



PLANNING AND ACCESS COMMITTEE	
MEETING: NPA/PC/06/2014/03	DATE: 29 September 2014

REPORT No.	NPA/PC/06/2014/03
SUBMITTED BY:	Director of Operations
APPLICATION NUMBER:	2014/0211/DET
APPLICANT:	Mr Tony McInnes, Head of Commercial Development, Loch Lomond & The Trossachs National Park
LOCATION:	Loch Lomond Shores, Ben Lomond Way
PROPOSAL:	Installation of navigation buoys (retrospective)

NATIONAL PARK WARD:	Ward 5 (south west Loch Lomond)
COMMUNITY COUNCIL AREA:	Balloch and Haldane Council
CASE OFFICER:	Name: Catherine Stewart Tel: 01389 727731 E-mail: catherine.stewart@lochlomond-trossachs.org

1 SUMMARY AND REASON FOR PRESENTATION

- 1.1 This is a retrospective application for the installation of navigation buoys within Loch Lomond in connection with a recently installed pontoon for the water bus within Drumkinnon Bay.
- 1.2 The application is being reported to the Planning and Access Committee as the applicant is Loch Lomond and The Trossachs National Park Authority and at present the Scheme of Delegation requires all such applications to come before Committee for determination.

2 RECOMMENDATION

- 2.1 **That Members:**
 - 1. **APPROVE** the application subject to the conditions contained in Appendix 1.

3 BACKGROUND

Site Description:

3.1 The site is located to the south of Loch Lomond, mainly within Drumkinnon Bay, to the north of the Loch Lomond Shores development. 5 buoys are located within the bay and two just outwith it to the north between the bay and Cameron House marina, to the west of the Duncan Mills memorial slipway.

A location plan is shown below- **figure 1 and at Appendix 2.**

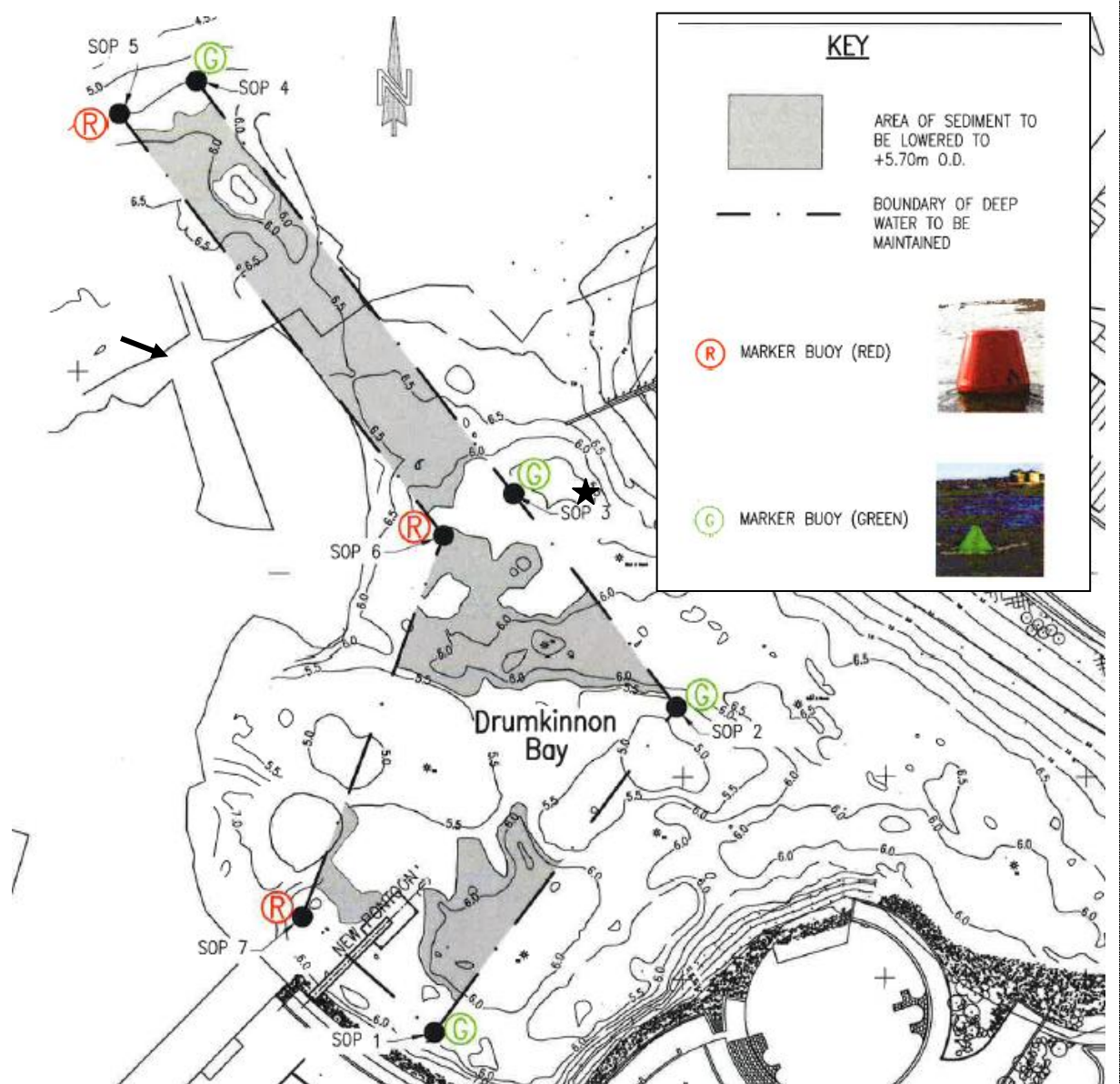




Figure 1: Location plan

Agenda Item 5

	<p>Description of Proposal:</p>
3.2	<p>The photograph below shows the buoys prior to installation. They are cylinder shaped (green) and cone shaped (red):</p> 
3.3	<p>The photograph below shows two of the buoys in location at Loch Lomond shores, in relation to the waterbus pontoon which has been recently installed:</p> 

Agenda Item 5

	<i>Environmental Impact Assessment (EIA):</i>
3.3	For the purposes of the Environmental Impact Assessment (Scotland) Regulations 2011 the National Park is identified as a 'Sensitive Area'. As a 'Competent Body' the National Park Authority has a statutory duty to consider whether proposals for development should be subject to the EIA process. The proposal does not fall under any of the Schedules within the Regulations so it does not require to be screened for an EIA.
	<i>Planning History:</i>
3.4	2012/0104/DET - Approve -8 June 2012 Erection of ticket booth, access bridge and floating pontoon
4	CONSULTATIONS AND REPRESENTATIONS
	<i>Representations Received:</i>
4.1	At the date of the preparation of this report no representations had been received.
5	POLICY CONTEXT
	<i>National Park Aims:</i>
5.1	The four statutory aims of the National Park are a material planning consideration. These are set out in Section 1 of the National Parks (Scotland) Act 2000 and are: (a) to conserve and enhance the natural and cultural heritage of the area; (b) to promote sustainable use of the natural resources of the area; (c) to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public; and (d) to promote sustainable economic and social development of the area's communities.
5.2	Section 9 of the Act then states that these aims should be achieved collectively. However, if in relation to any matter it appears to the National Park Authority that there is a conflict between the first aim, and the other National Park aims, greater weight must be given to the conservation and enhancement of the natural and cultural heritage of the area.
	<i>Development Plan:</i>
5.3	<u>National Park Local Plan (Adopted 2011):</u> Relevant Policies: NP1 Development in the National Park TRAN2 Promoting Sustainable Travel and Improved Travel Options L1 Conserving and Enhancing the Diversity and Quality of the Park's Landscapes D1 Design Quality ENV4 Legally Protected Species ENV10 Protecting the Water Environment

Agenda Item 5

	Full details of the policies can be viewed at: http://www.lochlomond-trossachs.org/planning/adopted-local-plan/menu-id-904.html
	<i>Other Material Considerations:</i>
	<u>National Park Partnership Plan (2012-2017)</u>
5.4	All planning decisions within the National Park require to be guided by the policies of the Partnership Plan, where they are considered to be material, in order to ensure that they are consistent with the Park's statutory aims. In this respect the following policies are relevant: Con Policy 1: Conservation (Sandford) Principle Con Policy 2: Natural Heritage Con Policy 3: Landscapes Con Policy 4: Water VE Policy 1: Visitor Management VE Policy 2: Sustainable Tourism VE Policy 4: Water Recreation
6	SUMMARY OF SUPPORTING INFORMATION
6.1	In addition to submitting photographs and a montage of the buoys, the applicant submitted answers to questions raised by the case officer at the pre-application stage: <ol style="list-style-type: none"> 1. Why are the buoys required? To ensure that boats are directed into the dredged channel in the bay preventing any hull damage from boats straying into shallow water. 2. Are they the minimum number necessary to perform their function? Yes we believe so at this time. 3. Are they the minimum size necessary to perform their function? Yes, we have been advised that these are the appropriate size for the scale and size of the bay and for the kind of craft using the channel. 4. Are they required to be in place all year round? Yes, we believe that as the bay [pontoon] becomes popular craft will use consistently throughout the year. 5. Are the colours the only colours possible? Yes, these are the recognised maritime regulation colours and again we have taken advice to ensure that we comply with MCA advice.
7	PLANNING ASSESSMENT
7.1	Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006, requires that: <i>“Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise, to be made in accordance with that plan”</i> . The buoys have already been installed in preparation for the launch of a new boarding point for the waterbus service which operates on Loch Lomond. Planning permission was granted in June 2012 for the erection of a pontoon within Drumkinnon Bay, close to the Gateway Centre, to enable the waterbus to have a boarding/disembarking point at Loch Lomond Shores. As stated above the buoys are required in connection with the operation of the waterbus, to

Agenda Item 5

	<p>ensure that the boats keep within the dredged channel preventing any hull damage from boats straying into shallow water.</p> <p>The key planning issues are:</p> <ul style="list-style-type: none"> • Landscape impact • Impact on the water environment
	<u><i>Landscape Impact</i></u>
7.2	The main issue to consider is the impact on the landscape setting. The site is outwith Loch Lomond National Scenic Area, nonetheless views from Loch Lomond Shores across the Loch to Ben Lomond form important views. The existing setting of Drumkinnon Bay is a highly visited site at the south end of Lomond Shores. This is an iconic view and for many residents, workers and visitors this will be their first view of the famous Loch and towards Ben Lomond from both the public promenade area as well as from the beach areas. These are key views over and up the Loch to Ben Lomond and are part of the Parks Special Landscape Qualities.
7.3	The navigational buoys are already in the water and visible from the wider Drumkinnon Bay area. There are legal requirements and operational needs for the buoys to be in these locations, and of this size, number and colours.
7.4	The landscape and visual impacts can be assessed on the sensitivities of the local landscape character areas and the views from the likely receptors at Lomond Shores, around Drumkinnon Bay, Cameron House, marina and jetty, Duncan Mills Slipway and the Loch itself. These key views being of high sensitivity and principally the long views up and out over the Loch, towards Ben Lomond and across to the Maid of the Loch and Balloch Castle designed landscape and wooded lochshore fringe.
7.5	As the landscape and visual baseline is of a well used bay with recreational activities and events going on frequently, the introduction of the buoys cannot be assessed as a being of a significant magnitude of change and therefore cannot be judged as resulting in significant landscape or visual impacts. However this does not mean that there are not changes in local views for example large coloured buoys now being viewed against the side of the Maid of The Loch.
	<u><i>Impact on the water environment</i></u>
7.6	The area was recently dredged, as regulated by SEPA under the Water Environment (Controlled Activities) Regulations, therefore no concerns have been raised as a consequence of the buoys being anchored to the loch bed. The buoys in this location should have a negligible effect on the ecology of the loch.
8	CONCLUSION
8.1	The installation of the buoys has not resulted in significant landscape or visual impacts as the baseline for assessment is a well used bay with recreational activities taking place. Nonetheless there has been a change in local views but this is outweighed by the benefits of the operation of the waterbus service and the need for a safe navigable channel. There are no concerns about the impact of the buoys on the ecology of the loch. It is therefore recommended that planning permission is granted, subject to conditions ensuring that if they become redundant they should be removed, and to ensure that any proposed change to the colour of the buoys is further notified to the Planning Authority.

Agenda Item 5

Background <http://www.lochlomond-trossachs.org/planning/>

Documents: Click on view applications, accept the terms and conditions then enter the search criteria as “2014/0211/DET”.

List of Appendix 1 Conditions and Informatives

Appendices: Appendix 2 Site location plan

Agenda Item 5

APPENDIX 1: Conditions

Conditions:

- 1. Redundant buoys:** In the event that the buoys hereby approved become obsolete or redundant, they shall be removed and the site reinstated to the satisfaction of the Planning Authority within 3 months.

REASON: To minimise the level of visual intrusion, and ensure the reinstatement of the site to a satisfactory standard.

- 2. Colour of the buoys:** The colour of the buoys shall not be altered from red or green without prior written approval of the Planning Authority.

REASON: To minimise the level of visual intrusion, and for the avoidance of doubt.

Title	Reference	Date Received
Plan Site Boundary		14/08/14
Location Plan/Site Plan	135037/009 REV A	14/08/14

Reason for Decision:

The installation of the buoys have not resulted in significant landscape or visual impacts, as the baseline for assessment is a well used bay with recreational activities taking place. Although there has been a change in local views this is outweighed by the benefits of the operation of the waterbus service and the need for a safe navigable channel. There are no concerns about the impact of the buoys on the ecology of the loch in compliance with local plan policy ENV20.