

Appendix C - Copy of the Applicant's Submission to the Petitions Committee

PE 1013



The Scottish Parliament

Public Petitions Committee – a template for public petitions

Should you wish to submit a public petition for consideration by the Public Petitions Committee please complete the template below. Please refer to the Guidance on submission of public petitions for advice on issues of admissibility before completing the template. You may also seek advice from the Clerk to the Committee whose contact details can be found at the end of this form.

Details of principal petitioner:

Please enter the name of person and organisation raising the petition, including a contact address where correspondence should be sent to, email address and phone number if available

Niall Campbell
Duffield Morgan Ltd
Rowallan Castle,
Kilmaurs, KA3 6JJ
Tel: 01563 525440
email: niall@rowallancastle.com

Text of petition:

The petition should clearly state what action the petitioner wishes the Parliament to take in no more than 5 lines of text, e.g.

The petitioner requests that the Scottish Parliament considers and debates the implications of the proposed Agenda for Change legislation for Speech and Language Therapy Services and service users within the NHS

Petition by Niall Campbell calling on the Scottish Parliament to urge the Scottish Executive to review the arrangements for managing scheduled and listed buildings, such as Rowallan Old Castle, to ensure that, where suitable and sensitive plans have been made for restoring such buildings by an owner in a way which will allow public access - such developments are encouraged to proceed.

Additional information:

Any additional information in relation to your petition, including reasons why the action requested is necessary, should not be included here. However, it may be appended to the petition and will be made available to the Public Petitions Committee prior to its consideration of your petition. Please note that you should limit the amount of any additional information which you may wish to provide in support of your petition to no more than 4 sides of A4.

Action taken to resolve issues of concern before submitting the petition:

Before submitting a petition to the Parliament, petitioners are expected to have made an attempt to resolve their issues of concern by, for example, making representations to the Scottish Executive or seeking the assistance of locally elected representatives, such as councillors, MSPs and MPs. Please enter details of those approached below and append copies of relevant correspondence, which will be made available to the Public Petitions Committee prior to its consideration of your petition.

See attached

Petitioners appearing before the Committee

The Convener of the Committee may invite petitioners to appear before the Public Petitions Committee to speak in support of their petition. Such an invitation will only be made if the Convener considers this would be useful in facilitating the Committee's consideration of the petition. It should be noted that due to the large volume of petitions it has to consider, the Committee is not able to invite all petitioners to appear before the Committee to speak in support of their petition.

Please indicate below whether you request to make a brief statement before the Committee when it comes to consider your petition.

I DO request to make a brief statement before the Committee

I DO NOT request to make a brief statement before the Committee

Signature of principal petitioner:

When satisfied that your petition meets all the criteria outlined in the Guidance on submission of public petitions, the principal petitioner should sign and date the form in the box below. Other signatures gathered should be appended to this form.

Signature NA Campbell

Date 16/11/06

Please note that any additional information, copies of relevant correspondence and additional signatures should be appended to this form and submitted to:

The Clerk to the Public Petitions Committee,
The Scottish Parliament,
Edinburgh
EH99 1SP
Tel: 0131 348 5186 Fax: 0131 348 5088
e-mail: petitions@scottish.parliament.uk

DUFFIELD MORGAN LIMITED**Rowallan Castle****Kilmaurs****KA3 6JJ****Tel 01563 525440****Fax 01563 570048****To: - The Chair****Of: - Public Petitions Committee****From: - Niall A Campbell****Date: - 20th September 2006**

Dear Sir

Rowallan Old Castle

I purchased the estate including the old Castle in 1990 to develop into a hotel, leisure and golf resort.

Planning permission was in place to change the grade A listed buildings, but not in the preferred format.

We also approached Historic Scotland to agree a suitable consent for the old Castle which has scheduled status.

By an exchange of letters it was agreed with Historic Scotland that we could proceed with a sympathetic restoration of the castle and terms were agreed. We considered the castle as an integral part of our development plans as the Castle sat in the middle of the estate.

We then applied for an all encompassing consent to include, golf hotel and a limited amount of housing as enabling the development. The local council - East Ayrshire Council - and Community Council fully endorsed our plans as it would give public access to the whole of the estate for the first time, and provide up to 175 full time equivalent jobs. This too was supported by Historic Scotland.

There was then a change of government and suddenly we found Historic Scotland opposing not only the plans for the Old Castle but also the overall development and forced what effectively we already had permission albeit in a different configuration and forced the project to Public Inquiry which was won on appeal.

We had excluded the Old Castle as it was a scheduled Monument and subject to a different process.

We duly submitted Scheduled Monument Application and Change of Use Application which was supported by East Ayrshire Council but Historic Scotland opposed the application and again forced a further Public Inquiry which was lost mainly on lack of detail. We had been wrong footed by Historic Scotland who had stated that until the decision on use had been established then it would be a waste of money producing such detail. As it was the building was deemed too fragile, and that

as we had not produced sufficient detail to show that a conversion was able, and as such a diminishing of cultural significance.

This building has over the years been preserved by Historic Scotland but the work carried out has been in most cases completed to such a poor standard, most if not all cultural significance has been lost. In some cases the work is completely wrong. The roof, floors, windows are all new with plaster work removed and the stone raked and pointed in the wrong mortar. The building is a pastiche as a result.

We have now resubmitted a new application to enable the Castle to be used, and have employed one of the top conservation architects, (Simpson and Brown who recently oversaw Queensbury House) to draw up the plans and substantial documentary evidence which will allow sympathetic and non evasive restoration.

When the new Ancient Monuments Act was being drawn together Baroness Steadman - its promoter - argued that Guardianship was not a one way street. If an owner asked the State to step in to safeguard a property, if worthy it could, but also if an owner had sufficient funds to look after a building and asked for it to be taken out of State care then he should be allowed to do so.

It would be our intention to restore the building and offer public access on a limited scale, say 25 days pa. This represents 18 more days than currently utilised by Historic Scotland who have rushed to open the building this year for the first time since they took Guardianship in 1950

Yours sincerely

Niall A Campbell
For and on behalf of Duffield Morgan Limited