report.

As the report was only valid for 1 year from the reporting date of May 2022, and published approximately one month later on the 14<sup>th</sup> of June 2022.

Without a further tree survey we now are wondering what the overall condition or state of the site now is??

Where for our part as the objectors, only a visual inspection of the site would be possible, where that inspection would be severely hampered by the large amounts of this, difficult to walk on / passable un-maintained ivy / undergrowth.

Where we also note the conditions of the trees that required Crown Reduction and the trees that needed removal, 6 of for Crown Removal / pruning at the tops of, and 4 for removal.

We further note from the accompanying photographs and text on the 1<sup>st</sup> page of the survey that various trees have very large amounts of ivy growing both around them and up all of the trunks of these large, well-established trees, and at ground level across the whole of the site has been, as stated above un-maintained, even very badly maintained.

Which leaves us wondering how often, and how much the plot has been regularly, even sporadically looked after, in a variety of ways over the last 20 odd years??

Having noted these points in our Paper of Further Representations / Objections where we have deliberately used the full title, to object on these points alone, at the way the plot has obviously been neglected over a large period of time, by the applicants as the legal title holders.

Where we will say quite a bit more on this subject in the next sections of our Paper to the Review Panel, which we would ask the HCG to continue to note on these issues.

## **6. Representations on Notice of Review Document.**

We note that the registered address of the applicants on the 1<sup>st</sup> page of the Notice of Review is;

Flat 0/2,

174 Clarkston Road,

Glasgow,

G44 3DN.

We will make our reasons known for noting this point just very shortly, within this section of our Paper of Representations.

This may be an inappropriate point, but as the applicants now live up in Clarkston, Glasgow with this as their registered address on their appeal, we wish to ask the Review Panel why this appeal should be upheld by the applicants when they don't even live in Lochwinnoch anymore??

Where they have not done so for a number of years.

We are sure the applicants had good personal reasons for this move to Glasgow, but this still implies an absence of loyalty to a village and community that they lived in for many years??

These questions would be completely irrelevant if it were not for the fact that the applicants have, once again, applied for planning permission for this site.

It is only because of the planning permission appeal that we ask these questions.

To think otherwise would be to imply or think that people are not allowed to live where they chose to live, which would be a ludicrous suggestion, I am originally from the South side of Glasgow, but I (Eric ) personally chose to live, and plan to die in Lochwinnoch.

Furthermore, the note below is a copy of the text between S and I on Page 7 of this paper.

### S 3

Ps- I heard Louise had told a friend they'd sold their house in Lade Court and were renting till they built their house up at the woods, so she seemed to be confident that it would go ahead.

Which considering this 'house' has been very consistently objected to and refused by the council over all these years, this piece of gossip seems rather 'over-confident' on the part of Mrs Johnston??

On a more concrete note, we also wish to ask the applicants further questions in a similar vein??

After all these years of said objections and refusals of your plans for this site, apart from changes to the tree plan per the survey report;

1. Can you give us justifications for / valid reasons for why the Review Panel should now uphold this present planning application??
2. In light of the planning department decision, again for Refusal in 2023.
3. Thereby overturning the present planning department decision.
4. Which would also obviously overturn all the previous decisions made by the same department since your 1<sup>st</sup> planning application sometime just into the Millenium??
5. Which would obviously also make Null and Void all the previous Objections over this same time frame, by multiple objectors, of varying age groups including older ones like many of our present group who are now either approaching or in pensionable age, where some of us have been objecting over the last two decades.
6. Where even more so, again if this is a relevant point??

All of the objectors, past and present are obviously all Council Taxpayers, who because we choose to live in Lochwinnoch, we pay our Council tax to Renfrewshire Council as the Local Authority.

So, with all due respect, as you now live in Glasgow, thereby paying your Council Tax to the Glasgow authority, even more so why should the Renfrewshire Review Panel find in your favour, nullifying the wishes of all of these taxpayers, past and present over 20+ years.

This last inquiry might seem a very cheeky, very impertinent question, where we are most definitely not trying to place undue pressure on the Review Panel, where we expect their decisions will be fully impartial, but also meanwhile very fair in their judgement.

So all these questions are **directed solely** at the applicants, where we are interested to hear what their responses are in relation to all of the above questions, again in addition to any other questions we have asked the applicants throughout this paper, including the last one regarding council taxes.

Moving on from these possible mooted points, we would also like to ask further questions concerning this Review / Appeal.

Considering the level of objections from the community over many years, including the present one, and the fact that the Tree Condition Survey Report is now out-of-date, albeit by only 6 months from May this year;

Under the Review procedure part of the appeal, the LRB have accepted your suggestions that you as the applicants feel "is most appropriate for the handling of your Review".



So why have you as the applicants only asked for an Assessment of review documents only, with no further procedure??

Where also, you have made no statement in support of your Review for options 1 or 2, or even asked for a further Site Inspection.

Albeit the last Site Inspection was done only 9 months ago by Mr Weir.

If you as the applicants, feel that you have such a strong case by going to appeal on the Refusal, would a possible combination of procedures, as noted on the Notice of Review document, of Further written submissions, another Site Inspection, and said Assessment of review documents not have been more appropriate to your case for that appeal??

Surely you, as the applicants want to make your case as strong as possible by exploring all possible avenues to further your case, in asking the Review panel to overturn our objections in favour of your appeal??

**Or in an alternative scenario;**

As the applicants, you are very aware, that you actually have quite a weak case in only asking for an Assessment of review documents with no further procedure.

Where you may have been, and we emphasis 'may have been', advised by your Consultants that if you wish to go for a Review, this is the best / only option, that this is the minimum threshold for a Review, where the Review panel have no option but to agree to this 'paper' Review at its lowest level under appropriate legislation, to ensure that they, the Council are adhering to that legislation to ensure that you have been fairly treated within the legal guidelines under planning law.

So as we continue to ask, we are curious as to what replies to our queries you may give us on all of the above noted questions, under this section of our papers to your appeal??

Where, as we believe you do have a (fairly / very), weak case for appeal, we will outline in the next section of our Representations / Objections, the importance of the conditions of the trees, as the main grounds of Refusal by the planning department, where as far as we can see as the interested parties / objectors who all live in Lochwinnoch, the ground and surrounding growths, and more so the trees on which the grounds are sited, where there is an 'interdependent relationship' between the two, where the trees are obviously wholly dependent on these grounds, which need to be kept in decent condition for the good maintenance and management of the trees, as the main aspects of this woodland area.

**7. Representations / Objections to the Planning Appeal Statement.**

Our representations / objections to the original planning application could be split roughly into 3 areas, i.e.,

1. Circumstances affecting the site itself, including the presence of the trees, wildlife that live on the grounds, birds that use this environment for feeding, nesting, hatching, etc, and various other aspects of a semi-urban woodland site like the one next to Auld Simon.
2. Auld Simon itself, or to give it its original name St John's Kirk, or the Kirk of St John which was dedicated to Saint John, where the name Johnshill comes from, or St Winnock's Church within the

Church of Scotland, dated from 1727-1729, all of which depends on different sites that we at looked at online.

The obvious historical significance of the church as the oldest building in the village.

Where the bell is an original from 1729 and the clock was added in about 1731.

3. How the development of this property could affect the surrounding existing properties, in various ways, of the close-by neighbours.

Where we by now all know, the grounds of Refusal were mainly based on the 1<sup>st</sup> two types of objections, where the trees were all Points 1-5, with Refusal including Auld Simon at Point 4.

So our objections were upheld on Points 1 and 2 as noted above, by the planning department, apart from the 3<sup>rd</sup> category which doesn't seem to have been included in the Refusal.

So the grounds for our original objections and the grounds for the Refusal were both very similar, albeit the Refusal largely quoted points of legislation which we expected it to do, as obviously planning officials are better versed in this type of law making, as opposed to the interested parties / objectors, who are mainly concerned lay-persons who value the 'gardens' for its intrinsic, environmental, and natural values to and for our small community in Lochwinnoch.

Which in the main part, is fine by us as the interested parties / objectors, where a Refusal is a Refusal, on whatever grounds that may be decided on by planning staff??

Where we as the interested parties / objectors obviously hope that these points of the Refusal will also be adequate to maintain this original decision by the planning department, for this present decision in 2023, which also seems similar to all previous Refusals over the long-term objection period.

Where the conditions of the trees are important to all parties concerned in this process, whether from an interested party / objector's, applicant's or officials point of view.

From the Tree Survey Report outlining the most professional opinion on the recent conditions of the site, (May 2022), in contrast to the Appeal Application Supplementary (proposed) Planting Plan, and the detailed Planning Appeal Statement, it is obvious that in these parts of your appeal, you have gone into some detail in support of that appeal.

In direct contrast to the existing state of the of both the ground that is covered in masses of ivy, with that same ivy growing up many of the trees, to at least average head height.

On a personal visit of the site on Wednesday on the 13<sup>th</sup> of December 2023 / the week of 1<sup>st</sup> submissions, I (Eric) walked around the iron fence and take a walk on the grounds, which I did at some risk, where I often found it difficult to keep my footing, due to the undulating ground, which is very uneven across the whole site, which could only be a hinderance for property development, adversely affecting the substantial tree root systems from the various large trees with their foundations underneath these hilly grounds.

I am 5 ft 5-6 inches in height, on tree trunks with ivy, it is well above my head height.

Where quite frankly, in all objective, impartial honesty the plot is in a seriously overgrown condition, which is easily visible even from some distance away, and when driving past the site in the car.

(Eric: Where I chose to take some videos of the site for my own personal reference).

(Note from Eric: For all parties reading this paper, we have chosen not to include these photographs, which were taken by my own phone, as we plan to include them in further representations / objections and as part of a much wider photographic portfolio as an ongoing record of the physical conditions that exist at the site.)

Regarding the present conditions on the site, and your plans for the maintenance of the existing trees, as well as new planting on the site, strong contradictions of a paradoxical nature seem to exist on the site.

Where on the one hand, you claim / imply that you will sensitively care for and manage the existing tree outline, presumably pruning back and getting rid of lots of undergrowth, from both across the ground and well up beyond ground level.

Also and obviously to do the same regarding the ivy and other overgrown material up all the trunks of the surviving trees within the boundaries of the plot.

Yet on the other hand, the remaining trees are still all in a seriously overgrown state, where the ivy is still heavily present, even during the winter months where the ivy and undergrowth has reduced, but only because of the colder weather conditions coming up to the winter months within the next 9 days at the Winter Equinox, on the 22<sup>nd</sup> of December for this year.

Where obviously all of this growth that is presently dormant, will return again in the spring and summer months next year and beyond, probably in a worse state than it has been in previous years, as without proper care and management, all this growth is cumulative, especially over long periods of time.

Which is nothing to say of the 4 trees that had to be cut down this last summer due to the fact that they were heavily diseased, again per the Tree Survey Report.

So very frankly, which is it??

Is it care and maintenance of existing woodland, with new growth and planting??

But only if your appeal is successful??

**Or**

Is it allowing the plot to become more overgrown, requiring more trees to be felled, etc, etc??

If your appeal is refused??

As witnessed by the lack of care for the plot, by yourselves as the Legal Title Owners over the last 20 odd years.

Where in fact, as the facts seem abundantly obvious, the trees have actually been your greatest hinderance to building any kind of property on this plot of woodland over all these years.

We contend as the interested parties / objectors, that in fact your lack of care and maintenance of the site has been a very deliberate part of a very long-term plan to build a house on this site??

By knowing and hoping that with the lack of your care of the site, the trees would eventually through time become diseased, ultimately requiring felling, thereby allowing you to build some kind of property on the site through extra space being created??

Where obviously, if the trees come down through said felling, the greater your chances, as the only applicants over 20 years as the only Legal Title Holders.

Furthermore, as the owners of the plot, no one else in Lochwinnoch is going to do anything about tidying up the site, where that is your prerogative / responsibility and no one else's.

Where all this is witnessed by the fact, that your latest original Planning Application that was submitted in May this year after, and I quote;

"Due to a major change on the site conditions, following previous objections in 2015, we met Planning Officer James Weir on site."

"After his email of 13.03.23, we came to the conclusion that a fresh application with a new approach could be considered favourably."

So for the HCG and the Review Panel, we ask you to note;

The 2 points to note here are;

1. "A major change on the site conditions."
2. "A new approach could be considered favourably."

On Point 1 that yet again we wish to state that these changes had occurred due to lack of care, maintenance, and management of the trees on the site in the long term 20-year period, resulting in Point 2, where "a new approach could be considered favourably."

Where this new approach consists of a smaller property, in the form of a small bungalow type cottage, as opposed to the 2-storey house, with up and down stairs, that the applicants thought would pass due to the similar type of brickwork to Auld Simon.

Which we still find , as oft stated before, highly objectional.

## **8. Our Conclusion of the Planning Appeal Statement.**

As our suppositions to the Planning Appeal Statement are largely contained in the previous section, the conclusions to us seem very obvious.

This situation is a 'Catch 22' situation for both the Applicants and us as the Objectors.

As the applicants have never been able to build on the plot, i.e., 'dead land' as we have previously mentioned, they have never really been interested in caring for the site as it should be and could be cared for.

Even more so now in the present as they presently now live up in Glasgow, with it obviously being further to travel to, as opposed to walking up the street from their previous home in the village.

They have only ever been interested in the site if / when they could build a property on it, contradicting and overturning the wishes of a long history of objectors within Lochwinnoch, where if they had tried approaching some of the neighbours in the local vicinity of 2 Johnshill, they might have met with slightly more success.

Which having spoken to most of the neighbours in the surrounding area, some of whom are elderly long-term residents, we very firmly believe would not have made the slightest bit of difference.

As far as we are aware this never actually previously happened, again as some of the residents in this area have lived in their homes since before the Johnstons put in their 1<sup>st</sup> Planning Application in the early Millenium.

Where we wish to make it absolutely clear, we do not wish to slander Mr and Mrs Johnston, but we no longer wish to see the plot left in its present state of extremely untidy, disrepair, when we feel very strongly that it could be put to much better use.

As the local community we have never been able to maintain the site either, which on reflection could be described as short sighted on our part, but again in a contradictory manner, it has been suggested that some locals did try to briefly maintain the site, but ironically enough, it has been suggested that the applicants also objected to this work being carried out by concerned local residents, who were upset and concerned about the state of the site a number of years ago.

So to the Million Dollar Question??

To try and resolve the Catch 22 Situation that both the applicants and we as the community of Lochwinnoch find ourselves in??

## **9. Our Own Proposals for the Site at 2 Johnshill, East End, Lochwinnoch.**

So to move on to further our own proposals for 'Our Gardens'.

As an Elder and Worship leader in the Church of Scotland, I Praise and Thank the Good Lord that the staff and elected officials of Renfrewshire Council have seen fit to reject the applicants' proposals for the site over a long period of time, thereby leaving the possibilities of our community being able to develop the plot in a careful, considerate, sensitive manner that is in keeping with Renfrewshire Council's Environmental and Sustainable programmes.

In a manner that is similar to the proposals / ideas for the Lochwinnoch Community Development Trust, (LCDT), site at Lochhead Gardens, which we as a group of volunteers / amateur gardeners would bring "S's and Auld Simon's Garden's" to a state of a beautiful, blossoming Woodland Garden. Where, especially with the guidance of S, who loves the ground, in case the LRB Review Panel need reminding of this point??

Where if possible we would also approach Renfrewshire Council to ask about a Community Asset Transfer, (CAT) as we may have mentioned in other previous parts of our Representations, again in a similar manner to the way the LCDT have sought one for Lochhead Gardens.

**NB:** Where we as the interested parties / objectors have privately discussed this idea of a CAT, I (Eric) casually and briefly spoke to one of the local Councillors for the first time ever on this issue, on the afternoon of Wednesday 13<sup>th</sup> of December 2023 regarding this idea, who certainly didn't poo-poo me on it, and who seemed to consider it a reasonable option, for a site of council owned land that has lain unused for a long time, similar to the Lochhead Gardens site.

As a group of concerned locals or 'redevelopment interested parties', if we were able to get a CAT from RC for this part of the woodland area, it would obviously and dramatically increase the size of the area for said redevelopment as the woodland garden.

Where we would even consider making enquiries about the plot of land across from the application site, the lane known as 'Skipper's Path' going down to Gates Road, at the left side of Skipper's Path, where the lane as a Public Right of Way that runs from East End to Gates Road.



This area of land has, like other plots of land in this area of the Lochwinnoch has remained unused for many years in a very overgrown state of ground growth, shrubbery, and trees, which is also very unsightly to the local residents.

Like the application site, it could also be described as 'dead land'.

The 'Skipper's Path Site' is enclosed on 4 sides, with no legal vehicular access, where a number of developers have looked at it over a long number of years, and discounted it for any kind of property development, due to the lack of this access.

Any of this, in part or whole, RC owned land or Skipper's Path would obviously dramatically increase the area of the 'Woodland Gardens', which would considerably widen the scope of activities that we would be able to undertake within this woodland space.

Where if we were given a CAT, we would seek the opinions of the owners of the garages on the council owned land, even if they are mainly run down.

Where furthermore, these proposals seems to fit in with Scottish Government, (SG) Legislation of June 2018, with the;

'Community right to buy abandoned, neglected or detrimental land, (ANDL).

Where we would explore the possibilities of these proposals and form the necessary and relevant community bodies to allow these proposals to come to fruition.

If all these ideas came together, to bring all this land / these plots into community ownership this would be a huge undertaking for us as a community.

Where, very, very importantly the present application site, whilst not physically so, would be a very central and strategic part of these proposals to completely regenerate this whole area of the East End part of the village of Lochwinnoch.

Where absolutely, none, none of this area could ever be considered or given up for any kind of property development.

Where we would expect to have, if necessary, full Title Deeds drawn up, or some kind of Statement of Intent, where one of the preconditions to that title / Intent would be the express statement that all of this extended site would remain as 'green land' in perpetuity, for the permanent benefits, for both the present and future residents of Lochwinnoch.

Where we would take into full consideration on our part, as we are asking the LRB to do regarding this continued Refusal of this appeal, the thoughts and opinions of the surrounding neighbours and residents of the village, if necessary, e.g., by having public meetings to highlight our proposals.

As Papers of Further Objections and Representations to the LRB Review Panel were submitted last night by email to Mr. Robert Devine as a Senior Official of RC, it is only this morning since these submissions last night that we have thought about these ideas after very brief but very hurried discussions on this, where we very importantly feel are central to our Further Representations and Further Objections to the LRB Panel Review at the end of next month.

So in spite of / whilst these ideas / proposals have not formed a central plank of our original papers, within Mr Devine's email stating that any more Further Representations / Objections should be submitted to the Head of Corporate Governance before 3.55pm tomorrow Friday 15<sup>th</sup> of December 2023 as the deadline for paper submissions, we now ask the HCG, the LRB, and the Review Panel of

Elected Officials, or Elected Councillors to take note of these proposals before and during the LRB hearing on the 30<sup>th</sup> of January next year.

By giving our proposals their full consideration in relation to both the application site, and the wider considerations / implications that the Status Quo remains intact, where the decision of the Planning Department from the 8<sup>th</sup> of September 2023 be upheld by the LRB Review Panel, to allow us as the interested parties and objectors to explore the future of our wide range of ideas to allow natural development of this area of the East End of Lochwinnoch.

Without the detrimental effects of a new property, as proposed by the applicants sitting within our own enlarged proposed woodland development site, where as we have stated on numerous occasions now during the length of these Papers, to once again 'strike down' the proposals by the applicants, which are completely at odds with our own natural development of the area, to the benefits of the complete and whole population of Lochwinnoch and beyond into the wider community in Greater Glasgow, Renfrewshire and North Ayrshire, within Muirshiel Regional Park where this natural 'woodland area' or S's & Auld Simon's Woodland Garden would be completely open to all sections of all communities, thereby hopefully increasing visitor numbers to Lochwinnoch, and Renfrewshire in general.

Whereas we are sure, as the Staff / Elected Officials of RC all know, we get large numbers of visitors from across the, e.g., Greater Glasgow area, and from Kilmarnock in East Ayrshire, with School parties on Castle Semple Loch, Less-Able-Bodied Children in wheelchairs, or more mobile Children / Teenagers with 'Special Needs', coming to Muirshiel Regional Park.

(Excuse me / Eric as one of the authors and writers of this paper getting a bit caught up in all these proposals / ideas.)

**In the meantime, to return to the present issue;**

As I / Eric and My Wife hope / plan to live close by in the years to come, with my In-Laws presently reside in the vicinity and many of the objectors also living close to the site, it would be wonderful to be living nearby to these 'gardens', knowing that we had managed to save them from any form of development, and that hopefully, for many generations to come, all sorts of people would get lots of pleasure and educational benefits from having the 'gardens' in this part of Lochwinnoch, similar but different to Lochhead Gardens at the other end of the village.

Where, it seems blindingly obvious to us as the interested parties, some of the most important of these groups would be the local schoolchildren, mainly from Lochwinnoch Primary School, but also from other Primary and Secondary Schools in the area if they wished to come visit (either) site at Lochhead or S's & Auld Simon's Gardens'??

Where we personally envisage that our project may have somewhat wilder aspects to it's development, to differentiate it from Lochhead Gardens to teach, especially the children, different aspects of flora and fauna, teaching them about the trees, and hopefully / possibly small wild animals who take up residence in a slightly wilder garden site.

Where the ideas and possibilities seem endless, in this bigger 'garden' site if we able to get a CAT from RC, where to re-assure council officials and staff, we would wish to naturally develop that piece of land in a similar manner to the site at 2 Johnshill, where we would welcome site visitations from council staff to appraise them of our progress on the CAT site, and the whole site generally.

## **10. Final Conclusion to this Paper for the LRB and the HCG, of Further Objections and Representations in relation to this Planning Appeal by the Applicant, Mr David Johnston.**

In asking for this Notice of Review with the LRB, thereby highlighting the conditions that presently exist on the planning / application site, many of our group felt that Mr And Mrs Johnston have actually done us, our group / our village / our community in Lochwinnoch an unforeseen, unintended, backhanded favour.

By bringing to our attention, in the “full glaring light of day” to the conditions that presently exist on the site of S’s beloved ‘Woodland Garden’.

If anyone on the Review Panel doubts what we are saying, then we would like to invite you down to Lochwinnoch for an anonymous visit to examine for yourself the conditions on this plot, one of the last plots of woodland in a fairly built-up area, within a rural village.

Where it also seems that the site across from the oldest building in Lochwinnoch, and a Holy Place of Worship as the remains of an ancient church, is only / has only ever been any good to the applicants if they were going to be able to build a property on it.

At this point in this Paper of Representations / Objections, we as the ‘interested parties’ wish all other parties to note that, in case it is in any doubt, that once again we object to any development on this site in the strongest possible terms.

With no caveats or compromises on our part re any form of house building or development of any kind, however small or aesthetic this may be.

The site has been a natural woodland for nearly 170 years, can we just leave it that way Please, for the benefits of this community.

In spite of the conditions that the applicants have left the plot in, over many years, we also feel compassion for them, where we fully acknowledge, realise and understand that Mr and Mrs Johnston have also held this dream close to their hearts for many years.

However, that does not compromise our intentions to bring this plot back into community ownership, where this seems to be a very black and white scenario, with very little grey area in-between their proposals and ours.

Where we feel that after 20 plus years of sustained upheld objections, within the last 170 years, that the site / plot / gardens themselves have waited long enough for someone to take decent care of them, in a manner appropriate to the surrounding, natural, God / Holy-Spirit Protected Area, where “Thy Will Be Done”, Not my will, But Thy Will, as The Will of God that seems to have keeping them waiting for someone to look after them.

With as we have now stated on numerous occasions, the obvious enduring support of Renfrewshire Council Local Authority.

When the LRB Review Panel make a ruling on this Appeal at the end of next month, if the LRB upholds the decision of their Planning Department, we will obviously be very, very grateful.

We do not wish to consider the other possibility at this point in time.

If the Appeal is again Refused like previous long-term decisions, Mr and Mrs Johnston obviously have a choice to make, both individually and together??

If they choose to accept the decision of the Review Panel, then we will enter into negotiations with them as soon as they are ready, to bring the Title Deeds back into Community Ownership.

Where we would compromise as much as possible with them through appointed lawyers, short of any future development on the site.

Even to the point of entering into financial talks with them regarding the site??

Where we would be prepared to wait an appropriate and discrete length of time to let them catch their breath, so to speak.

However should the applicants refuse to accept the ruling of the Appeal Body, we want them to understand, in no uncertain terms, that we will fight them absolutely every step of the way should they decide to appeal to any higher authority than the one they have already just had a ruling from.

Where we in no way wish to look as if we are blackmailing the applicants into withdrawing their case, but we wish them to clearly understand what **our** intentions are for the future??

Where we very, very firmly believe even now, **that whilst we are being very, very cautious and very, careful,** we also believe that we have an excellent chance of winning our case with the Review Panel.

Where we also believe, should it be necessary, that we can also win any future case to any higher authority if you should decide to go there??

But we'll leave this decision up to you, obviously depending on the decision of the Review Panel.

In the final part of this text we sincerely hope that we have presented a very strong case to the Review Panel to, once again reject and Refuse the Development Appeal by the applicants, in line with the decision by your associated Planning Department decision in September this year, and the Review Panel's decision at the end of January 2024.

We acknowledge that the applicants will respond to these Further Objections and Representations, and we await their responses to these Representations.

Where we will, once again, respond in a similar manner to the Applicants' own Representations.

Considering how very long this Representations Paper is, we wish to thank all everyone who has to read through this document.

We as the Interested Parties / Objectors do realise that this paper is a very, very long read in representing our case, and in some parts the reader may find it a bit boring or losing the thread of our arguments.

Or for where the paper, throughout its length is also very repetitive.

If this is the case for anyone, we would like to sincerely apologise.

However we have tried to make our case as strong as we can possibly make it, hence the length of it, by going through all of documents provided by both the applicants and Renfrewshire Council and trying to address each of the sections of these documents in very fine detail.

Hoping that You all have a Lovely Christmas

Regards and Best Wishes

From (Eric the Auld Gasbag) and The Team for S's & Auld Simon's 'Garden's'

## References

Other than three brief online references regarding Auld Simon and Scottish Government Legislation, nothing other than the paperwork / documents provided by the Planning Department, no other documents were used to reference any part of this Paper of Representations.

Therefore no Reference List is required in any form of an academic manner.

## Final Personal Notes:

Should anyone wish to contact me for any reason, regarding any of the contents within this Paper of Objections and Representations??

My contact details are below, at the end of this paragraph.

I also publicly wish to thank everyone who contributed towards this Paper of Further Objections and Representations, especially S for all the back and forward text messages, and M, for the ideas you gave me / us, and provided a bit of leadership, especially during our meetings, but also generally.

We were “lucky” that the right people appeared at the right time.

Where I just happened to be the one who had the time to word process this very lengthy document, my apologies to everyone reading all this as it is rather repetitive in some areas. It was a bit difficult at times to keep track of what I /we were trying to get down on paper from our discussions and texts, etc.

I shall thank you all privately for your input, but for reasons of confidentiality I don’t want to name any of you publicly.

As you will all read this paper I am really pleased that we managed to get together so quickly to form this small group, where hopefully we will be able to enlarge the group further and gain more input from other people.

Some of the brainstorming sessions were really good fun and a good laugh, that was the part that I personally enjoyed the most by meeting other people that I had never met before, especially with a common purpose in mind regarding this Review / Appeal Notice.

Auld windbag that I am, away I all hear you laughing, you’re not a windbag Eric, Ha! Ha! Ha!

I could say more of course, but I’ll leave it there, as I really think I’ve said enough.

So I hope you all have a lovely Christmas.

Relax and enjoy yourselves after all this marathon 2 weeks.

My contact details are;

M: [REDACTED]

Email:

[REDACTED]



HEAD OF CORPORATE GOVERNANCE  
RENFREWSHIRE COUNCIL  
FINANCE AND RESOURCES  
RENFREWSHIRE HOUSE  
PAISLEY  
PA1 1TR.  
REGARDING  
PLANNING APPLICATION 23/0179/PP  
BY MR DAVID JOHNSTONE.  
LOCAL REVIEW BOARD  
NOTICE OF REVIEW  
30<sup>TH</sup> OF JANUARY 2024.  
PAPERS OF FURTHER REPRESENTATIONS AND  
OBJECTIONS IN RELATION TO THIS REVIEW.  
FROM THE (CONCERNED) RESIDENTS OF  
LOCHWINNOCH.

For the Attn of;  
Mr Robert Devine  
Renfrewshire Council  
Renfrewshire House  
1 Cotton Street  
Paisley.  
PA1 1WB.  
Friday 15<sup>th</sup> of December 2023.

Planning Application: 23/0179/PP. By Mr David Johnston.  
For the Site of 2 Johnshill, East End, Lochwinnoch.  
Appeal / Review of this Planning Application by the Local Review Board, (LRB).  
To be heard by the LRB on the 30<sup>th</sup> of January 2024

FN: SHEILA WARD .  
A1: 6 ST WINNOC RD  
A: LOCHWINNOCH  
PC: PA12 4ET

Dear Mr Devine,

I am aware that the Renfrewshire Council Planning Department **REFUSED** this Planning Application, as noted above, on the 8<sup>th</sup> of September 2023.

I am also aware that the applicant, Mr Johnstone appealed this decision for a Notice of Review, which Mr Devine notified Objectors to, on the 1<sup>st</sup> of December 2023, which included Mr Beattie.

Since the 1<sup>st</sup> of December I am aware that Mr Eric C. Beattie of 34 High St Lochwinnoch PA12 4AA has regularly been in touch with you by email regarding Further Objections and Representations to this Review / Appeal.

Where he has, for himself and others, as both objectors and Interested Parties, made out the main papers of these Objections / Representations.

I now ask you to note that I have freely and willingly asked Eric to submit these Representations / Objections to Renfrewshire Council, as either an Original Objector or an Interested Party.

Where I wish the Local Review Body, (LRB) to take note of these Further Objections and Representations into their consideration on the 30<sup>th</sup> of January 2024, when the LRB Review Panel will consider the appeal by the Applicant, Mr Johnston.

Regards



Signature of Objector / Interested Party.

Witnessed by. (If a Witness is available.)

15/12/23

1.P.

HEAD OF CORPORATE GOVERNANCE

RENFREWSHIRE COUNCIL

FINANCE AND RESOURCES

RENFREWSHIRE HOUSE

PAISLEY

PA1 1TR.

REGARDING

PLANNING APPLICATION 23/0179/PP

BY MR DAVID JOHNSTONE.

LOCAL REVIEW BOARD

NOTICE OF REVIEW

30<sup>TH</sup> OF JANUARY 2024.

PAPERS OF FURTHER REPRESENTATIONS AND  
OBJECTIONS IN RELATION TO THIS REVIEW.

FROM THE (CONCERNED) RESIDENTS OF  
LOCHWINNOCH.

Head of Corporate Governance,  
Renfrewshire Council,  
Finance and Resources,  
Renfrewshire House,  
Paisley,  
PA1 1TR.

N SHEILA WARD .  
A 6 ST WINNOC RD  
A LOCHWINNOCH  
P PA12 4ET

Thursday 14<sup>th</sup> of December 2023.

(Will all Individuals please note that the Head of Corporate Governance will ignore your representations/objections if you have not filled in your personal details with your Name and Address, etc, as above).

Planning Application: 23 /0179/PP.

Erection of single storey dwellinghouses and associated works,

On the Eastern Boundary Of No. 2 Johnshill, East End, Lochwinnoch,

By Mr. David Johnston.

For the Head of Corporate Governance in relation to Notice of Review to this Planning Application.

Relating to the meeting of the Local Review Body, (LRB) for this Notice of Review to be held at 2pm on the 30<sup>th</sup> of January 2024, in Renfrewshire House, Cotton Street, Paisley.

On the grounds of the Letters of Representations – Council Decision, as noted in the letters posted out to individuals, dated 8<sup>th</sup> September 2023, who objected to this Planning Application, where; 'the application together with your representations was considered by the Council on the 8<sup>th</sup> of September'.

Where the decision of the council was;

REFUSE Consent subject to the reasons.

As noted in the accompanying letter,

Ref. 23/0179/PP.

CONDITIONS AND/OR REASONS ATTACHED TO THIS DECISION.

**For the Attention of The Head of Corporate Governance.**

**Dear Sir / Madam,**

**List of Contents for this Paper of Representations/Objections**

- 1. The Interested Parties Initial statement to the Planning Review Panel.**
- 2. Statements, Questions and Representations from the Objectors to the Johnstons regarding this Planning Review / Appeal??**
- 3. A Recent History of the Site: How we got to where we are, from 1991 to 2023.**
- 4. Objections and Further Representations to the Original Planning Application.**
- 5. Representations on the Tree Report.**
- 6. Notice of Review Document.**
- 7. Representations to the Planning Appeal Statement.**
- 8. Our Conclusion to the Planning Appeal Statement**
- 9. Our Own Proposals for the Site at 2 Johnshill, East End, Lochwinnoch.**
- 10. Final Conclusion to this Paper of Further Objections and Representations in relation to this Planning Appeal by the Applicant, Mr David Johnston.**

**1. The Interested parties Initial statement to the Planning Review Panel.**

Will the Head of Corporate Governance, hereby abbreviated to HCG, please note that we wish to make Representations/Objections in relation to the above Planning Review Appeal by the LRB, as an 'Interested Party'.

Where we hope that the HCG will note these reservations in relation to the Review Panel meeting on the noted date will also take these Representations into their considerations and deliberations when making a judgement on this Notice of Review / Appeal by the Applicants, to the LRB.

Where we wish the HCG to note that we do so in the strongest possible terms regarding this Review, not just on the grounds on which the appeal has been based, but across all possible areas of both the original planning application and the associated review.

In previous applications by Mr and Mrs Johnston, we, as interested parties have asked for all previous objections and representations to be taken into consideration regarding any present application, where historically, as far as we are aware, the Johnstons, have been the only applicants to ever apply for planning permissions for this particular site??

Where very importantly, to support our case as the interested parties, various individuals and groups in Lochwinnoch have shown a consistent pattern of objections to the planning applications by this couple over the last 20+ years.



Where, very obviously we wish the 'Woodland Garden' / Area of Woods at 2 Johnshill, East End, Lochwinnoch, across from / in very close proximity to Auld Simon, as the oldest building in Lochwinnoch, for the woodland to remain in its present state, without any property development by these applicants.

***Furthermore, after 20+ years of applications by the Johnstons, we strongly and firmly believe that we have reached an impasse in relation to this situation??***

Approximately every several years just over the last 2 decades, the Johnstons have put in an application for planning permission, and we, the objectors and interested parties have responded and objected to these applications for development on this site.

Where Renfrewshire Council staff and elected officials have consistently supported us in our objections to these applications, by also consistently refusing planning permission for this valued and treasured site within our village, where we wish to record our gratitude for these efforts, where we are very grateful to these individuals over the last 20+ years in their continued support.

For if it was not for this continuous support, we would not be here today, where once again we find ourselves having to object and make representations to this Review / Appeal by Mr and Mrs Johnston.

In spite of our opposition to these continuous Planning Applications we therefore acknowledge that this has cost the Johnstons a lot of money, time and effort in pursuing their case, as well as a lot of corresponding time and effort on our part as the objectors.

To say nothing of the time that the planning department and to a lesser extent the time and deliberations that Councillors on the review panel spend on this issue.

***So in an effort to resolve this situation to the benefit of all parties concerned, i.e., applicants, objectors, Renfrewshire Council Planning Department, Councillors on the review panel, as well as the HCG, in his considerations on this issue, we would like to set out alternative proposals for the site, which can already probably be guessed at by all concerned??***

We will briefly outline these alternative proposals as noted immediately below and elaborate further throughout this Paper of Further Objections and Representations, and towards the end of this paper in our Conclusion.

We acknowledge that this scenario may not be acceptable to Mr and Mrs Johnston in the first instance, as they have held this dream for many years, but as they lived amongst us for many years in our very beautiful village of Lochwinnoch, where they were friendly and friends with, and well known to many of us, where I personally, (Eric) had mutual friends with them.

Where we as the objectors would seriously like to ask them to consider what we propose at some length, as opposed to dismissing our ideas in a knee-jerk type of reaction??

We also recognise that, as stated earlier, that this couple have put a lot of time, effort and expense into their planning applications, but after 20+ years of objections, we would ask them to finally recognise that as a community / the village / Lochwinnoch does not and will not / never accept their proposals for this site.

Whilst some individuals in the village may accept their proposals with their present plans for a property that is visually and aesthetically pleasing in relation to, and the closeness of Auld Simon,

many more people will not, especially neighbours in the surrounding vicinity of the plot, i.e., in Johnshill, East End, St Winnoc Road, Gates Road, and various parts of High Street.

## ***2. Statements, Questions and Representations from the Objectors to the Johnstons regarding this Planning Review / Appeal??***

All of the above then leads us to ask the following questions of Mr and Mrs Johnston??

When are you finally going to accept that your planning applications for this site are absolutely not acceptable to many of residents in Lochwinnoch??

Otherwise, why has there been 20 odd years of objections to your proposals, every time you apply??

No matter how nice or pleasing to the human eye your proposed property may look on this occasion, especially in relation to Auld Simon, like previous plans, it is still not in any way acceptable to the majority of our community in Lochwinnoch.

Where this small woodland area, that has been a precious woodland just off the centre of Lochwinnoch, for approximately for the last 165-170 years, should / could / must remain a 'Woodland Garden', enhancing the local environment / surrounding area, to the benefits of the trees, local flora and fauna, wildlife, roosting birds of all kinds and especially rooks.

Without absolutely any property being built upon it.

Where ultimately all of the above, intangibly enhances and enriches the lives of the human beings who live close by this plot, and any other green spaces, both within Lochwinnoch and outside it.

As a rural village in South Renfrewshire, which we feel is the last real village that is separate from other communities, which is not a suburb of Johnstone or Paisley, as the build-up area has extended ever outwards over the years.

Which is very much obviously why Renfrewshire Council has dependably supported our objections over the last 2 decades, as the benefits of green spaces and closeness to nature are very well, and scientifically recognised, in regard to both physical and especially, mental health.

**So really, in this part of our Representations, in our own way we are also lodging an appeal, as we are appealing to your better natures, Mr And Mrs Johnston??**

**To let all this go, for your own benefit and peace of mind, as well as ours as a group of objectors.**

And ultimately, for the benefit of Lochwinnoch as a community, which you obviously love, and loved, as you lived here for many years.

Where for you to try and accept that there will always be a group of interested parties / objectors in Lochwinnoch, with hopefully, as noted above, the continuing, ongoing support of Renfrewshire Council, where some concerned individuals, as individuals or in groups will always object to your plans for this site.

Where today it is our group who are objecting / making representations, tomorrow it will be someone else, and another group.

(Personal note from Eric)

(Please do not misunderstand me, as there is absolutely nothing personal in all this, along with many others we just completely disagree with your proposals for the 'Woodland Garden' and have done so for many years).

(Where my / our personal reasons for our representations / objections are completely altruistic, to the benefits of my / our community, where we represent the wishes our community, in my (Eric's) personal case my elderly relatives live in close proximity to Auld Simon / Johnshill / East End, where I have been asked to deal with this on behalf of all my family, as well as my own very strong beliefs in what we are doing).

Ultimately this situation reminds us of the Burnfield Road / Playing field site, with planning applications by Stuart Milne Developers, at the end of Newton of Barr, Lochwinnoch.

Where in this case, the Community Council have mounted a very focused, consistent campaign by this developer, sustained over a number of years, where ironically, this is a shorter time span than the one we have mounted against your own proposals.

Where both developers, regardless of size, both own the prospective sites, but cannot do anything with them, due to the number of representations / objections Renfrewshire Council (RC) have received over the years, from Lochwinnoch residents.

Where the term 'Dead Land' could be used to describe both sites.

Where it seems you are stuck with a possible development site that you can't do anything with??

Hence the nickname of 'dead land'.

To continue with these objections and representations, as noted above, we will further outline our proposals for the site towards the end of this paper.

### **3. A Recent History of the Site: How we got to where we are, from 1991 to 2023.**

In the early 1990's S, who has lived in Lochwinnoch for at least 30+ years wanted to further develop the application site into a 'Woodland Garden', where the site had and still has to the present day has become naturally overgrown, per the applicants' paperwork showing the Ordnance Survey Map of 1856, so over approximately the last 135-140 years in 1990-93, plus another 30 years to the present.

So in total the site has therefore been undisturbed for approximately the last 165-170 years.

The following pages are copied from messages between Ms S and me to show the review panel the 'more recent' history of what has happened over the last 30 odd years regarding this plot of woodland at 2 Johnshill / East End.

I have only altered the text to tidy it up, and have been very careful to preserve the anonymity of Ms S, even although I'm sure the Johnstons know who / remember who this lady is??

**Eric**

Thanks for getting back to me S.

I'm really just looking for the process that was involved, that you went through, and the time frame /

dates involved.

I didn't realise the lawyers were involved though, I've never really understood why the Johnstons keep on applying to build on the site, but by the sound of it they have legal rights / title to it?? Which explains why they have kept on applying to build on it over the last 20 odd years x 3-4 times. The situation reminds me of Burnfoot Rd then, they own it, but can't use it as locals keep on objecting to their planning applications??

As I recall they supposedly fenced it off, supposedly maintained it for a number of years, and then claimed legal rights to it??

If you fill in some gaps for me re how long ago you were at the lawyers, that would help.

## S 1

I laid claim to the land around 1991/92.

My then lawyer did a land search and found no record of ownership, he told me to occupy the land and look after it for 10 years and if it was uncontested, it would be mine. I did this at considerable expense, fencing it off, having dead trees felled etc, but only after I got council approval.

During the 10 years, Louise Johnson started her own claim, but I was told by my lawyer I had prior claim so not to worry. When my 10 years were up, I contacted my then lawyer, I'd changed to a different firm by then to ask how to conclude the claim -she said I didn't have to do anything as it was now mine.

However it appears that wasn't the case and Mrs Johnson saw her chance and pursued her claim. By this time I'd built a shed on the plot and was making it into a woodland garden but basically I had to get off the land, remove the shed and that was it. It was heartbreaking at the time, but there didn't appear to be anything else I could do.

Unfortunately I left it too long to complain to the Law Society, so I just had to let it go.

## Eric

A quick couple of questions that I mentioned yesterday??

Do you remember more accurately when Louise Johnson put her original claim in during the 10-year period??

Any idea when she further pursued her own claim??

I'm presuming that this was after about 2001-2003??

## S 2

I've found the "Woods File".

I first enquired about the plot in Feb 1993, and it looks like my claim dates from March 1993.

I then set to work having it fenced off by Alter Landscapes, employing a Tree Surgeon to assess the plot then paying him to make the plot safe, which included having some dead elm trees felled because they were dangerous. I had to apply for permission from Renfrewshire Council for that work to be done, even providing photographic evidence that one tree had actually fallen in high winds. This cost me a lot of money.

I was then worried about the spikes on the original iron fence at the front and my lawyer advised me to remove them to avoid public injury, this I did, all 239 with a hacksaw as I recall as I didn't own a Stihl Saw.

I also took out public liability insurance. Ironically, the Council refused permission to have the canopy overhanging the pavement to be cut back even though it forced pedestrians to walk on the road in summer, which worried me.

When the owner of one of the neighbouring garages expressed concern about overhanging branches I had them professionally removed.

I loved the ground, worked on it and my children and dogs shared it with me where I had all sorts of dream for the plot.

Anyway Louise Johnston applied for planning permission 2002 and was refused then, they had laid claim to the land. I was advised that I had prior claim so not to worry, the rest is within what I've already sent you.

Like I said, I thought all was well till Louise approached me when I was gardening at the plot Spring 2009 and told me I had to leave as the ground was theirs and they were "going to build a house ". I've never fully understood what happened, but it appears they did nothing illegal, saw their chance and followed it through.

To summarize, their first attempt at receiving planning permission appears to have been made in early 2002 , which I suppose is the main point. I think at least more than one has been made since then.

### S 3

Ps- I heard Louise had told a friend they'd sold their house in Lade Court and were renting till they built their house up at the woods, so she seemed to be confident that it would go ahead.

**Eric**

Morning S,

No I fully realise that you have not accused them of any illegal practices.

Where nothing illegal has been done anyway, as they have included a copy of the land certificate showing ownership.

As I've said previously, I've never understood why they kept on applying for planning permission for the site, but this is now obvious as they own it.

Where this can be very expensive, as they have now applied for planning permission 3-4 times over said 20+ years.

Considering that the villagers have consistently objected to their proposals over this period, and the council planning department have also consistently upheld the objections by their refusals, I personally think the Johnsons have been, and are being very naive.

Again it's similar to Burnfield Rd, they might own the land but can't get permission to build on it, it's "dead land" so to speak.



I'm not sure if you realise but all the previous objections are very important, where we as the objectors can ask that all of this historical information be taken into consideration for this present application and appeal, it obviously shows a consistent pattern of objections over a long period of time.

I hope some of this reassures you about what happens next, but my apologies if it also brings up painful memories for you, as you very obviously loved this area of woodland years ago, and still do in the present.

Personally the Johnsons have actually done me / us a back handed favour, by giving me a wake-up call re all this, & motivating me to do something about it, to protect this historical, natural site for Lochwinnoch and the villagers.

Where if the Review panel are consistent with previous decisions??, I would personally hope to bring this plot back into public ownership by whatever means we can get it back, where we can manage this plot and keep it in the natural state that it has been in for the last 160+ years, for the benefit of everyone in Lochwinnoch, as a beautiful, natural Woodland Garden.

Where hopefully the Johnstons have done us all a big favour by appealing this council decision by settling these issues to the benefit of all parties, the community in Lochwinnoch, the Johnstons, and Renfrewshire Council ??

#### S 4

That's reminded of what happened legally, as I understand it my name was entered on the old Land Register, it should also have been put on the new one, that's how I lost the ground because my lawyer didn't do that.

#### Eric

All of this hassle over all these years because of one simple legal mistake.

Which would probably have taken an hour or two of work to do.

The lawyer was lucky that you didn't make a complaint to the Law Society, as you certainly had grounds to do so.

When I think about it, I was forgetting my manners.

To ask you for permission to put your story in my own paperwork???

I would be careful to maintain confidentiality, & reword your text if necessary, & use only letters like WG for Woodland Garden so that you could not be identified in any way.

The councillors wouldn't be interested anyway, although the Johnstons will likely remember??

Your story is the basis of all of this & I feel very important to our own appeal, which I / we will use to highlight why the site must be left in its present state, so that we as a community in Lochwinnoch can maintain and manage it, and really improve upon it, in a similar manner to what the LCDT are doing with Lochhead Gardens.

Even to the point of involving the LCDT for help re various aspects of these ideas & asking RC for a Community Asset Transfer, (CAT), to extend the plot with the council owned land to the rear of the garden in a similar way to the application the LCDT have done for Lochhead Gardens.

Furthermore it fundamentally shows how right from the time that even before the Johnsons made a claim to this plot, that your plans for it were the foundations of all the objections that have followed over the last 30+ years, to the present.

And into the future, if / when, as I've said above where we hopefully bring the plot back into common law, common sense, community ownership.

Which if you are still interested in, I personally hope that you would still like to be involved in?? This was your dream 30+++ years ago, after all.

So I am really hoping that you are okay with me using your story.  
To be honest, personally , I like the sound of S's Garden, L Gardens, or Auld Simon's Garden???

## S 5

Well at the time I was in the process of leaving J, plus a solicitor acquaintance of mine told me she didn't think I had " what it would take", financially or otherwise to fight it, nor was there any point in complaining so I let it go. I'd have loved to have built a tiny wee L- shaped hoose there and see out my days but I always knew that would never be possible without felling healthy trees.

(NB from Eric: The fact that S had thought of building a small house on the plot in no way justifies the planning applications that the Johnstons have submitted over the years. Note the fact that S also acknowledges that healthy trees would have to be felled / sacrificed to build any property).

(Where I chose to leave this text in this part of our objections to highlight the fact that S had realised that building a property on the site was not possible).

Imagine the joy I felt when I had my wee shed built!

Anyway, back to present times and I must admit you've now got me interested in the idea of a Community Garden. I also always knew the plot was too big for me to look after it properly. There were actually some people who referred to it as S's Woods!!

God moves in mysterious ways I have found and if what I want is right, it tends to happen eventually. I would like to be involved in what goes on in the future. By the way , I'm happy to be named personally in the proceedings as I'm confident I haven't falsely accused anyone of anything, my only worry would be lawyer although I haven't named them in any of my communications with you.

There is still a chance that I've misunderstood events! Meanwhile I'll just allow myself to dream of the woodland garden. Oh, btw, there are remains of what appears to be a stone wall / foundations within the ground- I used to sit on them while I had my tea break- I'm sure you've examined the history of the area. x

## S6

Already thinking of projects to open people's eyes to what can be achieved plant wise, there's a lovely " feel" up there. I don't think Mrs Johnston would know what I mean, don't think she would understand my love for the place, but maybe I'm wrong.

Just another piece of info which might explain a lot.

I had the ground professionally valued sometime during the 2000's, as I have the papers somewhere I think. If I remember correctly, it was valued at £65k if outline planning permission was obtained, which of course would involve removal of trees. I did that out of curiosity as I always knew trees would have to go and I wasn't prepared to do that, so it was a dead end.

(2<sup>nd</sup> Note from Eric: As we would obviously not be seeking to build or develop the gardens in this way, on a 'dead plot of land', by asking for planning permission, which negates our complete and whole ambitions for the site, we would want to have the plot evaluated and priced as a garden plot).

Come to think of it, that would be a driving force for other people??

I'll shut up now- things keep coming back to me. Now that I understand your motivations , I'd be happy to meet with you in the New Year and show you the " S's Woods " files ! Till then ...

S7

Ps: I didn't do it before because I thought it would just look like sour grapes, and of course there is a small element of that, that has gone with the passage of time now that I am older and hopefully a bit wiser, but I can now see better reasons for objecting to their plans.

All of this text is rather long winded, but we have chosen to include it to emphasis the recent history of the site and the love and affection which many people in Lochwinnoch feel for the 'Woodland Garden', especially S, who still dreams of what is possible for 'her gardens' 30+ years later.

Where paradoxically to S's, and numerous other villagers' wishes for the 'gardens', like the Johnstons, (where again, within this extremely long paper, again at the risk of repeating oneself, we fully acknowledge their wishes to build on the site re their various planning applications), where they have also spent a lot of their own money in trying to develop the site, albeit it we obviously disagree and object in the strongest possible terms to the applicants building a property in this area of woodland.

Where we also strongly believe this is the wrong type of development for one of the last areas of woodland within our village, that has taken many years to naturally develop, albeit it is now overgrown, needing care and maintenance from interested parties.

#### **4. Objections and Further Representations to the Original Planning Application.**

In the Pre-Application Discussion Details Cont. section of the above, we note that there was "a major change on the site conditions", after Mr Weir's email of the 13.03.23, where the Johnstons thought that a "fresh application with a new approach" could be possible.

So per the Tree Condition Survey that the Johnstons had requested in May 2022, followed by Mr Weir noting changes to the tree plan in his email of March 2023, presumably that 4 of the trees would have to be felled, etc, that the planning department still refused the Johnstons latest planning application.

Where if the Johnstons had been more proactive with better conservation of the ground conditions, soil, tree maintenance and management, obviously these tress would never have needed felling.

Which makes us wonder just how much care of the plot the Johnstons were inclined towards by looking after the site, considering the number of applications they have submitted over nearly 2 decades??

#### **Access and Parking.**

These issues were within our original objections that we submitted against the initial planning application.

Where the site at Auld Simon is often used by local groups as a starting point for local parades, etc. E.g., Gala Day Parade in June, the Samba band have also this location on occasion, Millenium Walk of Faith. Where a large number of children often attend these first two on-going events with their parent(s).

Whilst the Johnstons have only applied for 2 parking spaces on this site, and the Health & Safety of these events can be managed by marshalling, this increase in traffic, however small, could pose a risk to both adults, especially children and the disabled, amongst large crowds of people waiting for parades to start, if the LRB Review Panel were to uphold this appeal, especially if the applicant had visitors to their home??

These points / risks may seem minor, but we wish to make the Review Panel aware of these risks.

#### **Water Supply and Drainage Arrangements.**

At the time of writing this section out, (Monday 11/12/2023 @ 14.35) we are waiting on council staff replying to queries on these points??

As the refusal was based on tree grounds, where the appeal is also based on the same, we have asked officials if the Johnstons would have been aware of further objections from close-by residents.

Where we have since been advised by Planning Department Staff that these objections were available for the applicants viewing, where no attempts were made to do so, therefore the applicants chose not to make themselves aware of any concerns that their prospective neighbours may have on their proposals.

Thereby as far as we the interested parties / objectors are concerned, weakening their case for Review.

Alternatively, if they had attempted to view these objections and addressed the associated concerns, to our mind, they would have better prepared for their Review / Appeal process, by having more answers and information with regards to the impact that this property development would have on the surrounding area, and well beyond the development site.

This lack of concern regarding other people's opinions on their proposals seems to consistent in the applicants overall approach to their Planning Application(s) over a long period of time??

Under this section of the application, new or altered water supply and drainage will be required, where this proposed property will link into the existing drainage system.

The planning application document makes no mention of sewage waste??

Where the home of one elderly widowed resident is built over one of the main drainage pipes for wastewater or sewage. This resident strongly objected to the planning application re these concerns that the existing system wouldn't be able to cope with the extra waste from the proposed new build.

We acknowledge that this waste could only be for mainly 2-4 people, where this may point may seem unlikely. Nonetheless, we feel that point must be addressed, if only to give peace of mind to this elderly villager, who is very concerned about these issues.

Where we wish the Review Panel to note the following questions on these issues??

**Questions:**

1. Are the applicants aware of these issues regarding this individual property??
2. If they are aware of them??, what measures have they taken to address these points??
3. If the applicants are aware of the issues, why have they not highlighted this in their original planning application or even their Statement in Support of their Appeal??
4. Even if this outside the grounds of both planning refusal and appeal??
5. Or what advice have they sought on these issues??
6. Have they followed up on any advice that they have been given??

Furthermore, in a more general sense.

7. Are they aware of the design, layout, and structure of the existing draining system??
8. Especially as they intend to connect to that system??
9. Did they make enquiries about these issues?? 10. Were they required to do so?? 11. Were they aware of such issues, but didn't think that they were relevant to their application??

Where the first 6 questions on the individual property also apply to the more generalised issues of how their new build might affect the surrounding properties.

Where we believe that there are more generalised issues on drainage and sewage within this locale, where we will make more representations on these issues before the meeting of the Review Panel at the end of next month, where these issues are obviously of major concerns concerning raw sewage to this residents in the surrounding area of the application site.

Whilst all of this is obviously a specialised area of Civil Engineering, considering the number of applications that they have applied for in the past, how aware of these overall issues are they, in relation to this plot of land??

The original RC planning application has an Assessment of Flood Risk.

Where they have answered No to both questions in this section.

Does this assessment include any possible damage to tree roots in either the short or long term??

With the possible increase in run-off to other properties re any possible damage, in any direction, e.g., front or back into the gardens at the start of Johnshill or in St Winnoc Rd that are situated below the site of 2 Johnshill??

**Schedule 3 Development.**



We note that the applicant ticked the No box in response to this part of the Planning application, where normally for any Planning Application within Lochwinnoch we would see something in the local press??

Some of us as objectors have discussed this point, but none of us can remember seeing any Notice of Planning Permission within any of the local newspapers, which would normally be weekly in The Gazette. (Covering Johnstone and Renfrewshire).

Whilst we would be surprised if this part of the planning process was not adhered to, we wished to query this anyway, for the reasons stated above.

#### **Certificate and Notes and the Land Ownership Certificate.**

We note both the Certificate and Notes and the Land Ownership Certificate sections towards the end of the Planning Application and acknowledge this gives the applicant full legal title to the site.

We also note that these sections do not give any dates for when Mr and Mrs Johnston gained full title to the site, as S has said in her texts if Mrs Johnston was (first) refused Planning Permission in 2002, then presumably they had title to the plot before this date.

In 2023 it is probably now a moot point, but as the interested parties / objectors we had a discussion on the timeframe involved, i.e., the time between the Johnstons first having title to the plot, and the time they first applied for planning permission, and did this comply with the legislation of the time.

Where we wish all parties to note that we are still trying to have this point clarified from other sources, albeit it may not be relevant to this Review Paper for the LRB.

Like the points in the Schedule 3 Development section, if the Review Panel are able to have this point cleared up before we act on our alternatives for the site, so that any processes have met all due legal process and requirements??

Other than these points, we have no further comments or questions to ask of the applicants for this section of the Planning Permission Document, at this point in time.

#### **5. Examination / Representations of Tree Condition Survey.**

We have listed the Tree Condition Survey here as we believe that it has important relevance to the following sections of our Paper to the Review / Appeal and the Review Panel.

As laypersons who are certainly not Arborists / Arboriculturists for the management, maintenance, and especially the felling of diseased or damaged trees, we have to abide by the recommendations of Mr Calvey.

Although we notice that the Tree Condition Survey is now presently classed as out of date by approximately 6 months in Mid-December 2023, as noted in his report by Mr Calvey himself in his own report.

As the report was only valid for 1 year from the reporting date of May 2022, and published approximately one month later on the 14<sup>th</sup> of June 2022.

Without a further tree survey we now are wondering what the overall condition or state of the site now is??

Where for our part as the objectors, only a visual inspection of the site would be possible, where that inspection would be severely hampered by the large amounts of this, difficult to walk on / passable un-maintained ivy / undergrowth.

Where we also note the conditions of the trees that required Crown Reduction and the trees that needed removal, 6 of for Crown Removal / pruning at the tops of, and 4 for removal.

We further note from the accompanying photographs and text on the 1<sup>st</sup> page of the survey that various trees have very large amounts of ivy growing both around them and up all of the trunks of these large, well-established trees, and at ground level across the whole of the site has been, as stated above un-maintained, even very badly maintained.

Which leaves us wondering how often, and how much the plot has been regularly, even sporadically looked after, in a variety of ways over the last 20 odd years??

Having noted these points in our Paper of Further Representations / Objections where we have deliberately used the full title, to object on these points alone, at the way the plot has obviously been neglected over a large period of time, by the applicants as the legal title holders.

Where we will say quite a bit more on this subject in the next sections of our Paper to the Review Panel, which we would ask the HCG to continue to note on these issues.

## **6. Representations on Notice of Review Document.**

We note that the registered address of the applicants on the 1<sup>st</sup> page of the Notice of Review is;

Flat 0/2,

174 Clarkston Road,

Glasgow,

G44 3DN.

We will make our reasons known for noting this point just very shortly, within this section of our Paper of Representations.

This may be an inappropriate point, but as the applicants now live up in Clarkston, Glasgow with this as their registered address on their appeal, we wish to ask the Review Panel why this appeal should be upheld by the applicants when they don't even live in Lochwinnoch anymore??

Where they have not done so for a number of years.

We are sure the applicants had good personal reasons for this move to Glasgow, but this still implies an absence of loyalty to a village and community that they lived in for many years??

These questions would be completely irrelevant if it were not for the fact that the applicants have, once again, applied for planning permission for this site.

It is only because of the planning permission appeal that we ask these questions.

To think otherwise would be to imply or think that people are not allowed to live where they chose to live, which would be a ludicrous suggestion, I am originally from the South side of Glasgow, but I (Eric ) personally chose to live, and plan to die in Lochwinnoch.

Furthermore, the note below is a copy of the text between S and I on Page 7 of this paper.

### S 3

Ps- I heard Louise had told a friend they'd sold their house in Lade Court and were renting till they built their house up at the woods, so she seemed to be confident that it would go ahead.

Which considering this 'house' has been very consistently objected to and refused by the council over all these years, this piece of gossip seems rather 'over-confident' on the part of Mrs Johnston??

On a more concrete note, we also wish to ask the applicants further questions in a similar vein??

After all these years of said objections and refusals of your plans for this site, apart from changes to the tree plan per the survey report;

1. Can you give us justifications for / valid reasons for why the Review Panel should now uphold this present planning application??
2. In light of the planning department decision, again for Refusal in 2023.
3. Thereby overturning the present planning department decision.
4. Which would also obviously overturn all the previous decisions made by the same department since your 1<sup>st</sup> planning application sometime just into the Millenium??
5. Which would obviously also make Null and Void all the previous Objections over this same time frame, by multiple objectors, of varying age groups including older ones like many of our present group who are now either approaching or in pensionable age, where some of us have been objecting over the last two decades.
6. Where even more so, again if this is a relevant point??

All of the objectors, past and present are obviously all Council Taxpayers, who because we choose to live in Lochwinnoch, we pay our Council tax to Renfrewshire Council as the Local Authority.

So, with all due respect, as you now live in Glasgow, thereby paying your Council Tax to the Glasgow authority, even more so why should the Renfrewshire Review Panel find in your favour, nullifying the wishes of all of these taxpayers, past and present over 20+ years.

This last inquiry might seem a very cheeky, very impertinent question, where we are most definitely not trying to place undue pressure on the Review Panel, where we expect their decisions will be fully impartial, but also meanwhile very fair in their judgement.

So all these questions are **directed solely** at the applicants, where we are interested to hear what their responses are in relation to all of the above questions, again in addition to any other questions we have asked the applicants throughout this paper, including the last one regarding council taxes.

Moving on from these possible mooted points, we would also like to ask further questions concerning this Review / Appeal.

Considering the level of objections from the community over many years, including the present one, and the fact that the Tree Condition Survey Report is now out-of-date, albeit by only 6 months from May this year;

Under the Review procedure part of the appeal, the LRB have accepted your suggestions that you as the applicants feel "is most appropriate for the handling of your Review".

Church of Scotland, dated from 1727-1729, all of which depends on different sites that we at looked at online.

The obvious historical significance of the church as the oldest building in the village.

Where the bell is an original from 1729 and the clock was added in about 1731.

3. How the development of this property could affect the surrounding existing properties, in various ways, of the close-by neighbours.

Where we by now all know, the grounds of Refusal were mainly based on the 1<sup>st</sup> two types of objections, where the trees were all Points 1-5, with Refusal including Auld Simon at Point 4.

So our objections were upheld on Points 1 and 2 as noted above, by the planning department, apart from the 3<sup>rd</sup> category which doesn't seem to have been included in the Refusal.

So the grounds for our original objections and the grounds for the Refusal were both very similar, albeit the Refusal largely quoted points of legislation which we expected it to do, as obviously planning officials are better versed in this type of law making, as opposed to the interested parties / objectors, who are mainly concerned lay-persons who value the 'gardens' for its intrinsic, environmental, and natural values to and for our small community in Lochwinnoch.

Which in the main part, is fine by us as the interested parties / objectors, where a Refusal is a Refusal, on whatever grounds that may be decided on by planning staff??

Where we as the interested parties / objectors obviously hope that these points of the Refusal will also be adequate to maintain this original decision by the planning department, for this present decision in 2023, which also seems similar to all previous Refusals over the long-term objection period.

Where the conditions of the trees are important to all parties concerned in this process, whether from an interested party / objector's, applicant's or officials point of view.

From the Tree Survey Report outlining the most professional opinion on the recent conditions of the site, (May 2022), in contrast to the Appeal Application Supplementary (proposed) Planting Plan, and the detailed Planning Appeal Statement, it is obvious that in these parts of your appeal, you have gone into some detail in support of that appeal.

In direct contrast to the existing state of the of both the ground that is covered in masses of ivy, with that same ivy growing up many of the trees, to at least average head height.

On a personal visit of the site on Wednesday on the 13<sup>th</sup> of December 2023 / the week of 1<sup>st</sup> submissions, I (Eric) walked around the iron fence and take a walk on the grounds, which I did at some risk, where I often found it difficult to keep my footing, due to the undulating ground, which is very uneven across the whole site, which could only be a hinderance for property development, adversely affecting the substantial tree root systems from the various large trees with their foundations underneath these hilly grounds.

I am 5 ft 5-6 inches in height, on tree trunks with ivy, it is well above my head height.

Where quite frankly, in all objective, impartial honesty the plot is in a seriously overgrown condition, which is easily visible even from some distance away, and when driving past the site in the car.

(Eric: Where I chose to take some videos of the site for my own personal reference).

(Note from Eric: For all parties reading this paper, we have chosen not to include these photographs, which were taken my own phone, as we plan to include them in further representations / objections and as part of a much wider photographic portfolio as an ongoing record of the physical conditions that exist at the site.)

Regarding the present conditions on the site, and your plans for the maintenance of the existing trees, as well as new planting on the site, strong contradictions of a paradoxical nature seem to exist on the site.

Where on the one hand, you claim / imply that you will sensitively care for and manage the existing tree outline, presumably pruning back and getting rid of lots of undergrowth, from both across the ground and well up beyond ground level.

Also and obviously to do the same regarding the ivy and other overgrown material up all the trucks of the surviving trees within the boundaries of the plot.

Yet on the other hand, the remaining trees are still all in a seriously overgrown state, where the ivy is still heavily present, even during the winter months where the ivy and undergrowth has reduced, but only because of the colder weather conditions coming up to the winter months within the next 9 days at the Winter Equinox, on the 22<sup>nd</sup> of December for this year.

Where obviously all of this growth that is presently dormant, will return again in the spring and summer months next year and beyond, probably in a worse state that it has been in previous years, as without proper care and management, all this growth is cumulative, especially over long periods of time.

Which is nothing to say of the 4 trees that had to be cut down this last summer due to the fact that they were heavily diseased, again per the Tree Survey Report.

So very frankly, which is it??

Is it care and maintenance of existing woodland, with new growth and planting??

But only if your appeal is successful??

Or

Is it allowing the plot to become more overgrow, requiring more trees to be felled, etc, etc??

If your appeal is refused??

As witnessed by the lack of care for the plot, by yourselves as the Legal Title Owners over the last 20 odd years.

Where in fact, as the facts seem abundantly obvious, the trees have actually been your greatest hinderance to building any kind of property on this plot of woodland over all these years.

We contend as the interested parties / objectors, that in fact your lack of care and maintenance of the site has been a very deliberate part of a very long-term plan to build a house on this site??

By knowing and hoping that with the lack of your care of the site, the trees would eventually through time become diseased, ultimately requiring felling, thereby allowing you to build some kind of property on the site through extra space being created??



Where obviously, if the trees come down through said felling, the greater your chances, as the only applicants over 20 years as the only Legal Title Holders.

Furthermore, as the owners of the plot, no one else in Lochwinnoch is going to do anything about tidying up the site, where that is your prerogative / responsibility and no one else's.

Where all this is witnessed by the fact, that your latest original Planning Application that was submitted in May this year after, and I quote;

"Due to a major change on the site conditions, following previous objections in 2015, we met Planning Officer James Weir on site."

"After his email of 13.03.23, we came to the conclusion that a fresh application with a new approach could be considered favourably."

So for the HCG and the Review Panel, we ask you to note;

The 2 points to note here are;

1. "A major change on the site conditions."
2. "A new approach could be considered favourably."

On Point 1 that yet again we wish to state that these changes had occurred due to lack of care, maintenance, and management of the trees on the site in the long term 20-year period, resulting in Point 2, where "a new approach could be considered favourably."

Where this new approach consists of a smaller property, in the form of a small bungalow type cottage, as opposed to the 2-storey house, with up and down stairs, that the applicants thought would pass due to the similar type of brickwork to Auld Simon.

Which we still find , as oft stated before, highly objectional.

## **8. Our Conclusion of the Planning Appeal Statement.**

As our suppositions to the Planning Appeal Statement are largely contained in the previous section, the conclusions to us seem very obvious.

This situation is a 'Catch 22' situation for both the Applicants and us as the Objectors.

As the applicants have never been able to build on the plot, i.e., 'dead land' as we have previously mentioned, they have never really been interested in caring for the site as it should be and could be cared for.

Even more so now in the present as they presently now live up in Glasgow, with it obviously being further to travel to, as opposed to walking up the street from their previous home in the village.

They have only ever been interested in the site if / when they could build a property on it, contradicting and overturning the wishes of a long history of objectors within Lochwinnoch, where if they had tried approaching some of the neighbours in the local vicinity of 2 Johnshill, they might have met with slightly more success.

Which having spoken to most of the neighbours in the surrounding area, some of whom are elderly long-term residents, we very firmly believe would not have made the slightest bit of difference.

As far as we are aware this never actually previously happened, again as some of the residents in this area have lived in their homes since before the Johnstons put in their 1<sup>st</sup> Planning Application in the early Millenium.

Where we wish to make it absolutely clear, we do not wish to slander Mr and Mrs Johnston, but we no longer wish to see the plot left in its present state of extremely untidy, disrepair, when we feel very strongly that it could be put to much better use.

As the local community we have never been able to maintain the site either, which on reflection could be described as short sighted on our part, but again in a contradictory manner, it has been suggested that some locals did try to briefly maintain the site, but ironically enough, it has been suggested that the applicants also objected to this work being carried out by concerned local residents, who were upset and concerned about the state of the site a number of years ago.

So to the Million Dollar Question??

To try and resolve the Catch 22 Situation that both the applicants and we as the community of Lochwinnoch find ourselves in??

## **9. Our Own Proposals for the Site at 2 Johnshill, East End, Lochwinnoch.**

So to move on to further our own proposals for 'Our Gardens'.

As an Elder and Worship leader in the Church of Scotland, I Praise and Thank the Good Lord that the staff and elected officials of Renfrewshire Council have seen fit to reject the applicants' proposals for the site over a long period of time, thereby leaving the possibilities of our community being able to develop the plot in a careful, considerate, sensitive manner that is in keeping with Renfrewshire Council's Environmental and Sustainable programmes.

In a manner that is similar to the proposals / ideas for the Lochwinnoch Community Development Trust, (LCDT), site at Lochhead Gardens, which we as a group of volunteers / amateur gardeners would bring "S's and Auld Simon's Garden's" to a state of a beautiful, blossoming Woodland Garden. Where, especially with the guidance of S, who loves the ground, in case the LRB Review Panel need reminding of this point??

Where if possible we would also approach Renfrewshire Council to ask about a Community Asset Transfer, (CAT) as we may have mentioned in other previous parts of our Representations, again in a similar manner to the way the LCDT have sought one for Lochhead Gardens.

**NB:** Where we as the interested parties / objectors have privately discussed this idea of a CAT, I (Eric) casually and briefly spoke to one of the local Councillors for the first time ever on this issue, on the afternoon of Wednesday 13<sup>th</sup> of December 2023 regarding this idea, who certainly didn't poo-poo me on it, and who seemed to consider it a reasonable option, for a site of council owned land that has lain unused for a long time, similar to the Lochhead Gardens site.

As a group of concerned locals or 'redevelopment interested parties', if we were able to get a CAT from RC for this part of the woodland area, it would obviously and dramatically increase the size of the area for said redevelopment as the woodland garden.

Where we would even consider making enquiries about the plot of land across from the application site, the lane known as 'Skipper's Path' going down to Gates Road, at the left side of Skipper's Path, where the lane as a Public Right of Way that runs from East End to Gates Road.

This area of land has, like other plots of land in this area of the Lochwinnoch has remained unused for many years in a very overgrown state of ground growth, shrubbery, and trees, which is also very unsightly to the local residents.

Like the application site, it could also be described as 'dead land'.

The 'Skipper's Path Site' is enclosed on 4 sides, with no legal vehicular access, where a number of developers have looked at it over a long number of years, and discounted it for any kind of property development, due to the lack of this access.

Any of this, in part or whole, RC owned land or Skipper's Path would obviously dramatically increase the area of the 'Woodland Gardens', which would considerably widen the scope of activities that we would be able to undertake within this woodland space.

Where if we were given a CAT, we would seek the opinions of the owners of the garages on the council owned land, even if they are mainly run down.

Where furthermore, these proposals seems to fit in with Scottish Government, (SG) Legislation of June 2018, with the;

'Community right to buy abandoned, neglected or detrimental land, (ANDL).

Where we would explore the possibilities of these proposals and form the necessary and relevant community bodies to allow these proposals to come to fruition.

If all these ideas came together, to bring all this land / these plots into community ownership this would be a huge undertaking for us as a community.

Where, very, very importantly the present application site, whilst not physically so, would be a very central and strategic part of these proposals to completely regenerate this whole area of the East End part of the village of Lochwinnoch.

Where absolutely, none, none of this area could ever be considered or given up for any kind of property development.

Where we would expect to have, if necessary, full Title Deeds drawn up, or some kind of Statement of Intent, where one of the preconditions to that title / Intent would be the express statement that all of this extended site would remain as 'green land' in perpetuity, for the permanent benefits, for both the present and future residents of Lochwinnoch.

Where we would take into full consideration on our part, as we are asking the LRB to do regarding this continued Refusal of this appeal, the thoughts and opinions of the surrounding neighbours and residents of the village, if necessary, e.g., by having public meetings to highlight our proposals.

As Papers of Further Objections and Representations to the LRB Review Panel were submitted last night by email to Mr. Robert Devine as a Senior Official of RC, it is only this morning since these submissions last night that we have thought about these ideas after very brief but very hurried discussions on this, where we very importantly feel are central to our Further Representations and Further Objections to the LRB Panel Review at the end of next month.

So in spite of / whilst these ideas / proposals have not formed a central plank of our original papers, within Mr Devine's email stating that any more Further Representations / Objections should be submitted to the Head of Corporate Governance before 3.55pm tomorrow Friday 15<sup>th</sup> of December 2023 as the deadline for paper submissions, we now ask the HCG, the LRB, and the Review Panel of

Elected Officials, or Elected Councillors to take note of these proposals before and during the LRB hearing on the 30<sup>th</sup> of January next year.

By giving our proposals their full consideration in relation to both the application site, and the wider considerations / implications that the Status Quo remains intact, where the decision of the Planning Department from the 8<sup>th</sup> of September 2023 be upheld by the LRB Review Panel, to allow us as the interested parties and objectors to explore the future of our wide range of ideas to allow natural development of this area of the East End of Lochwinnoch.

Without the detrimental effects of a new property, as proposed by the applicants sitting within our own enlarged proposed woodland development site, where as we have stated on numerous occasions now during the length of these Papers, to once again 'strike down' the proposals by the applicants, which are completely at odds with our own natural development of the area, to the benefits of the complete and whole population of Lochwinnoch and beyond into the wider community in Greater Glasgow, Renfrewshire and North Ayrshire, within Muirshiel Regional Park where this natural 'woodland area' or S's & Auld Simon's Woodland Garden would be completely open to all sections of all communities, thereby hopefully increasing visitor numbers to Lochwinnoch, and Renfrewshire in general.

Whereas we are sure, as the Staff / Elected Officials of RC all know, we get large numbers of visitors from across the, e.g., Greater Glasgow area, and from Kilmarnock in East Ayrshire, with School parties on Castle Semple Loch, Less-Able-Bodied Children in wheelchairs, or more mobile Children / Teenagers with 'Special Needs', coming to Muirshiel Regional Park.

(Excuse me / Eric as one of the authors and writers of this paper getting a bit caught up in all these proposals / ideas.)

**In the meantime, to return to the present issue;**

As I / Eric and My Wife hope / plan to live close by in the years to come, with my In-Laws presently reside in the vicinity and many of the objectors also living close to the site, it would be wonderful to be living nearby to these 'gardens', knowing that we had managed to save them from any form of development, and that hopefully, for many generations to come, all sorts of people would get lots of pleasure and educational benefits from having the 'gardens' in this part of Lochwinnoch, similar but different to Lochhead Gardens at the other end of the village.

Where, it seems blindingly obvious to us as the interested parties, some of the most important of these groups would be the local schoolchildren, mainly from Lochwinnoch Primary School, but also from other Primary and Secondary Schools in the area if they wished to come visit (either) site at Lochhead or S's & Auld Simon's Gardens'??

Where we personally envisage that our project may have somewhat wilder aspects to it's development, to differentiate it from Lochhead Gardens to teach, especially the children, different aspects of flora and fauna, teaching them about the trees, and hopefully / possibly small wild animals who take up residence in a slightly wilder garden site.

Where the ideas and possibilities seem endless, in this bigger 'garden' site if we able to get a CAT from RC, where to re-assure council officials and staff, we would wish to naturally develop that piece of land in a similar manner to the site at 2 Johnshill, where we would welcome site visitations from council staff to appraise them of our progress on the CAT site, and the whole site generally.

**10. Final Conclusion to this Paper for the LRB and the HCG, of Further Objections and Representations in relation to this Planning Appeal by the Applicant, Mr David Johnston.**

In asking for this Notice of Review with the LRB, thereby highlighting the conditions that presently exist on the planning / application site, many of our group felt that Mr And Mrs Johnston have actually done us, our group / our village / our community in Lochwinnoch an unforeseen, unintended, backhanded favour.

By bringing to our attention, in the "full glaring light of day" to the conditions that presently exist on the site of S's beloved 'Woodland Garden'.

If anyone on the Review Panel doubts what we are saying, then we would like to invite you down to Lochwinnoch for an anonymous visit to examine for yourself the conditions on this plot, one of the last plots of woodland in a fairly built-up area, within a rural village.

Where it also seems that the site across from the oldest building in Lochwinnoch, and a Holy Place of Worship as the remains of an ancient church, is only / has only ever been any good to the applicants if they were going to be able to build a property on it.

At this point in this Paper of Representations / Objections, we as the 'interested parties' wish all other parties to note that, in case it is in any doubt, that once again we object to any development on this site in the strongest possible terms.

With no caveats or compromises on our part re any form of house building or development of any kind, however small or aesthetic this may be.

The site has been a natural woodland for nearly 170 years, can we just leave it that way Please, for the benefits of this community.

In spite of the conditions that the applicants have left the plot in, over many years, we also feel compassion for them, where we fully acknowledge, realise and understand that Mr and Mrs Johnston have also held this dream close to their hearts for many years.

However, that does not compromise our intentions to bring this plot back into community ownership, where this seems to be a very black and white scenario, with very little grey area in-between their proposals and ours.

Where we feel that after 20 plus years of sustained upheld objections, within the last 170 years, that the site / plot / gardens themselves have waited long enough for someone to take decent care of them, in a manner appropriate to the surrounding, natural, God / Holy-Spirit Protected Area, where "Thy Will Be Done", Not my will, But Thy Will, as The Will of God that seems to have keeping them waiting for someone to look after them.

With as we have now stated on numerous occasions, the obvious enduring support of Renfrewshire Council Local Authority.

When the LRB Review Panel make a ruling on this Appeal at the end of next month, if the LRB upholds the decision of their Planning Department, we will obviously be very, very grateful.

We do not wish to consider the other possibility at this point in time.

If the Appeal is again Refused like previous long-term decisions, Mr and Mrs Johnston obviously have a choice to make, both individually and together??



If they choose to accept the decision of the Review Panel, then we will enter into negotiations with them as soon as they are ready, to bring the Title Deeds back into Community Ownership.

Where we would compromise as much as possible with them through appointed lawyers, short of any future development on the site.

Even to the point of entering into financial talks with them regarding the site??

Where we would be prepared to wait an appropriate and discrete length of time to let them catch their breath, so to speak.

However should the applicants refuse to accept the ruling of the Appeal Body, we want them to understand, in no uncertain terms, that we will fight them absolutely every step of the way should they decide to appeal to any higher authority than the one they have already just had a ruling from.

Where we in no way wish to look as if we are blackmailing the applicants into withdrawing their case, but we wish them to clearly understand what our intentions are for the future??

Where we very, very firmly believe even now, **that whilst we are being very, very cautious and very, careful**, we also believe that we have an excellent chance of winning our case with the Review Panel.

Where we also believe, should it be necessary, that we can also win any future case to any higher authority if you should decide to go there??

But we'll leave this decision up to you, obviously depending on the decision of the Review Panel.

In the final part of this text we sincerely hope that we have presented a very strong case to the Review Panel to, once again reject and Refuse the Development Appeal by the applicants, in line with the decision by your associated Planning Department decision in September this year, and the Review Panel's decision at the end of January 2024.

We acknowledge that the applicants will respond to these Further Objections and Representations, and we await their responses to these Representations.

Where we will, once again, respond in a similar manner to the Applicants' own Representations.

Considering how very long this Representations Paper is, we wish to thank all everyone who has to read through this document.

We as the Interested Parties / Objectors do realise that this paper is a very, very long read in representing our case, and in some parts the reader may find it a bit boring or losing the thread of our arguments.

Or for where the paper, throughout its length is also very repetitive.

If this is the case for anyone, we would like to sincerely apologise.

However we have tried to make our case as strong as we can possibly make it, hence the length of it, by going through all of documents provided by both the applicants and Renfrewshire Council and trying to address each of the sections of these documents in very fine detail.

Hoping that You all have a Lovely Christmas

Regards and Best Wishes

From (Eric the Auld Gasbag) and The Team for S's & Auld Simon's 'Garden's'

## References

Other than three brief online references regarding Auld Simon and Scottish Government Legislation, nothing other than the paperwork / documents provided by the Planning Department, no other documents were used to reference any part of this Paper of Representations.

Therefore no Reference List is required in any form of an academic manner.

## Final Personal Notes:

Should anyone wish to contact me for any reason, regarding any of the contents within this Paper of Objections and Representations??

My contact details are below, at the end of this paragraph.

I also publicly wish to thank everyone who contributed towards this Paper of Further Objections and Representations, especially S for all the back and forward text messages, and M, for the ideas you gave me / us, and provided a bit of leadership, especially during our meetings, but also generally.

We were "lucky" that the right people appeared at the right time.

Where I just happened to be the one who had the time to word process this very lengthy document, my apologies to everyone reading all this as it is rather repetitive in some areas. It was a bit difficult at times to keep track of what I /we were trying to get down on paper from our discussions and texts, etc.

I shall thank you all privately for your input, but for reasons of confidentiality I don't want to name any of you publicly.

As you will all read this paper I am really pleased that we managed to get together so quickly to form this small group, where hopefully we will be able to enlarge the group further and gain more input from other people.

Some of the brainstorming sessions were really good fun and a good laugh, that was the part that I personally enjoyed the most by meeting other people that I had never met before, especially with a common purpose in mind regarding this Review / Appeal Notice.

Auld windbag that I am, away I all hear you laughing, you're not a windbag Eric, Ha! Ha! Ha!

I could say more of course, but I'll leave it there, as I really think I've said enough.

So I hope you all have a lovely Christmas.

Relax and enjoy yourselves after all this marathon 2 weeks.

My contact details are;

M: [REDACTED]

Email: [REDACTED]

For the Attn of;  
Mr Robert Devine  
Renfrewshire Council  
Renfrewshire House  
1 Cotton Street  
Paisley.  
PA1 1WB.  
Friday 15<sup>th</sup> of December 2023.

Planning Application: 23/0179/PP. By Mr David Johnston.

For the Site of 2 Johnshill, East End, Lochwinnoch.

Appeal / Review of this Planning Application by the Local Review Board, (LRB).

To be heard by the LRB on the 30<sup>th</sup> of January 2024

FN: MR William Johnston  
A1: 16 St Winnoch Rd  
A: Lochwinnoch  
PC: PA12 4ET

Dear Mr Devine,

I am aware that the Renfrewshire Council Planning Department **REFUSED** this Planning Application, as noted above, on the 8<sup>th</sup> of September 2023.

I am also aware that the applicant, Mr Johnstone appealed this decision for a Notice of Review, which Mr Devine notified Objectors to, on the 1<sup>st</sup> of December 2023, which included Mr Beattie.

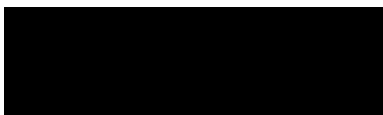
Since the 1<sup>st</sup> of December I am aware that Mr Eric C. Beattie of 34 High St Lochwinnoch PA12 4AA has regularly been in touch with you by email regarding Further Objections and Representations to this Review / Appeal.

Where he has, for himself and others, as both objectors and Interested Parties, made out the main papers of these Objections / Representations.

I now ask you to note that I have freely and willingly asked Eric to submit these Representations / Objections to Renfrewshire Council, as either an Original Objector or an Interested Party.

Where I wish the Local Review Body, (LRB) to take note of these Further Objections and Representations into their consideration on the 30<sup>th</sup> of January 2024, when the LRB Review Panel will consider the appeal by the Applicant, Mr Johnston.

Regards



Signature of Objector / Interested Party.



Witnessed by. (If a Witness is available.)

HEAD OF CORPORATE GOVERNANCE  
RENFREWSHIRE COUNCIL  
FINANCE AND RESOURCES  
RENFREWSHIRE HOUSE  
PAISLEY  
PA1 1TR.  
REGARDING  
PLANNING APPLICATION 23/0179/PP  
BY MR DAVID JOHNSTONE.  
LOCAL REVIEW BOARD  
NOTICE OF REVIEW  
30<sup>TH</sup> OF JANUARY 2024.

PAPERS OF FURTHER REPRESENTATIONS AND  
OBJECTIONS IN RELATION TO THIS REVIEW.  
FROM THE (CONCERNED) RESIDENTS OF  
LOCHWINNOCH.

Head of Corporate Governance,  
Renfrewshire Council,  
Finance and Resources,  
Renfrewshire House,  
Paisley,  
PA1 1TR.

N MR WILLIAM KINNING  
A 16 ST WINNOCH RD  
A LOCHWINNOCH, PA12 4ET.  
P

Thursday 14<sup>th</sup> of December 2023.

(Will all Individuals please note that the Head of Corporate Governance will ignore your representations/objections if you have not filled in your personal details with your Name and Address, etc, as above).

Planning Application: 23 /0179/PP.

Erection of single storey dwellinghouses and associated works,

On the Eastern Boundary Of No. 2 Johnshill, East End, Lochwinnoch,

By Mr. David Johnston.

For the Head of Corporate Governance in relation to Notice of Review to this Planning Application.

Relating to the meeting of the Local Review Body, (LRB) for this Notice of Review to be held at 2pm on the 30<sup>th</sup> of January 2024, in Renfrewshire House, Cotton Street, Paisley.

On the grounds of the Letters of Representations – Council Decision, as noted in the letters posted out to individuals, dated 8<sup>th</sup> September 2023, who objected to this Planning Application, where; ‘the application together with your representations was considered by the Council on the 8<sup>th</sup> of September’.

Where the decision of the council was;

REFUSE Consent subject to the reasons.

As noted in the accompanying letter,

Ref. 23/0179/PP.

CONDITIONS AND/OR REASONS ATTACHED TO THIS DECISION.



**For the Attention of The Head of Corporate Governance.**

**Dear Sir / Madam,**

**List of Contents for this Paper of Representations/Objections**

- 1. The Interested Parties Initial statement to the Planning Review Panel.**
- 2. Statements, Questions and Representations from the Objectors to the Johnstons regarding this Planning Review / Appeal??**
- 3. A Recent History of the Site: How we got to where we are, from 1991 to 2023.**
- 4. Objections and Further Representations to the Original Planning Application.**
- 5. Representations on the Tree Report.**
- 6. Notice of Review Document.**
- 7. Representations to the Planning Appeal Statement.**
- 8. Our Conclusion to the Planning Appeal Statement**
- 9. Our Own Proposals for the Site at 2 Johnshill, East End, Lochwinnoch.**
- 10. Final Conclusion to this Paper of Further Objections and Representations in relation to this Planning Appeal by the Applicant, Mr David Johnston.**

**1. The Interested parties Initial statement to the Planning Review Panel.**

Will the Head of Corporate Governance, hereby abbreviated to HCG, please note that we wish to make Representations/Objections in relation to the above Planning Review Appeal by the LRB, as an 'Interested Party'.

Where we hope that the HCG will note these reservations in relation to the Review Panel meeting on the noted date will also take these Representations into their considerations and deliberations when making a judgement on this Notice of Review / Appeal by the Applicants, to the LRB.

Where we wish the HCG to note that we do so in the strongest possible terms regarding this Review, not just on the grounds on which the appeal has been based, but across all possible areas of both the original planning application and the associated review.

In previous applications by Mr and Mrs Johnston, we, as interested parties have asked for all previous objections and representations to be taken into consideration regarding any present application, where historically, as far as we are aware, the Johnstons, have been the only applicants to ever apply for planning permissions for this particular site??

Where very importantly, to support our case as the interested parties, various individuals and groups in Lochwinnoch have shown a consistent pattern of objections to the planning applications by this couple over the last 20+ years.

Where, very obviously we wish the 'Woodland Garden' / Area of Woods at 2 Johnshill, East End, Lochwinnoch, across from / in very close proximity to Auld Simon, as the oldest building in Lochwinnoch, for the woodland to remain in its present state, without any property development by these applicants.

***Furthermore, after 20+ years of applications by the Johnstons, we strongly and firmly believe that we have reached an impasse in relation to this situation??***

Approximately every several years just over the last 2 decades, the Johnstons have put in an application for planning permission, and we, the objectors and interested parties have responded and objected to these applications for development on this site.

Where Renfrewshire Council staff and elected officials have consistently supported us in our objections to these applications, by also consistently refusing planning permission for this valued and treasured site within our village, where we wish to record our gratitude for these efforts, where we are very grateful to these individuals over the last 20+ years in their continued support.

For if it was not for this continuous support, we would not be here today, where once again we find ourselves having to object and make representations to this Review / Appeal by Mr and Mrs Johnston.

In spite of our opposition to these continuous Planning Applications we therefore acknowledge that this has cost the Johnstons a lot of money, time and effort in pursuing their case, as well as a lot of corresponding time and effort on our part as the objectors.

To say nothing of the time that the planning department and to a lesser extent the time and deliberations that Councillors on the review panel spend on this issue.

***So in an effort to resolve this situation to the benefit of all parties concerned, i.e., applicants, objectors, Renfrewshire Council Planning Department, Councillors on the review panel, as well as the HCG, in his considerations on this issue, we would like to set out alternative proposals for the site, which can already probably be guessed at by all concerned??***

We will briefly outline these alternative proposals as noted immediately below and elaborate further throughout this Paper of Further Objections and Representations, and towards the end of this paper in our Conclusion.

We acknowledge that this scenario may not be acceptable to Mr and Mrs Johnston in the first instance, as they have held this dream for many years, but as they lived amongst us for many years in our very beautiful village of Lochwinnoch, where they were friendly and friends with, and well known to many of us, where I personally, (Eric) had mutual friends with them.

Where we as the objectors would seriously like to ask them to consider what we propose at some length, as opposed to dismissing our ideas in a knee-jerk type of reaction??

We also recognise that, as stated earlier, that this couple have put a lot of time, effort and expense into their planning applications, but after 20+ years of objections, we would ask them to finally recognise that as a community / the village / Lochwinnoch does not and will not / never accept their proposals for this site.

Whilst some individuals in the village may accept their proposals with their present plans for a property that is visually and aesthetically pleasing in relation to, and the closeness of Auld Simon,

many more people will not, especially neighbours in the surrounding vicinity of the plot, i.e., in Johnshill, East End, St Winnoc Road, Gates Road, and various parts of High Street.

## ***2. Statements, Questions and Representations from the Objectors to the Johnstons regarding this Planning Review / Appeal??***

All of the above then leads us to ask the following questions of Mr and Mrs Johnston??

When are you finally going to accept that your planning applications for this site are absolutely not acceptable to many of residents in Lochwinnoch??

Otherwise, why has there been 20 odd years of objections to your proposals, every time you apply??

No matter how nice or pleasing to the human eye your proposed property may look on this occasion, especially in relation to Auld Simon, like previous plans, it is still not in any way acceptable to the majority of our community in Lochwinnoch.

Where this small woodland area, that has been a precious woodland just off the centre of Lochwinnoch, for approximately for the last 165-170 years, should / could / must remain a 'Woodland Garden', enhancing the local environment / surrounding area, to the benefits of the trees, local flora and fauna, wildlife, roosting birds of all kinds and especially rooks.

Without absolutely any property being built upon it.

Where ultimately all of the above, intangibly enhances and enriches the lives of the human beings who live close by this plot, and any other green spaces, both within Lochwinnoch and outside it.

As a rural village in South Renfrewshire, which we feel is the last real village that is separate from other communities, which is not a suburb of Johnstone or Paisley, as the build-up area has extended ever outwards over the years.

Which is very much obviously why Renfrewshire Council has dependably supported our objections over the last 2 decades, as the benefits of green spaces and closeness to nature are very well, and scientifically recognised, in regard to both physical and especially, mental health.

**So really, in this part of our Representations, in our own way we are also lodging an appeal, as we are appealing to your better natures, Mr And Mrs Johnston??**

**To let all this go, for your own benefit and peace of mind, as well as ours as a group of objectors.**

And ultimately, for the benefit of Lochwinnoch as a community, which you obviously love, and loved, as you lived here for many years.

Where for you to try and accept that there will always be a group of interested parties / objectors in Lochwinnoch, with hopefully, as noted above, the continuing, ongoing support of Renfrewshire Council, where some concerned individuals, as individuals or in groups will always object to your plans for this site.

Where today it is our group who are objecting / making representations, tomorrow it will be someone else, and another group.

(Personal note from Eric)

(Please do not misunderstand me, as there is absolutely nothing personal in all this, along with many others we just completely disagree with your proposals for the 'Woodland Garden' and have done so for many years).

(Where my / our personal reasons for our representations / objections are completely altruistic, to the benefits of my / our community, where we represent the wishes our community, in my (Eric's) personal case my elderly relatives live in close proximity to Auld Simon / Johnshill / East End, where I have been asked to deal with this on behalf of all my family, as well as my own very strong beliefs in what we are doing).

Ultimately this situation reminds us of the Burnfield Road / Playing field site, with planning applications by Stuart Milne Developers, at the end of Newton of Barr, Lochwinnoch.

Where in this case, the Community Council have mounted a very focused, consistent campaign by this developer, sustained over a number of years, where ironically, this is a shorter time span than the one we have mounted against your own proposals.

Where both developers, regardless of size, both own the prospective sites, but cannot do anything with them, due to the number of representations / objections Renfrewshire Council (RC) have received over the years, from Lochwinnoch residents.

Where the term 'Dead Land' could be used to describe both sites.

Where it seems you are stuck with a possible development site that you can't do anything with??

Hence the nickname of 'dead land'.

To continue with these objections and representations, as noted above, we will further outline our proposals for the site towards the end of this paper.

### **3. A Recent History of the Site: How we got to where we are, from 1991 to 2023.**

In the early 1990's S, who has lived in Lochwinnoch for at least 30+ years wanted to further develop the application site into a 'Woodland Garden', where the site had and still has to the present day has become naturally overgrown, per the applicants' paperwork showing the Ordnance Survey Map of 1856, so over approximately the last 135-140 years in 1990-93, plus another 30 years to the present.

So in total the site has therefore been undisturbed for approximately the last 165-170 years.

The following pages are copied from messages between Ms S and me to show the review panel the 'more recent' history of what has happened over the last 30 odd years regarding this plot of woodland at 2 Johnshill / East End.

I have only altered the text to tidy it up, and have been very careful to preserve the anonymity of Ms S, even although I'm sure the Johnstons know who / remember who this lady is??

**Eric**

Thanks for getting back to me S.

I'm really just looking for the process that was involved, that you went through, and the time frame /

dates involved.

I didn't realise the lawyers were involved though, I've never really understood why the Johnstons keep on applying to build on the site, but by the sound of it they have legal rights / title to it?? Which explains why they have kept on applying to build on it over the last 20 odd years x 3-4 times. The situation reminds me of Burnfoot Rd then, they own it, but can't use it as locals keep on objecting to their planning applications??

As I recall they supposedly fenced it off, supposedly maintained it for a number of years, and then claimed legal rights to it??

If you fill in some gaps for me re how long ago you were at the lawyers, that would help.

## S 1

I laid claim to the land around 1991/92.

My then lawyer did a land search and found no record of ownership, he told me to occupy the land and look after it for 10 years and if it was uncontested, it would be mine. I did this at considerable expense, fencing it off, having dead trees felled etc, but only after I got council approval.

During the 10 years, Louise Johnson started her own claim, but I was told by my lawyer I had prior claim so not to worry. When my 10 years were up, I contacted my then lawyer, I'd changed to a different firm by then to ask how to conclude the claim -she said I didn't have to do anything as it was now mine.

However it appears that wasn't the case and Mrs Johnson saw her chance and pursued her claim. By this time I'd built a shed on the plot and was making it into a woodland garden but basically I had to get off the land, remove the shed and that was it. It was heartbreaking at the time, but there didn't appear to be anything else I could do.

Unfortunately I left it too long to complain to the Law Society, so I just had to let it go.

## Eric

A quick couple of questions that I mentioned yesterday??

Do you remember more accurately when Louise Johnson put her original claim in during the 10-year period??

Any idea when she further pursued her own claim??

I'm presuming that this was after about 2001-2003??

## S 2

I've found the "Woods File".

I first enquired about the plot in Feb 1993, and it looks like my claim dates from March 1993.

I then set to work having it fenced off by Alter Landscapes, employing a Tree Surgeon to assess the plot then paying him to make the plot safe, which included having some dead elm trees felled because they were dangerous. I had to apply for permission from Renfrewshire Council for that work to be done, even providing photographic evidence that one tree had actually fallen in high winds. This cost me a lot of money.



I was then worried about the spikes on the original iron fence at the front and my lawyer advised me to remove them to avoid public injury, this I did, all 239 with a hacksaw as I recall as I didn't own a Stihl Saw.

I also took out public liability insurance. Ironically, the Council refused permission to have the canopy overhanging the pavement to be cut back even though it forced pedestrians to walk on the road in summer, which worried me.

When the owner of one of the neighbouring garages expressed concern about overhanging branches I had them professionally removed.

I loved the ground, worked on it and my children and dogs shared it with me where I had all sorts of dream for the plot.

Anyway Louise Johnston applied for planning permission 2002 and was refused then, they had laid claim to the land. I was advised that I had prior claim so not to worry, the rest is within what I've already sent you.

Like I said, I thought all was well till Louise approached me when I was gardening at the plot Spring 2009 and told me I had to leave as the ground was theirs and they were "going to build a house ". I've never fully understood what happened, but it appears they did nothing illegal, saw their chance and followed it through.

To summarize, their first attempt at receiving planning permission appears to have been made in early 2002 , which I suppose is the main point. I think at least more than one has been made since then.

### S 3

Ps- I heard Louise had told a friend they'd sold their house in Lade Court and were renting till they built their house up at the woods, so she seemed to be confident that it would go ahead.

Eric

Morning S,

No I fully realise that you have not accused them of any illegal practices.  
Where nothing illegal has been done anyway, as they have included a copy of the land certificate showing ownership.

As I've said previously, I've never understood why they kept on applying for planning permission for the site, but this is now obvious as they own it.

Where this can be very expensive, as they have now applied for planning permission 3-4 times over said 20+ years.

Considering that the villagers have consistently objected to their proposals over this period, and the council planning department have also consistently upheld the objections by their refusals, I personally think the Johnsons have been, and are being very naive.

Again it's similar to Burnfield Rd, they might own the land but can't get permission to build on it, it's "dead land" so to speak.

I'm not sure if you realise but all the previous objections are very important, where we as the objectors can ask that all of this historical information be taken into consideration for this present application and appeal, it obviously shows a consistent pattern of objections over a long period of time.

I hope some of this reassures you about what happens next, but my apologies if it also brings up painful memories for you, as you very obviously loved this area of woodland years ago, and still do in the present.

Personally the Johnsons have actually done me / us a back handed favour, by giving me a wake-up call re all this, & motivating me to do something about it, to protect this historical, natural site for Lochwinnoch and the villagers.

Where if the Review panel are consistent with previous decisions??, I would personally hope to bring this plot back into public ownership by whatever means we can get it back, where we can manage this plot and keep it in the natural state that it has been in for the last 160+ years, for the benefit of everyone in Lochwinnoch, as a beautiful, natural Woodland Garden.

Where hopefully the Johnstons have done us all a big favour by appealing this council decision by settling these issues to the benefit of all parties, the community in Lochwinnoch, the Johnstons, and Renfrewshire Council ??

#### S 4

That's reminded of what happened legally, as I understand it my name was entered on the old Land Register, it should also have been put on the new one, that's how I lost the ground because my lawyer didn't do that.

#### Eric

All of this hassle over all these years because of one simple legal mistake.

Which would probably have taken an hour or two of work to do.

The lawyer was lucky that you didn't make a complaint to the Law Society, as you certainly had grounds to do so.

When I think about it, I was forgetting my manners.

To ask you for permission to put your story in my own paperwork???

I would be careful to maintain confidentiality, & reword your text if necessary, & use only letters like WG for Woodland Garden so that you could not be identified in any way.

The councillors wouldn't be interested anyway, although the Johnstons will likely remember??

Your story is the basis of all of this & I feel very important to our own appeal, which I / we will use to highlight why the site must be left in its present state, so that we as a community in Lochwinnoch can maintain and manage it, and really improve upon it, in a similar manner to what the LCDT are doing with Lochhead Gardens.

Even to the point of involving the LCDT for help re various aspects of these ideas & asking RC for a Community Asset Transfer, (CAT), to extend the plot with the council owned land to the rear of the garden in a similar way to the application the LCDT have done for Lochhead Gardens.

Furthermore it fundamentally shows how right from the time that even before the Johnsons made a claim to this plot, that your plans for it were the foundations of all the objections that have followed over the last 30+ years, to the present.

And into the future, if / when, as I've said above where we hopefully bring the plot back into common law, common sense, community ownership.

Which if you are still interested in, I personally hope that you would still like to be involved in?? This was your dream 30+++ years ago, after all.

So I am really hoping that you are okay with me using your story.

To be honest, personally , I like the sound of S's Garden, L Gardens, or Auld Simon's Garden???

## S 5

Well at the time I was in the process of leaving J, plus a solicitor acquaintance of mine told me she didn't think I had " what it would take", financially or otherwise to fight it, nor was there any point in complaining so I let it go. I'd have loved to have built a tiny wee L- shaped hoose there and see out my days but I always knew that would never be possible without felling healthy trees.

(NB from Eric: The fact that S had thought of building a small house on the plot in no way justifies the planning applications that the Johnstons have submitted over the years. Note the fact that S also acknowledges that healthy trees would have to be felled / sacrificed to build any property).

(Where I chose to leave this text in this part of our objections to highlight the fact that S had realised that building a property on the site was not possible).

Imagine the joy I felt when I had my wee shed built!

Anyway, back to present times and I must admit you've now got me interested in the idea of a Community Garden. I also always knew the plot was too big for me to look after it properly. There were actually some people who referred to it as S's Woods!!

God moves in mysterious ways I have found and if what I want is right, it tends to happen eventually. I would like to be involved in what goes on in the future. By the way , I'm happy to be named personally in the proceedings as I'm confident I haven't falsely accused anyone of anything, my only worry would be lawyer although I haven't named them in any of my communications with you.

There is still a chance that I've misunderstood events! Meanwhile I'll just allow myself to dream of the woodland garden. Oh, btw, there are remains of what appears to be a stone wall / foundations within the ground- I used to sit on them while I had my tea break- I'm sure you've examined the history of the area. x

## S6

Already thinking of projects to open people's eyes to what can be achieved plant wise, there's a lovely " feel" up there. I don't think Mrs Johnston would know what I mean, don't think she would understand my love for the place, but maybe I'm wrong.

Just another piece of info which might explain a lot.

I had the ground professionally valued sometime during the 2000's, as I have the papers somewhere I think. If I remember correctly, it was valued at £65k if outline planning permission was obtained, which of course would involve removal of trees. I did that out of curiosity as I always knew trees would have to go and I wasn't prepared to do that, so it was a dead end.

(2<sup>nd</sup> Note from Eric: As we would obviously not be seeking to build or develop the gardens in this way, on a 'dead plot of land', by asking for planning permission, which negates our complete and whole ambitions for the site, we would want to have the plot evaluated and priced as a garden plot).

Come to think of it, that would be a driving force for other people??

I'll shut up now- things keep coming back to me. Now that I understand your motivations , I'd be happy to meet with you in the New Year and show you the " S's Woods " files I Till then ...

S7

Ps: I didn't do it before because I thought it would just look like sour grapes, and of course there is a small element of that, that has gone with the passage of time now that I am older and hopefully a bit wiser, but I can now see better reasons for objecting to their plans.

All of this text is rather long winded, but we have chosen to include it to emphasis the recent history of the site and the love and affection which many people in Lochwinnoch feel for the 'Woodland Garden', especially S, who still dreams of what is possible for 'her gardens' 30+ years later.

Where paradoxically to S's, and numerous other villagers' wishes for the 'gardens', like the Johnstons, (where again, within this extremely long paper, again at the risk of repeating oneself, we fully acknowledge their wishes to build on the site re their various planning applications), where they have also spent a lot of their own money in trying to develop the site, albeit it we obviously disagree and object in the strongest possible terms to the applicants building a property in this area of woodland.

Where we also strongly believe this is the wrong type of development for one of the last areas of woodland within our village, that has taken many years to naturally develop, albeit it is now overgrown, needing care and maintenance from interested parties.

#### **4. Objections and Further Representations to the Original Planning Application.**

In the Pre-Application Discussion Details Cont. section of the above, we note that there was "a major change on the site conditions", after Mr Weir's email of the 13.03.23, where the Johnstons thought that a "fresh application with a new approach" could be possible.

So per the Tree Condition Survey that the Johnstons had requested in May 2022, followed by Mr Weir noting changes to the tree plan in his email of March 2023, presumably that 4 of the trees would have to be felled, etc, that the planning department still refused the Johnstons latest planning application.

Where if the Johnstons had been more proactive with better conservation of the ground conditions, soil, tree maintenance and management, obviously these tress would never have needed felling.

Which makes us wonder just how much care of the plot the Johnstons were inclined towards by looking after the site, considering the number of applications they have submitted over nearly 2 decades??

#### **Access and Parking.**

These issues were within our original objections that we submitted against the initial planning application.

Where the site at Auld Simon is often used by local groups as a starting point for local parades, etc. E.g., Gala Day Parade in June, the Samba band have also this location on occasion, Millenium Walk of Faith. Where a large number of children often attend these first two on-going events with their parent(s).

Whilst the Johnstons have only applied for 2 parking spaces on this site, and the Health & Safety of these events can be managed by marshalling, this increase in traffic, however small, could pose a risk to both adults, especially children and the disabled, amongst large crowds of people waiting for parades to start, if the LRB Review Panel were to uphold this appeal, especially if the applicant had visitors to their home??

These points / risks may seem minor, but we wish to make the Review Panel aware of these risks.

#### **Water Supply and Drainage Arrangements.**

At the time of writing this section out, (Monday 11/12/2023 @ 14.35) we are waiting on council staff replying to queries on these points??

As the refusal was based on tree grounds, where the appeal is also based on the same, we have asked officials if the Johnstons would have been aware of further objections from close-by residents.

Where we have since been advised by Planning Department Staff that these objections were available for the applicants viewing, where no attempts were made to do so, therefore the applicants chose not to make themselves aware of any concerns that their prospective neighbours may have on their proposals.

Thereby as far as we the interested parties / objectors are concerned, weakening their case for Review.

Alternatively, if they had attempted to view these objections and addressed the associated concerns, to our mind, they would have better prepared for their Review / Appeal process, by having more answers and information with regards to the impact that this property development would have on the surrounding area, and well beyond the development site.

This lack of concern regarding other people's opinions on their proposals seems to consistent in the applicants overall approach to their Planning Application(s) over a long period of time??

Under this section of the application, new or altered water supply and drainage will be required, where this proposed property will link into the existing drainage system.

The planning application document makes no mention of sewage waste??



Where the home of one elderly widowed resident is built over one of the main drainage pipes for wastewater or sewage. This resident strongly objected to the planning application re these concerns that the existing system wouldn't be able to cope with the extra waste from the proposed new build.

We acknowledge that this waste could only be for mainly 2-4 people, where this may point may seem unlikely. Nonetheless, we feel that point must be addressed, if only to give peace of mind to this elderly villager, who is very concerned about these issues.

Where we wish the Review Panel to note the following questions on these issues??

**Questions:**

1. Are the applicants aware of these issues regarding this individual property??
2. If they are aware of them??, what measures have they taken to address these points??
3. If the applicants are aware of the issues, why have they not highlighted this in their original planning application or even their Statement in Support of their Appeal??
4. Even if this outside the grounds of both planning refusal and appeal??
5. Or what advice have they sought on these issues??
6. Have they followed up on any advice that they have been given??

Furthermore, in a more general sense.

7. Are they aware of the design, layout, and structure of the existing draining system??
8. Especially as they intend to connect to that system??
9. Did they make enquiries about these issues?? 10. Were they required to do so?? 11. Were they aware of such issues, but didn't think that they were relevant to their application??

Where the first 6 questions on the individual property also apply to the more generalised issues of how their new build might affect the surrounding properties.

Where we believe that there are more generalised issues on drainage and sewage within this locale, where we will make more representations on these issues before the meeting of the Review Panel at the end of next month, where these issues are obviously of major concerns concerning raw sewage to this residents in the surrounding area of the application site.

Whilst all of this is obviously a specialised area of Civil Engineering, considering the number of applications that they have applied for in the past, how aware of these overall issues are they, in relation to this plot of land??

The original RC planning application has an Assessment of Flood Risk.

Where they have answered No to both questions in this section.

Does this assessment include any possible damage to tree roots in either the short or long term??

With the possible increase in run-off to other properties re any possible damage, in any direction, e.g., front or back into the gardens at the start of Johnshill or in St Winnoc Rd that are situated below the site of 2 Johnshill??

**Schedule 3 Development.**

We note that the applicant ticked the No box in response to this part of the Planning application, where normally for any Planning Application within Lochwinnoch we would see something in the local press??

Some of us as objectors have discussed this point, but none of us can remember seeing any Notice of Planning Permission within any of the local newspapers, which would normally be weekly in The Gazette. (Covering Johnstone and Renfrewshire).

Whilst we would be surprised if this part of the planning process was not adhered to, we wished to query this anyway, for the reasons stated above.

#### **Certificate and Notes and the Land Ownership Certificate.**

We note both the Certificate and Notes and the Land Ownership Certificate sections towards the end of the Planning Application and acknowledge this gives the applicant full legal title to the site.

We also note that these sections do not give any dates for when Mr and Mrs Johnston gained full title to the site, as S has said in her texts if Mrs Johnston was (first) refused Planning Permission in 2002, then presumably they had title to the plot before this date.

In 2023 it is probably now a moot point, but as the interested parties / objectors we had a discussion on the timeframe involved, i.e., the time between the Johnstons first having title to the plot, and the time they first applied for planning permission, and did this comply with the legislation of the time.

Where we wish all parties to note that we are still trying to have this point clarified from other sources, albeit it may not be relevant to this Review Paper for the LRB.

Like the points in the Schedule 3 Development section, if the Review Panel are able to have this point cleared up before we act on our alternatives for the site, so that any processes have met all due legal process and requirements??

Other than these points, we have no further comments or questions to ask of the applicants for this section of the Planning Permission Document, at this point in time.

#### **5. Examination / Representations of Tree Condition Survey.**

We have listed the Tree Condition Survey here as we believe that it has important relevance to the following sections of our Paper to the Review / Appeal and the Review Panel.

As laypersons who are certainly not Arborists / Arboriculturists for the management, maintenance, and especially the felling of diseased or damaged trees, we have to abide by the recommendations of Mr Calvey.

Although we notice that the Tree Condition Survey is now presently classed as out of date by approximately 6 months in Mid-December 2023, as noted in his report by Mr Calvey himself in his own report.

As the report was only valid for 1 year from the reporting date of May 2022, and published approximately one month later on the 14<sup>th</sup> of June 2022.

Without a further tree survey we now are wondering what the overall condition or state of the site now is??

Where for our part as the objectors, only a visual inspection of the site would be possible, where that inspection would be severely hampered by the large amounts of this, difficult to walk on / passable un-maintained ivy / undergrowth.

Where we also note the conditions of the trees that required Crown Reduction and the trees that needed removal, 6 of for Crown Removal / pruning at the tops of, and 4 for removal.

We further note from the accompanying photographs and text on the 1<sup>st</sup> page of the survey that various trees have very large amounts of ivy growing both around them and up all of the trunks of these large, well-established trees, and at ground level across the whole of the site has been, as stated above un-maintained, even very badly maintained.

Which leaves us wondering how often, and how much the plot has been regularly, even sporadically looked after, in a variety of ways over the last 20 odd years??

Having noted these points in our Paper of Further Representations / Objections where we have deliberately used the full title, to object on these points alone, at the way the plot has obviously been neglected over a large period of time, by the applicants as the legal title holders.

Where we will say quite a bit more on this subject in the next sections of our Paper to the Review Panel, which we would ask the HCG to continue to note on these issues.

## **6. Representations on Notice of Review Document.**

We note that the registered address of the applicants on the 1<sup>st</sup> page of the Notice of Review is;

Flat 0/2,

174 Clarkston Road,

Glasgow,

G44 3DN.

We will make our reasons known for noting this point just very shortly, within this section of our Paper of Representations.

This may be an inappropriate point, but as the applicants now live up in Clarkston, Glasgow with this as their registered address on their appeal, we wish to ask the Review Panel why this appeal should be upheld by the applicants when they don't even live in Lochwinnoch anymore??

Where they have not done so for a number of years.

We are sure the applicants had good personal reasons for this move to Glasgow, but this still implies an absence of loyalty to a village and community that they lived in for many years??

These questions would be completely irrelevant if it were not for the fact that the applicants have, once again, applied for planning permission for this site.

It is only because of the planning permission appeal that we ask these questions.

To think otherwise would be to imply or think that people are not allowed to live where they chose to live, which would be a ludicrous suggestion, I am originally from the South side of Glasgow, but I (Eric ) personally chose to live, and plan to die in Lochwinnoch.

Furthermore, the note below is a copy of the text between S and I on Page 7 of this paper.

### S 3

Ps- I heard Louise had told a friend they'd sold their house in Lade Court and were renting till they built their house up at the woods, so she seemed to be confident that it would go ahead.

Which considering this 'house' has been very consistently objected to and refused by the council over all these years, this piece of gossip seems rather 'over-confident' on the part of Mrs Johnston??

On a more concrete note, we also wish to ask the applicants further questions in a similar vein??

After all these years of said objections and refusals of your plans for this site, apart from changes to the tree plan per the survey report;

1. Can you give us justifications for / valid reasons for why the Review Panel should now uphold this present planning application??
2. In light of the planning department decision, again for Refusal in 2023.
3. Thereby overturning the present planning department decision.
4. Which would also obviously overturn all the previous decisions made by the same department since your 1<sup>st</sup> planning application sometime just into the Millenium??
5. Which would obviously also make Null and Void all the previous Objections over this same time frame, by multiple objectors, of varying age groups including older ones like many of our present group who are now either approaching or in pensionable age, where some of us have been objecting over the last two decades.
6. Where even more so, again if this is a relevant point??

All of the objectors, past and present are obviously all Council Taxpayers, who because we choose to live in Lochwinnoch, we pay our Council tax to Renfrewshire Council as the Local Authority.

So, with all due respect, as you now live in Glasgow, thereby paying your Council Tax to the Glasgow authority, even more so why should the Renfrewshire Review Panel find in your favour, nullifying the wishes of all of these taxpayers, past and present over 20+ years.

This last inquiry might seem a very cheeky, very impertinent question, where we are most definitely not trying to place undue pressure on the Review Panel, where we expect their decisions will be fully impartial, but also meanwhile very fair in their judgement.

So all these questions are **directed solely** at the applicants, where we are interested to hear what their responses are in relation to all of the above questions, again in addition to any other questions we have asked the applicants throughout this paper, including the last one regarding council taxes.

Moving on from these possible mooted points, we would also like to ask further questions concerning this Review / Appeal.

Considering the level of objections from the community over many years, including the present one, and the fact that the Tree Condition Survey Report is now out-of-date, albeit by only 6 months from May this year;

Under the Review procedure part of the appeal, the LRB have accepted your suggestions that you as the applicants feel "is most appropriate for the handling of your Review".

So why have you as the applicants only asked for an Assessment of review documents only, with no further procedure??

Where also, you have made no statement in support of your Review for options 1 or 2, or even asked for a further Site Inspection.

Albeit the last Site Inspection was done only 9 months ago by Mr Weir.

If you as the applicants, feel that you have such a strong case by going to appeal on the Refusal, would a possible combination of procedures, as noted on the Notice of Review document, of Further written submissions, another Site Inspection, and said Assessment of review documents not have been more appropriate to your case for that appeal??

Surely you, as the applicants want to make your case as strong as possible by exploring all possible avenues to further your case, in asking the Review panel to overturn our objections in favour of your appeal??

**Or in an alternative scenario;**

As the applicants, you are very aware, that you actually have quite a weak case in only asking for an Assessment of review documents with no further procedure.

Where you may have been, and we emphasis 'may have been', advised by your Consultants that if you wish to go for a Review, this is the best / only option, that this is the minimum threshold for a Review, where the Review panel have no option but to agree to this 'paper' Review at its lowest level under appropriate legislation, to ensure that they, the Council are adhering to that legislation to ensure that you have been fairly treated within the legal guidelines under planning law.

So as we continue to ask, we are curious as to what replies to our queries you may give us on all of the above noted questions, under this section of our papers to your appeal??

Where, as we believe you do have a (fairly / very), weak case for appeal, we will outline in the next section of our Representations / Objections, the importance of the conditions of the trees, as the main grounds of Refusal by the planning department, where as far as we can see as the interested parties / objectors who all live in Lochwinnoch, the ground and surrounding growths, and more so the trees on which the grounds are sited, where there is an 'interdependent relationship' between the two, where the trees are obviously wholly dependent on these grounds, which need to be kept in decent condition for the good maintenance and management of the trees, as the main aspects of this woodland area.

## **7. Representations / Objections to the Planning Appeal Statement.**

Our representations / objections to the original planning application could be split roughly into 3 areas, i.e.,

1. Circumstances affecting the site itself, including the presence of the trees, wildlife that live on the grounds, birds that use this environment for feeding, nesting, hatching, etc, and various other aspects of a semi-urban woodland site like the one next to Auld Simon.

2. Auld Simon itself, or to give it its original name St John's Kirk, or the Kirk of St John which was dedicated to Saint John, where the name Johnshill comes from, or St Winnock's Church within the



Church of Scotland, dated from 1727-1729, all of which depends on different sites that we at looked at online.

The obvious historical significance of the church as the oldest building in the village.

Where the bell is an original from 1729 and the clock was added in about 1731.

3. How the development of this property could affect the surrounding existing properties, in various ways, of the close-by neighbours.

Where we by now all know, the grounds of Refusal were mainly based on the 1<sup>st</sup> two types of objections, where the trees were all Points 1-5, with Refusal including Auld Simon at Point 4.

So our objections were upheld on Points 1 and 2 as noted above, by the planning department, apart from the 3<sup>rd</sup> category which doesn't seem to have been included in the Refusal.

So the grounds for our original objections and the grounds for the Refusal were both very similar, albeit the Refusal largely quoted points of legislation which we expected it to do, as obviously planning officials are better versed in this type of law making, as opposed to the interested parties / objectors, who are mainly concerned lay-persons who value the 'gardens' for its intrinsic, environmental, and natural values to and for our small community in Lochwinnoch.

Which in the main part, is fine by us as the interested parties / objectors, where a Refusal is a Refusal, on whatever grounds that may be decided on by planning staff??

Where we as the interested parties / objectors obviously hope that these points of the Refusal will also be adequate to maintain this original decision by the planning department, for this present decision in 2023, which also seems similar to all previous Refusals over the long-term objection period.

Where the conditions of the trees are important to all parties concerned in this process, whether from an interested party / objector's, applicant's or officials point of view.

From the Tree Survey Report outlining the most professional opinion on the recent conditions of the site, (May 2022), in contrast to the Appeal Application Supplementary (proposed) Planting Plan, and the detailed Planning Appeal Statement, it is obvious that in these parts of your appeal, you have gone into some detail in support of that appeal.

In direct contrast to the existing state of the of both the ground that is covered in masses of ivy, with that same ivy growing up many of the trees, to at least average head height.

On a personal visit of the site on Wednesday on the 13<sup>th</sup> of December 2023 / the week of 1<sup>st</sup> submissions, I (Eric) walked around the iron fence and take a walk on the grounds, which I did at some risk, where I often found it difficult to keep my footing, due to the undulating ground, which is very uneven across the whole site, which could only be a hinderance for property development, adversely affecting the substantial tree root systems from the various large trees with their foundations underneath these hilly grounds.

I am 5 ft 5-6 inches in height, on tree trunks with ivy, it is well above my head height.

Where quite frankly, in all objective, impartial honesty the plot is in a seriously overgrown condition, which is easily visible even from some distance away, and when driving past the site in the car.

(Eric: Where I chose to take some videos of the site for my own personal reference).

(Note from Eric: For all parties reading this paper, we have chosen not to include these photographs, which were taken my own phone, as we plan to include them in further representations / objections and as part of a much wider photographic portfolio as an ongoing record of the physical conditions that exist at the site.)

Regarding the present conditions on the site, and your plans for the maintenance of the existing trees, as well as new planting on the site, strong contradictions of a paradoxical nature seem to exist on the site.

Where on the one hand, you claim / imply that you will sensitively care for and manage the existing tree outline, presumably pruning back and getting rid of lots of undergrowth, from both across the ground and well up beyond ground level.

Also and obviously to do the same regarding the ivy and other overgrown material up all the trucks of the surviving trees within the boundaries of the plot.

Yet on the other hand, the remaining trees are still all in a seriously overgrown state, where the ivy is still heavily present, even during the winter months where the ivy and undergrowth has reduced, but only because of the colder weather conditions coming up to the winter months within the next 9 days at the Winter Equinox, on the 22<sup>nd</sup> of December for this year.

Where obviously all of this growth that is presently dormant, will return again in the spring and summer months next year and beyond, probably in a worse state that it has been in previous years, as without proper care and management, all this growth is cumulative, especially over long periods of time.

Which is nothing to say of the 4 trees that had to be cut down this last summer due to the fact that they were heavily diseased, again per the Tree Survey Report.

So very frankly, which is it??

Is it care and maintenance of existing woodland, with new growth and planting??

But only if your appeal is successful??

**Or**

Is it allowing the plot to become more overgrow, requiring more trees to be felled, etc, etc??

If your appeal is refused??

As witnessed by the lack of care for the plot, by yourselves as the Legal Title Owners over the last 20 odd years.

Where in fact, as the facts seem abundantly obvious, the trees have actually been your greatest hinderance to building any kind of property on this plot of woodland over all these years.

We contend as the interested parties / objectors, that in fact your lack of care and maintenance of the site has been a very deliberate part of a very long-term plan to build a house on this site??

By knowing and hoping that with the lack of your care of the site, the trees would eventually through time become diseased, ultimately requiring felling, thereby allowing you to build some kind of property on the site through extra space being created??

Where obviously, if the trees come down through said felling, the greater your chances, as the only applicants over 20 years as the only Legal Title Holders.

Furthermore, as the owners of the plot, no one else in Lochwinnoch is going to do anything about tidying up the site, where that is your prerogative / responsibility and no one else's.

Where all this is witnessed by the fact, that your latest original Planning Application that was submitted in May this year after, and I quote;

"Due to a major change on the site conditions, following previous objections in 2015, we met Planning Officer James Weir on site."

"After his email of 13.03.23, we came to the conclusion that a fresh application with a new approach could be considered favourably."

So for the HCG and the Review Panel, we ask you to note;

The 2 points to note here are;

1. "A major change on the site conditions."
2. "A new approach could be considered favourably."

On Point 1 that yet again we wish to state that these changes had occurred due to lack of care, maintenance, and management of the trees on the site in the long term 20-year period, resulting in Point 2, where "a new approach could be considered favourably."

Where this new approach consists of a smaller property, in the form of a small bungalow type cottage, as opposed to the 2-storey house, with up and down stairs, that the applicants thought would pass due to the similar type of brickwork to Auld Simon.

Which we still find , as oft stated before, highly objectional.

## **8. Our Conclusion of the Planning Appeal Statement.**

As our suppositions to the Planning Appeal Statement are largely contained in the previous section, the conclusions to us seem very obvious.

This situation is a 'Catch 22' situation for both the Applicants and us as the Objectors.

As the applicants have never been able to build on the plot, i.e., 'dead land' as we have previously mentioned, they have never really been interested in caring for the site as it should be and could be cared for.

Even more so now in the present as they presently now live up in Glasgow, with it obviously being further to travel to, as opposed to walking up the street from their previous home in the village.

They have only ever been interested in the site if / when they could build a property on it, contradicting and overturning the wishes of a long history of objectors within Lochwinnoch, where if they had tried approaching some of the neighbours in the local vicinity of 2 Johnshill, they might have met with slightly more success.

Which having spoken to most of the neighbours in the surrounding area, some of whom are elderly long-term residents, we very firmly believe would not have made the slightest bit of difference.

As far as we are aware this never actually previously happened, again as some of the residents in this area have lived in their homes since before the Johnstons put in their 1<sup>st</sup> Planning Application in the early Millenium.

Where we wish to make it absolutely clear, we do not wish to slander Mr and Mrs Johnston, but we no longer wish to see the plot left in its present state of extremely untidy, disrepair, when we feel very strongly that it could be put to much better use.

As the local community we have never been able to maintain the site either, which on reflection could be described as short sighted on our part, but again in a contradictory manner, it has been suggested that some locals did try to briefly maintain the site, but ironically enough, it has been suggested that the applicants also objected to this work being carried out by concerned local residents, who were upset and concerned about the state of the site a number of years ago.

So to the Million Dollar Question??

To try and resolve the Catch 22 Situation that both the applicants and we as the community of Lochwinnoch find ourselves in??

#### **9. Our Own Proposals for the Site at 2 Johnshill, East End, Lochwinnoch.**

So to move on to further our own proposals for 'Our Gardens'.

As an Elder and Worship leader in the Church of Scotland, I Praise and Thank the Good Lord that the staff and elected officials of Renfrewshire Council have seen fit to reject the applicants' proposals for the site over a long period of time, thereby leaving the possibilities of our community being able to develop the plot in a careful, considerate, sensitive manner that is in keeping with Renfrewshire Council's Environmental and Sustainable programmes.

In a manner that is similar to the proposals / ideas for the Lochwinnoch Community Development Trust, (LCDT), site at Lochhead Gardens, which we as a group of volunteers / amateur gardeners would bring "S's and Auld Simon's Garden's" to a state of a beautiful, blossoming Woodland Garden. Where, especially with the guidance of S, who loves the ground, in case the LRB Review Panel need reminding of this point??

Where if possible we would also approach Renfrewshire Council to ask about a Community Asset Transfer, (CAT) as we may have mentioned in other previous parts of our Representations, again in a similar manner to the way the LCDT have sought one for Lochhead Gardens.

**NB:** Where we as the interested parties / objectors have privately discussed this idea of a CAT, I (Eric) casually and briefly spoke to one of the local Councillors for the first time ever on this issue, on the afternoon of Wednesday 13<sup>th</sup> of December 2023 regarding this idea, who certainly didn't poo-poo me on it, and who seemed to consider it a reasonable option, for a site of council owned land that has lain unused for a long time, similar to the Lochhead Gardens site.

As a group of concerned locals or 'redevelopment interested parties', if we were able to get a CAT from RC for this part of the woodland area, it would obviously and dramatically increase the size of the area for said redevelopment as the woodland garden.

Where we would even consider making enquiries about the plot of land across from the application site, the lane known as 'Skipper's Path going down to Gates Road, at the left side of Skipper's Path, where the lane as a Public Right of Way that runs from East End to Gates Road.

This area of land has, like other plots of land in this area of the Lochwinnoch has remained unused for many years in a very overgrown state of ground growth, shrubbery, and trees, which is also very unsightly to the local residents.

Like the application site, it could also be described as 'dead land'.

The 'Skipper's Path Site' is enclosed on 4 sides, with no legal vehicular access, where a number of developers have looked at it over a long number of years, and discounted it for any kind of property development, due to the lack of this access.

Any of this, in part or whole, RC owned land or Skipper's Path would obviously dramatically increase the area of the 'Woodland Gardens', which would considerably widen the scope of activities that we would be able to undertake within this woodland space.

Where if we were given a CAT, we would seek the opinions of the owners of the garages on the council owned land, even if they are mainly run down.

Where furthermore, these proposals seems to fit in with Scottish Government, (SG) Legislation of June 2018, with the;

'Community right to buy abandoned, neglected or detrimental land, (ANDL).

Where we would explore the possibilities of these proposals and form the necessary and relevant community bodies to allow these proposals to come to fruition.

If all these ideas came together, to bring all this land / these plots into community ownership this would be a huge undertaking for us as a community.

Where, very, very importantly the present application site, whilst not physically so, would be a very central and strategic part of these proposals to completely regenerate this whole area of the East End part of the village of Lochwinnoch.

Where absolutely, none, none of this area could ever be considered or given up for any kind of property development.

Where we would expect to have, if necessary, full Title Deeds drawn up, or some kind of Statement of Intent, where one of the preconditions to that title / Intent would be the express statement that all of this extended site would remain as 'green land' in perpetuity, for the permanent benefits, for both the present and future residents of Lochwinnoch.

Where we would take into full consideration on our part, as we are asking the LRB to do regarding this continued Refusal of this appeal, the thoughts and opinions of the surrounding neighbours and residents of the village, if necessary, e.g., by having public meetings to highlight our proposals.

As Papers of Further Objections and Representations to the LRB Review Panel were submitted last night by email to Mr. Robert Devine as a Senior Official of RC, it is only this morning since these submissions last night that we have thought about these ideas after very brief but very hurried discussions on this, where we very importantly feel are central to our Further Representations and Further Objections to the LRB Panel Review at the end of next month.

So in spite of / whilst these ideas / proposals have not formed a central plank of our original papers, within Mr Devine's email stating that any more Further Representations / Objections should be submitted to the Head of Corporate Governance before 3.55pm tomorrow Friday 15<sup>th</sup> of December 2023 as the deadline for paper submissions, we now ask the HCG, the LRB, and the Review Panel of



Elected Officials, or Elected Councillors to take note of these proposals before and during the LRB hearing on the 30<sup>th</sup> of January next year.

By giving our proposals their full consideration in relation to both the application site, and the wider considerations / implications that the Status Quo remains intact, where the decision of the Planning Department from the 8<sup>th</sup> of September 2023 be upheld by the LRB Review Panel, to allow us as the interested parties and objectors to explore the future of our wide range of ideas to allow natural development of this area of the East End of Lochwinnoch.

Without the detrimental effects of a new property, as proposed by the applicants sitting within our own enlarged proposed woodland development site, where as we have stated on numerous occasions now during the length of these Papers, to once again 'strike down' the proposals by the applicants, which are completely at odds with our own natural development of the area, to the benefits of the complete and whole population of Lochwinnoch and beyond into the wider community in Greater Glasgow, Renfrewshire and North Ayrshire, within Muirshiel Regional Park where this natural 'woodland area' or S's & Auld Simon's Woodland Garden would be completely open to all sections of all communities, thereby hopefully increasing visitor numbers to Lochwinnoch, and Renfrewshire in general.

Whereas we are sure, as the Staff / Elected Officials of RC all know, we get large numbers of visitors from across the, e.g., Greater Glasgow area, and from Kilmarnock in East Ayrshire, with School parties on Castle Semple Loch, Less-Able-Bodied Children in wheelchairs, or more mobile Children / Teenagers with 'Special Needs', coming to Muirshiel Regional Park.

(Excuse me / Eric as one of the authors and writers of this paper getting a bit caught up in all these proposals / ideas.)

**In the meantime, to return to the present issue;**

As I / Eric and My Wife hope / plan to live close by in the years to come, with my In-Laws presently reside in the vicinity and many of the objectors also living close to the site, it would be wonderful to be living nearby to these 'gardens', knowing that we had managed to save them from any form of development, and that hopefully, for many generations to come, all sorts of people would get lots of pleasure and educational benefits from having the 'gardens' in this part of Lochwinnoch, similar but different to Lochhead Gardens at the other end of the village.

Where, it seems blindingly obvious to us as the interested parties, some of the most important of these groups would be the local schoolchildren, mainly from Lochwinnoch Primary School, but also from other Primary and Secondary Schools in the area if they wished to come visit (either) site at Lochhead or S's & Auld Simon's Gardens'??

Where we personally envisage that our project may have somewhat wilder aspects to it's development, to differentiate it from Lochhead Gardens to teach, especially the children, different aspects of flora and fauna, teaching them about the trees, and hopefully / possibly small wild animals who take up residence in a slightly wilder garden site.

Where the ideas and possibilities seem endless, in this bigger 'garden' site if we able to get a CAT from RC, where to re-assure council officials and staff, we would wish to naturally develop that piece of land in a similar manner to the site at 2 Johnshill, where we would welcome site visitations from council staff to appraise them of our progress on the CAT site, and the whole site generally.

# **10. Final Conclusion to this Paper for the LRB and the HCG, of Further Objections and Representations in relation to this Planning Appeal by the Applicant, Mr David Johnston.**

In asking for this Notice of Review with the LRB, thereby highlighting the conditions that presently exist on the planning / application site, many of our group felt that Mr And Mrs Johnston have actually done us, our group / our village / our community in Lochwinnoch an unforeseen, unintended, backhanded favour.

By bringing to our attention, in the "full glaring light of day" to the conditions that presently exist on the site of S's beloved 'Woodland Garden'.

If anyone on the Review Panel doubts what we are saying, then we would like to invite you down to Lochwinnoch for an anonymous visit to examine for yourself the conditions on this plot, one of the last plots of woodland in a fairly built-up area, within a rural village.

Where it also seems that the site across from the oldest building in Lochwinnoch, and a Holy Place of Worship as the remains of an ancient church, is only / has only ever been any good to the applicants if they were going to be able to build a property on it.

At this point in this Paper of Representations / Objections, we as the 'interested parties' wish all other parties to note that, in case it is in any doubt, that once again we object to any development on this site in the strongest possible terms.

With no caveats or compromises on our part re any form of house building or development of any kind, however small or aesthetic this may be.

The site has been a natural woodland for nearly 170 years, can we just leave it that way Please, for the benefits of this community.

In spite of the conditions that the applicants have left the plot in, over many years, we also feel compassion for them, where we fully acknowledge, realise and understand that Mr and Mrs Johnston have also held this dream close to their hearts for many years.

However, that does not compromise our intentions to bring this plot back into community ownership, where this seems to be a very black and white scenario, with very little grey area in-between their proposals and ours.

Where we feel that after 20 plus years of sustained upheld objections, within the last 170 years, that the site / plot / gardens themselves have waited long enough for someone to take decent care of them, in a manner appropriate to the surrounding, natural, God / Holy-Spirit Protected Area, where "Thy Will Be Done", Not my will, But Thy Will, as The Will of God that seems to have keeping them waiting for someone to look after them.

With as we have now stated on numerous occasions, the obvious enduring support of Renfrewshire Council Local Authority.

When the LRB Review Panel make a ruling on this Appeal at the end of next month, if the LRB upholds the decision of their Planning Department, we will obviously be very, very grateful.

We do not wish to consider the other possibility at this point in time.

If the Appeal is again Refused like previous long-term decisions, Mr and Mrs Johnston obviously have a choice to make, both individually and together??

If they choose to accept the decision of the Review Panel, then we will enter into negotiations with them as soon as they are ready, to bring the Title Deeds back into Community Ownership.

Where we would compromise as much as possible with them through appointed lawyers, short of any future development on the site.

Even to the point of entering into financial talks with them regarding the site??

Where we would be prepared to wait an appropriate and discrete length of time to let them catch their breath, so to speak.

However should the applicants refuse to accept the ruling of the Appeal Body, we want them to understand, in no uncertain terms, that we will fight them absolutely every step of the way should they decide to appeal to any higher authority than the one they have already just had a ruling from.

Where we in no way wish to look as if we are blackmailing the applicants into withdrawing their case, but we wish them to clearly understand what **our** intentions are for the future??

Where we very, very firmly believe even now, **that whilst we are being very, very cautious and very, careful**, we also believe that we have an excellent chance of winning our case with the Review Panel.

Where we also believe, should it be necessary, that we can also win any future case to any higher authority if you should decide to go there??

But we'll leave this decision up to you, obviously depending on the decision of the Review Panel.

In the final part of this text we sincerely hope that we have presented a very strong case to the Review Panel to, once again reject and Refuse the Development Appeal by the applicants, in line with the decision by your associated Planning Department decision in September this year, and the Review Panel's decision at the end of January 2024.

We acknowledge that the applicants will respond to these Further Objections and Representations, and we await their responses to these Representations.

Where we will, once again, respond in a similar manner to the Applicants' own Representations.

Considering how very long this Representations Paper is, we wish to thank all everyone who has to read through this document.

We as the Interested Parties / Objectors do realise that this paper is a very, very long read in representing our case, and in some parts the reader may find it a bit boring or losing the thread of our arguments.

Or for where the paper, throughout its length is also very repetitive.

If this is the case for anyone, we would like to sincerely apologise.

However we have tried to make our case as strong as we can possibly make it, hence the length of it, by going through all of documents provided by both the applicants and Renfrewshire Council and trying to address each of the sections of these documents in very fine detail.

Hoping that You all have a Lovely Christmas

Regards and Best Wishes

From (Eric the Auld Gasbag) and The Team for S's & Auld Simon's 'Garden's'

## References

Other than three brief online references regarding Auld Simon and Scottish Government Legislation, nothing other than the paperwork / documents provided by the Planning Department, no other documents were used to reference any part of this Paper of Representations.

Therefore no Reference List is required in any form of an academic manner.

## Final Personal Notes:

Should anyone wish to contact me for any reason, regarding any of the contents within this Paper of Objections and Representations??

My contact details are below, at the end of this paragraph.

I also publicly wish to thank everyone who contributed towards this Paper of Further Objections and Representations, especially S for all the back and forward text messages, and M, for the ideas you gave me / us, and provided a bit of leadership, especially during our meetings, but also generally.

We were "lucky" that the right people appeared at the right time.

Where I just happened to be the one who had the time to word process this very lengthy document, my apologies to everyone reading all this as it is rather repetitive in some areas. It was a bit difficult at times to keep track of what I /we were trying to get down on paper from our discussions and texts, etc.

I shall thank you all privately for your input, but for reasons of confidentiality I don't want to name any of you publicly.

As you will all read this paper I am really pleased that we managed to get together so quickly to form this small group, where hopefully we will be able to enlarge the group further and gain more input from other people.

Some of the brainstorming sessions were really good fun and a good laugh, that was the part that I personally enjoyed the most by meeting other people that I had never met before, especially with a common purpose in mind regarding this Review / Appeal Notice.

Auld windbag that I am, away I all hear you laughing, you're not a windbag Eric, Ha! Ha! Ha!

I could say more of course, but I'll leave it there, as I really think I've said enough.

So I hope you all have a lovely Christmas.

Relax and enjoy yourselves after all this marathon 2 weeks.

My contact details are;

M: [REDACTED]

Email:  
[REDACTED]