



Planning and Access Committee

Meeting: Monday 18 December 2023

Agenda item:4

SUBMITTED BY: Director of Place

APPLICATION NUMBER:	2021/0452/DET
APPLICANT:	Mr & Mrs Jones
LOCATION:	Inchconnachan, Loch Lomond G83 8NU
PROPOSAL:	Erection of a new lodge as short-term holiday accommodation, boathouse and shelter as warden's accommodation, plant room and stores (to replace the existing derelict lodge, boat shelter and outbuildings), new (and temporary) jetties, services, drainage, paths/ boardwalk, the demolition of existing structures/ buildings and the removal of invasive/ exotic species, the natural regeneration of the site and wet woodland/ habitat diversity
NATIONAL PARK WARD:	Ward 5 - West Loch Lomond and Balloch
COMMUNITY COUNCIL AREA	Luss and Arden
CASE OFFICER:	Name: Craig Jardine Tel: 01389 722020 E-mail: craig.jardine@lochlomond-trossachs.org

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1. Summary and reason for presentation

1.1. As referenced in full above, this planning application is for the erection of a lodge to be used as short-stay holiday accommodation, an operational base for an island warden, a connecting boardwalk, permanent jetties and associated infrastructure and the removal of the former buildings on the island of Inchconnachan.

1.2. In terms of paragraph 6 of the Scheme of Delegation and s43A(6) of the Planning Act 1997, the Park Authority has decided, that the particular circumstances of this application, in terms of the novel nature of the proposal and the sensitivity of the site, should not be dealt with under the Scheme of Delegation and are such that the application should be determined by the Planning and Access Committee.

2. Recommendation

2.1. That Members:

APPROVE the application subject to:

- (1) the imposition of the conditions, informatives and plans set out in **Appendix 1** of this report, and;
- (2) the completion of and recording/registration in the General Register of Sasines/Land Register of a section 75 agreement/planning obligation incorporating the Heads of Terms summarised in **Appendix 2** of this Report, and;
- (3) adopt the terms of the Habitats Regulations Appraisals set out in **Appendix 3** of this Report which conclude that the proposal will not result (in terms of the Habitats Regulations 1994) in an adverse effect on the integrity of either the Loch Lomond Woods Special Area of Conservation or the Loch Lomond Special Protection Area.

3. Background

Site Description

- 3.1. The application site is located on Inchconnachan, one of the large islands (41 hectares) located within Loch Lomond, approx. 1.5km south-east of Luss – situated between the islands of Inchtavannach to the west, and Inchmoan to the south as shown in Figures 1 and 2.



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Figure 1: Location Plan – map showing the island of Inchconnachan within the wider context of Loch Lomond and Luss.

Site Description



Figure 2: Photo of the Loch Lomond islands – photo identifying the island of Inchconnachan within the wider context of Loch Lomond and with Luss in the foreground.

- 3.2. Within the north-western bay of Inchconnachan is located the site of the former disused lodge building, boat shelter and various timber outbuildings (now removed or derelict remains). These were originally a holiday home of the Colquhoun's of Luss and then subsequently used as a holiday let and warden base and have since fallen into disuse and collapse and more recently, in June 2022, been subject to fire damage and loss. Development (demolition of the associated outbuildings) under a planning permission for a replacement lodge, pontoon and boat shelter at this site (ref: 2018/0011/DET) has lawfully begun, which has had the effect of preserving that planning permission which has been certified by the National Park Authority as an existing lawful operation under s150 of the Planning Act 1997 (under application ref: 2023/0118/LAW).

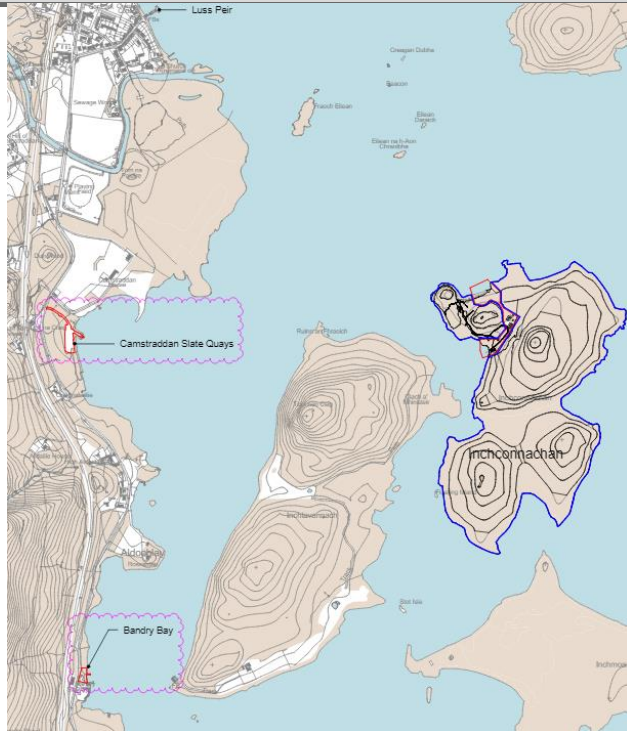
Site Description



Figure 3: Photos of the former Lodge and associated outbuildings (since demolished or fire damaged) and boat shelter located at the north-western bay of the island.

- 3.3. The application site for this application extends from the previously developed former boat shelter and lodge sites at the northern/ western bay of the island, with a connecting route – along existing path desire lines – terminating at an undeveloped site adjacent to and extending to the northern shore of the island. The application site is 5pprox.. 1.4 hectares in size. The application site also includes an existing site at Bandry Bay at Aldochlay and Camstraddan Slate Quays, south of Luss for purposes explained under the ‘Description of Proposal’ section below.

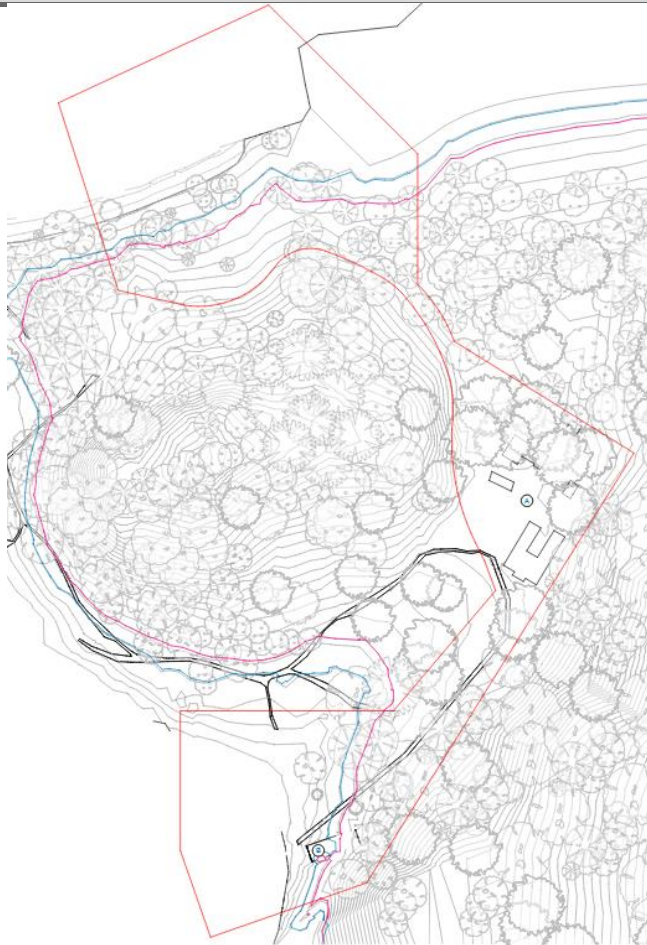
Site Description



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Figure 4: Location Plan – Map of the Inchconnachan and Loch Lomond islands – map identifying the island of Inchconnachan, the applicant's ownership (outlined with blue line) and application site (outlined with red lines on the island and mainland).

Site Description



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Figure 5: Site Plan – map showing the red line application site on the island, extending from the north-western bay to the northern shore of Inchconnachan. The buildings of the existing boat shelter and former lodge site are outlined on the map.

- 3.4. The island, located within the National Park, is also designated for its scenic and habitat/species qualities as:
- Loch Lomond National Scenic Area (NSA);
 - Loch Lomond Woods Special Area of Conservation (SAC);
 - Loch Lomond Special Protection Area (SPA);
 - Inchtavannach & Inchconnachan Site of Special Scientific Interest (SSSI); and is included on the
 - Ancient Woodland Inventory of Scotland (as ancient woodland of semi-natural origin).

The island contains no specific built heritage or archaeological designations.

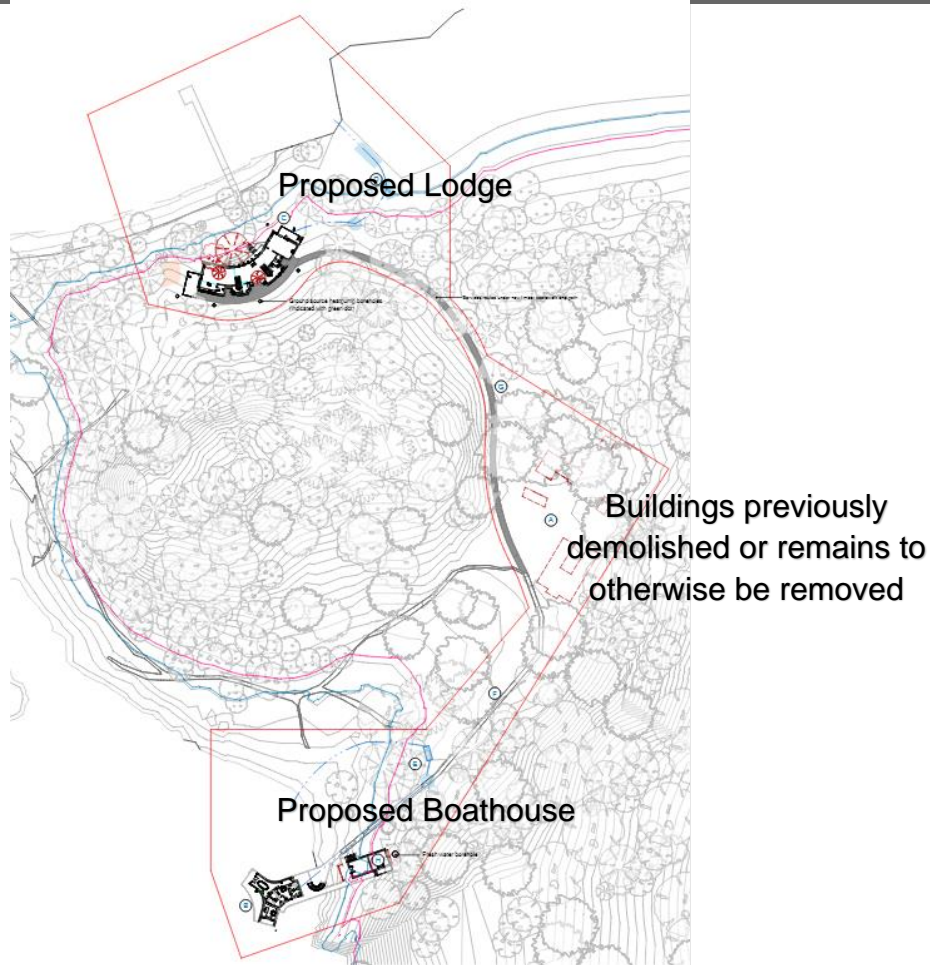
Site Description

3.5.	Inchconnachan is located within the Loch Lomond National Scenic Area which, under s263A of the Planning Act 1997, means that special attention is to be paid to safeguarding or enhancing its character or appearance in the determination of the application.
3.6.	Part of the application site (i.e. the proposed boathouse and proposed jetties) is located within an area of Medium to High Fluvial Flood Risk and areas of Surface Water Flood Risk are present on/around the site of the pre-existing lodge, as detailed on SEPA's Flood Risk Maps.

Description of Proposal

3.7.	The development under consideration in this application is principally for a short-stay holiday accommodation lodge, to be used by the applicants or guests/visitors, supported by a boathouse building to provide a warden base (to be employed by the applicant/owner) and connecting boardwalk, jetties and services. Linked to the development is the regeneration of the former lodge site and an Island Management Plan (with a set of island wide management/visitor management objectives and actions) which is proposed to be delivered/managed by the proposed island warden.
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Description of Proposal



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Figure 6: Site Plan – map showing the red line application site and each of the proposed elements of development (lodge and jetty at the north, removed former lodge buildings at the centre and boathouse and jetty at the south - as described in the following sections of this report.

- 3.8. Each of the permanent elements of the proposed development are summarised below:

Lodge

Two-storey, three bedroomed, timber clad lodge with metal shingle roofing and a combination of metal and hardwood framed windows and doors. The building design curves inwards to face towards the loch and is split horizontally with the upper floor forming a tighter arc which over-sails the ground floor with external decked terraces to provide shelter. The building would be constructed on screw piled foundations which would support the building and elevate it slightly from the ground. The applicants are not applying for a primary residence. The lodge is

Description of Proposal

therefore assessed as holiday accommodation, to be occupied on a short-stay basis in any calendar year.

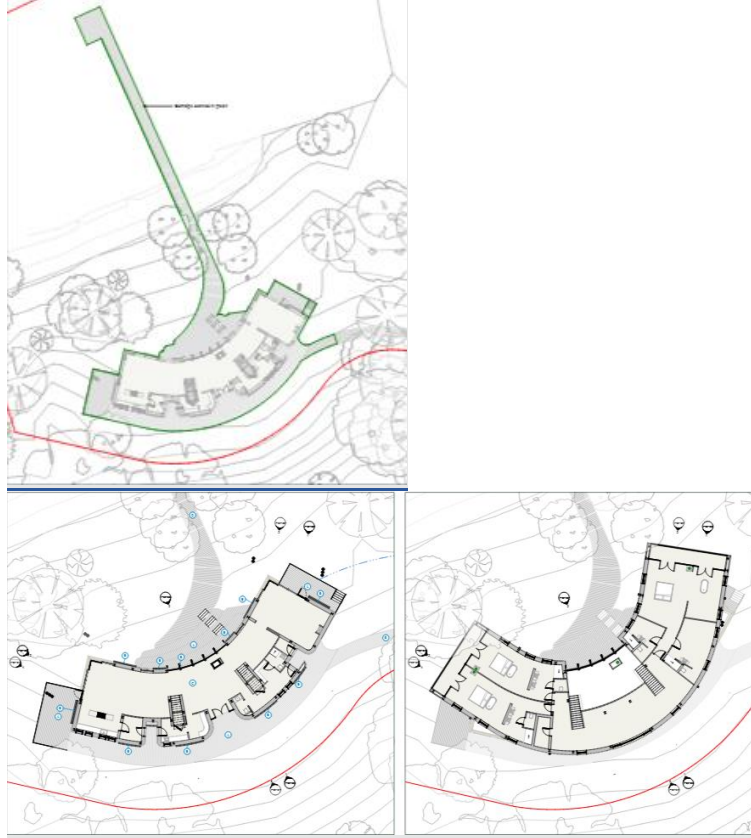


Figure 7: Proposed Lodge Site Plan and Lower/Upper Floor Plans – plans showing the proposed lodge development

Description of Proposal



Figure 8: Proposed Lodge Elevations showing the proposed lodge development from north and east aspects.



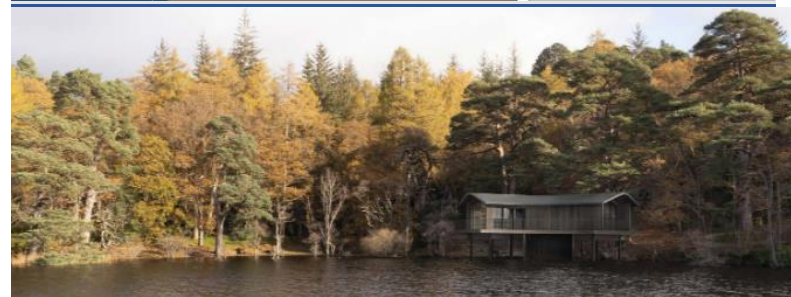
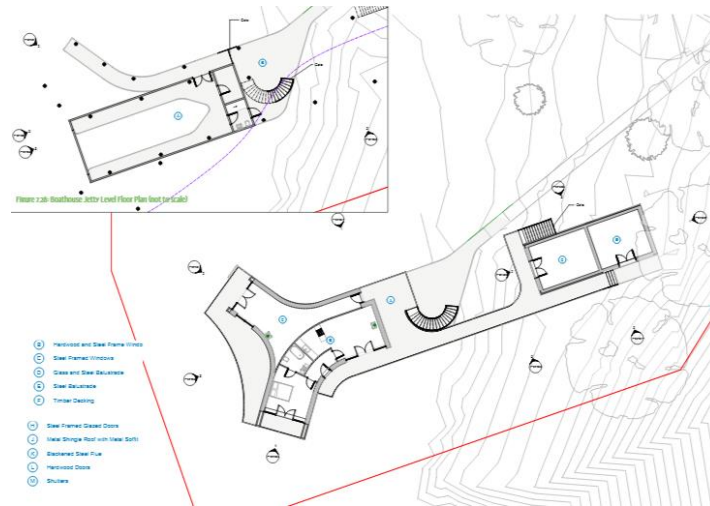
Figure 9: Proposed Lodge Photomontage showing the proposed lodge development from north aspects.

Boathouse

Comprises a boathouse style building constructed on stilts, projecting out into the water, with a boat shelter at water level and upper floor accommodation for the proposed island warden to use as a day-time

Description of Proposal

base and multi-functional meeting/office space. To the rear of this building is a store/plant room providing the service infrastructure for both the lodge and boathouse buildings.



Description of Proposal

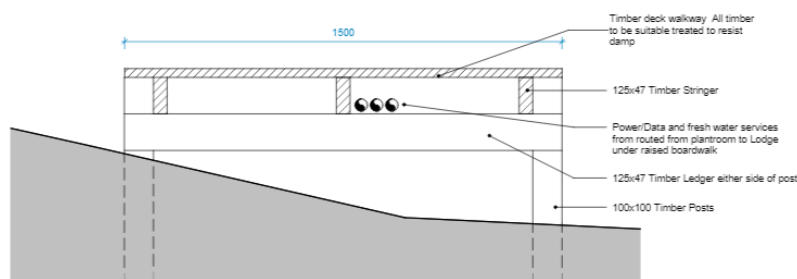
Figure 10: Proposed Boathouse Plans, Elevations and Photomontage (top to bottom) - showing the proposed boathouse building development from various aspects.

Jetties

Timber jetties are proposed, both at the site of the lodge and the boathouse, for private motorised watercraft access.

Boardwalk and Paths

Resurfacing of the existing path (from existing boat shelter to the existing derelict lodge) and continuation of the existing desire line route to the proposed lodge site via a new raised 1.5-metre-wide timber boardwalk.



Proposed Boardwalk Section
1:10



Figure 11: Section Drawing & Precedent Example Photo of Proposed Boardwalk - showing the plan and a photo example of the style of the proposed 1.5 metre wide raised boardwalk that would provide a connecting path between the boathouse and lodge sites.

Services & Sustainable Energy

- Electricity is to be brought to the island from Camstradden former Slate Quay via a lochbed cable with electrical equipment housed within the proposed plant room.
- Water supply would be via a borehole to the rear of the plant room and water treatment/filtration and storage tanks within the plant room.
- Foul drainage would be provided via a private Klargester Biodisc treatment plant to remove phosphate and nitrate prior to discharge into a filter system and then to a ground soakaway.

Description of Proposal

- Ground Source Heating system for water and space heating would utilise boreholes close to the proposed lodge and sited beneath the decked areas.
- Surface Water drainage for the buildings would be via compact gravity fed soakaways. No impermeable surfaces are proposed.
- Pipe and cable runs would be located beneath paths and boardwalks and otherwise would be sited to avoid tree root protection zones and minimise the extent of excavation.
- Waste would be collected, managed and taken to the mainland by the island warden.

Visitor Parking

Visitor Parking and storage facilities is proposed at the existing private facility at Bandy Bay, Aldochlay, by agreement with Luss Estates (use for boat storage/parking previously approved under planning permission ref: 2020/0216/DET).

Sustainable Design

The buildings would be raised above ground level and habitat with a 'light-touch' footprint using screw pile foundations to support a raft structure with steel superstructure, SiPS Panels and external cladding. Off-site construction techniques would be employed for the majority of the build, using low embodied energy and recyclable materials. The material palette for the development would focus on timber weather board walls, patinated metal shingled roofs and high performance metal and timber framed windows. The applicant's architect anticipates achieving a 'Silver' Sustainability Label for the proposed development.

In addition to the abovementioned new development the applicant proposes the:

Demolition of Existing Structures

Removal and clearance of any remaining existing structures on the island (i.e. derelict lodge, outbuildings and boat shelter) and regeneration of the cleared site to return it to wet woodland habitat.

- 3.9. Each of the temporary elements of the proposed development are summarised below:

Material Laydown Area

Located at Camstradden Slate Quays where pre-constructed panels and materials would be held awaiting transfer via floating pontoon/barge to the temporary jetties on the island, under agreement with Luss Estates. This site has a history of planning permissions for temporary uses of land.

Description of Proposal

Temporary Jetties

Proposed temporary jetties near to the Lodge and Boathouse sites would be used, to provide an offloading base for pontoons/barges delivering materials and labour to the island, from the laydown base at the Camstradden Slate Quays. These temporary jetties would be removed upon completion of development.



Figure 12: Site Plan of Proposed Temporary Construction Pontoons - showing the proposed pontoons to be utilised during construction for distribution and handling of materials and to be removed upon completion of development.

- 3.10. Construction, in this sensitive location, would be managed by a Construction Environmental Management Plan (CEMP) to protect and minimise impacts on ground habitat, water environment, ecology and

Description of Proposal

	trees. Delivery of materials, movement of labour and construction work programmes would be managed with an agreed protocol to protect public access rights.
3.11.	Integral to the proposed development is the proposal for the restoration of the site of the cleared former lodge and outbuildings to wet woodland habitat (as stated above) and also the proposal for an Island Management Plan which presents the long-term commitment and aim of improving visitor experience and returning Inchconnachan to favourable conservation status condition, as a constituent part of the wider Loch Lomond Woods Special Area of Conservation.
3.12.	The applicant has presented a suite of surveys and supporting documentation that describes the proposed development in full and how the survey and analysis of the island was undertaken to inform the proposed site, design and sustainability of the proposed development. The supporting information submitted by the applicant is summarised in Section 7 of this report further below.

Planning History

3.13.	<p>The undernoted planning history is of relevance:</p> <ul style="list-style-type: none"> • 2012/0103/DET – Demolition of existing structures and erection of replacement lodge, floating pontoon and boat shelter. Approved, subject to conditions on 26th Feb 2015. • 2018/0011/DET - Demolition of existing structures and erection of replacement lodge, floating pontoon and boat shelter (Renewal of 2012/0103/DET). Approved, subject to conditions on 6th Dec 2018. <i>Note: Coronavirus Amendment legislation extended the expiry date of this permission up to 31st March 2023.</i> • 2023/0118/LAW - Lawfulness of implementation of planning application decision ref: 2018/0011/DET ("Demolition of existing structures and erection of replacement lodge, floating pontoon and boat shelter (Renewal of 2012/0103/DET)"). Certificate issued on 02/05/23.
3.14.	In summary, the island benefits from an extant planning permission in perpetuity (for a new lodge, pontoon and boat shelter on the brownfield site of the former lodge and associated building), following its lawful implementation (as certified under application 2023/0118/LAW).

Planning History

4. Environmental impact and habitats regulations assessment

Environmental Impact Assessment (EIA)

4.1.	The National Park is identified as a 'Sensitive Area' within The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. Under the Regulations 2017, the Park Authority has a statutory screening duty and function to consider whether proposals for development should be subject to the EIA process. In this case the proposal was screened as it comprises development listed in Schedule 2 under category 12(e) Tourism and Leisure. The screening process concluded that there would not be any likely significant environmental impacts as a result of the development proposed and EIA is not therefore required. The screening opinion can be viewed as part of the planning application file.
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Habitats Regulations Assessment (HRA)

4.2.	The application site is located within the Loch Lomond Woods Special Area of Conservation (SAC). The qualifying interest of this SAC is western acidic oak woodland and otter. The SAC is currently assessed by NatureScot, in its Site Condition Monitoring Programme, as 'unfavourable declining' for Western acidic oak woodland' and 'favourable maintained' for otter.
4.3.	The application site is also located within the Loch Lomond Special Protection Area (SPA). The qualifying interest of this SPA is Capercaillie and Greenland white-fronted geese assessed by NatureScot, in its Site Condition Monitoring Programme, as 'unfavourable declining' for Capercaillie and 'favourable maintained' for Greenland white-fronted geese.
4.4.	An SAC and an SPA are also known as a 'European site' and is covered by the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 ("Habitats Regulations"). A Habitats Regulations Appraisal has two stages. There is an initial 'Likely Significant Effect' stage (a precautionary judgement of the potential impacts of a proposal), followed where necessary by a more detailed "appropriate assessment". In this case it has been accepted by NatureScot and National Park Authority staff that there is a Likely Significant Effect on both the SAC

Habitats Regulations Assessment (HRA)

	and SPA. As a consequence, under the Habitat Regulations, the Park Authority as the “competent authority” is required to carry out an appropriate assessment for both designations.
4.5.	The Habitats Regulations Appraisal (HRA) for the SAC is contained within Appendix 3 of this report. It concludes that there will be no adverse effect on the integrity of the Loch Lomond Woods SAC. This is considered in more detail in the assessment section of this report and in Appendix 3. HRA is to be distinguished from Environmental Impact Assessment and is undertaken under the Habitats Regulations. Its purpose is not to consider the likely significant effects on the environment but to avoid adverse effects on the integrity of European sites.
4.6.	The Habitats Regulations Appraisal (HRA) for the SPA is contained within Appendix 3 of this report. It concludes that there will be no adverse effect on the integrity of the Loch Lomond SPA. This is considered in more detail in the assessment section of this report and in Appendix 3.

5. Consultations and representations

Consultation Responses

5.1.	<p>NatureScot No objection on the basis that the proposal would not compromise the objectives and integrity of the Inchtavannach and Inchconnachan SSSI, subject to securing the implementation of the submitted Inchconnachan Island Management Plan through a planning obligation/section 75 agreement.</p> <p>In light of the applicant’s further supporting information (submitted during Sept/Oct 2023) NatureScot agree with the conclusions of the finalised HRA for the Loch Lomond Woods SAC that the proposal would have no adverse effect on the integrity of the SAC.</p> <p>NatureScot’s comments have been received and have been addressed in the finalised HRA for the Loch Lomond SPA. The conclusions of the HRA that there would be ‘no adverse effect on the integrity of the Loch Lomond SPA’ is robust to conclude compliance with development plan policy and the National Park’s first aim and</p>
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Consultation Responses

	<p>proceed to recommendation, as the National Park is the 'Competent Authority' in such appraisals.</p>
5.2.	<p><u>SEPA</u> No objection to the planning application proposals, subject to the removal of any overnight accommodation within the boathouse building. Removal of overnight accommodation in this element of the proposal would be in line with SEPA's Land Use Vulnerability Guidance to be a 'least vulnerable' land use and therefore acceptable to be sited within the expected 1:200/1000-year flood risk levels.</p> <p><i>Planner's comment - SEPA has no objection on flood risk grounds with the other elements of the proposed development which are considered 'water compatible' land uses (i.e. boathouse, pontoons, jetties and walkways) or the proposed lodge building, (which would have a finished floor level of 13.5mAOD and thus would be outwith the expected 1:200-year and 1:1000-year flood risk levels.</i></p>
5.3.	<p><u>Transport Scotland</u> No objection and no conditions recommended.</p>
5.4.	<p><u>Luss & Arden Community Council</u> Comments, neither in support nor objection.</p> <p>The application should be considered as a new, rather than a replacement lodge and as such is potentially contrary to the Local Development Plan. The Community Council highlight that they have taken into account the potential benefits that the development could present in relation to rewilding, regeneration, management and added value to the overall visitor experience and wider community. If the Authority is minded to approve, the Community Council request that the following considerations be taken into account by the Planning Authority:</p> <ul style="list-style-type: none"> • Protection of Osprey; • Implementation of the Island Management Plan; • Additional mature screening at the waterfront of the proposed lodge site; • The proposed jetty at the lodge would negatively impact on the landscape and should be significantly reduced in size; • The proposed boathouse/warden's accommodation would have a negative landscape effect and the footprint and extent of projection should be reduced; • A Transport Assessment of the proposed 'mainland' operations at Bandy Bay and Slate Quays should be undertaken as it is considered that this primary access to the village is unsuitable for

Consultation Responses

	<p>HGV traffic and the road should remain clear and open and clear of obstructions/debris at all times;</p> <ul style="list-style-type: none"> • If approved, site deliveries and construction works should be restricted to Mon-Fri to avoid impacts on weekend recreation; • Public access rights should be maintained at all times.
5.5.	<p><u>Argyll & Bute Council – Flood Management</u> <i>Response based on the original submitted plans, containing overnight accommodation within the upper level of the boathouse building – which takes a different stance to SEPA’s original position.</i></p> <p>No objection and no conditions recommended.</p> <p>The floor levels of the proposed holiday lodge (classified as ‘most vulnerable land use’) would be outwith the expected 1:200-year and 1:1000-year flood risk levels. The boathouse and warden’s accommodation (classified as ‘water compatible’ and ‘job-related accommodation’ land uses respectively) is built out into Loch Lomond at 12.3mAOD are acceptable, albeit that emergency access/egress arrangements should be made available to the occupier during potential extreme flood events.</p>
5.6.	<p><u>Argyll & Bute Council – Roads</u> No objection and no conditions recommended.</p>
5.7.	<p><u>Argyll & Bute Council – Environmental Health</u> No objection, subject to conditions requiring submission of further details with respect to contaminated land investigation and private water supply, prior to construction. The further details required for approval would comprise of a phased contaminated land site investigation and, where any contaminants are identified as present, a remediation strategy and verification plan. To demonstrate the wholesomeness and sufficiency of the proposed private water supply an appraisal and verification report would require to be undertaken and submitted for approval.</p>
5.8.	<p><u>West of Scotland Archaeological Service (WoSAS)</u> WoSAS recommend that the current planning application be subject to the same archaeological planning condition as the previous permissions (2012/0103/DET & 2018/0011/DET). Although the specific archaeological issues would be marginally different with this current proposal there is still potential for archaeological material to be affected by the proposed demolition and new development. WoSAS therefore recommend that a planning condition be attached to any permission issued requiring independent qualified archaeological supervision to be undertaken during all ground disturbance, to enable any discovered archaeological material to be recorded.</p>

Consultation Responses

5.9.	<p><u>RSPB Scotland</u></p> <p>Comments made with respect to the potential impacts of the development on the designated sites of the island.</p> <p>With respect to the Loch Lomond Woods SAC, RSPB are of the opinion that the development would not have an adverse effect on that designated site.</p> <p>With respect to the Loch Lomond SPA, RSPB are of the opinion that the proposals would have no adverse effect on the integrity of the SPA but that the objectives in the draft Island Management Plan would nonetheless improve the habitat for capercaillie. RSPB acknowledge that the proposals would not affect Greenland white-fronted geese as the habitats of Inchconnachan are unsuitable for that species.</p> <p>Finally, RSPB recognise that the presence of INNS and grazing pressures suppresses natural regeneration of the understory and native tree species and are therefore supportive of objectives and actions within the applicant's Island Management Plan to address/monitor these issues.</p>
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Representations Received

5.10.	<p>A total of 8 representations have been received from members of the public: 1 in support and 7 in objection.</p>
5.11.	<p>In summary the matters raised in support are:</p> <ul style="list-style-type: none">• The applicant has a track record of sustainable and high-quality developments;• Support the high-quality architecture proposed – a quality that has been delivered elsewhere by the same architect;• Support the high-quality of the investigations, assessments and reports submitted with the planning application - they demonstrate an understanding of the functioning of the island's wildlife and people and its role in the National Park's ecosystem;• Support the regeneration of the island's wet woodland, habitat, tree conservation, removal of non-native invasive plant species and investment in the area;• Support the proposed provision of a full-time warden and Island Management Plan - to help manage visitor pressures and landscape - providing this is a requirement and condition of any planning permission issued.

Representations Received

5.12. In summary the matters raised **by members of the public in objection** are:

Landscape/Visual Impact

- Object to the development of the northern shore and associated boardwalk - concerns of over-development; impacts on viewpoints from the north and loch and views from the northern beach;
- Concern that the boardwalk would present a visual barrier for wildlife and visitors;

Ecology

- Concern that construction and post-construction pollution and carbon emissions would impact detrimentally on wildlife and their habitat (incl. Capercaillie), and these should be safeguarded;

Woodland

- Concern that the proposal would result in a loss of Ancient Woodland and (with the exception of tree removal for forest management purposes) all trees should be retained on the island;

Visitor Management

- Concern that the proposal would result in increased visitor pressures on informal paths/routes and this would negatively impact on the sensitive ground habitat and qualities of this island;
- Request that there be a restriction in the numbers and turnover of visitors to the proposed development, if approved;

Public Access

- Concern that the proposals and presence on the island would restrict the public's access rights on Inchconnachan;
- Concern that security/deer fencing may be erected - to the detriment of the landscape, visitor experience and public access;

Construction Impacts

- Concern that the construction phase would damage and disturb the sensitive ground habitat and would be unlikely to recover;

Non-material Comments

- The island should have been purchased for the nation, rather than sold privately to become a selective tourist attraction;
- Support for an alternative proposal to replace the existing derelict lodge and structures with a modest contemporary lodge within the existing curtilage;

Representations Received

	<ul style="list-style-type: none"> • Concern that any proposal to cull/remove the Wallabies would lessen the visitor experience and the public should be consulted on any proposed cull/removal, as it is not in the public interest.
5.13.	<p>The Woodland Trust have submitted comments supporting the applicant's intentions to implement an island wide management plan to improve the condition of the ancient woodland/qualifying features on site but object to the proposed development on account of the direct loss of Ancient Woodland, as irreplaceable habitat for which loss cannot be mitigated.</p> <p>In summary their points of objection to the proposals are:</p> <p>Ancient Woodland – Direct Loss</p> <ul style="list-style-type: none"> • Objects on the basis of damage and loss to Loch Lomond Woods (designated on the Ancient Woodland Inventory), Site of Special Scientific Interest and a Special Protection Area, and as such holds significant biodiversity value; • The removal of woodland is contrary to Scottish Planning Policy, the Scottish Government's Control of Woodland Removal Policy, nor accords with the Scottish Government's Forest Strategy 2019-2029; • The removal of woodland does not accord with National Park Partnership Plan Outcome 3: Climate Change, or National Park Local Development Plan Natural Environment Policies 2, 3, 6 or 8 with respect to protection of the natural environment and protected sites; <p>Ancient Woodland – Impacts</p> <ul style="list-style-type: none"> • Concern that the construction and occupation phases of the proposed development would result in adverse impacts affecting Ancient Woodland habitat and changes in species composition. <p>Veteran Trees</p> <ul style="list-style-type: none"> • Concern that three veteran trees in close proximity to the existing boat shelter and proposed boathouse would be detrimentally impacted by the proposed construction.
5.14.	<p>A representation from Friends of Loch Lomond was received in support of the planning application. The letter of support is on the understanding that comprehensive and practical conservation and wider management measures are attached to any planning permission granted, given the island's sensitive nature and conservation designations.</p> <p>Friends of Loch Lomond note that replacement of the derelict summer house on the island has been established in a previous planning permission, and that Friends of Loch Lomond consider that the sensitive</p>

Representations Received

	relocation of the lodge as proposed, coupled with associated warden base, boardwalks and implementation of an Island Management Plan would make a positive contribution to conservation and visitor management on Inchconnachan.
5.15.	The full content of the representations is available to view on the National Park Authority's Public Access website . Click on view applications, accept the terms and conditions then enter the search criteria as '2021/0452/DET'.

6. Policy context

The Development Plan

6.1.	Section 25 of the Town and Country Planning (Scotland) Act 1997 states that planning applications are to be determined in accordance with the Development Plan unless other material considerations indicate otherwise. The Development Plan comprises National Planning Framework 4 and the Loch Lomond & The Trossachs National Park Local Development Plan (LDP) (adopted 2017) and Supplementary Guidance (SG).
6.2.	<p><u>National Planning Framework 4 (Adopted 13th February 2023)</u></p> <p>National Planning Framework 4 (NPF4) is the fourth National Planning Framework for Scotland. It sets out the Scottish Governments priorities and policies for the planning system up to 2045 and how the approach to planning and development will help to achieve a net zero, sustainable Scotland by 2045. NPF4 supports the achievement of six overarching spatial principles (just transition, conserving and recycling assets, local living, compact urban growth, rebalanced development, and rural revitalisation) through the planning and delivery of sustainable, liveable and productive places. NPF4 contains 33 policies to guide development management decisions.</p> <p>The following policies are of relevance:</p> <ul style="list-style-type: none">Policy 1 - Tackling the climate and nature crisesPolicy 2 - Climate mitigation and adaptationPolicy 3 - BiodiversityPolicy 4 - Natural placesPolicy 6 - Forestry, woodland and trees

The Development Plan

Policy 7 - Historic assets and places
Policy 9 - Brownfield land, vacant and derelict land and empty buildings
Policy 12 - Zero waste
Policy 13 - Sustainable transport
Policy 14 - Design, quality and place
Policy 22 - Flood risk and water management
Policy 23 - Health and Safety
Policy 29 - Rural development
Policy 30 - Tourism

The full policy wording can be viewed on the Scottish Government's website at <https://www.gov.scot/publications/national-planning-framework-4/pages/3/>

6.3. National Park Local Development Plan (2017-2022)

The [Local Development Plan \(LDP\)](#) sets out the vision for how the National Park should change over the next 20 years, including the strategy for development and the policy approach for key topics. There remains broad alignment between the LDP and NPF4 policies however, where any incompatibility does arise, then NPF4 prevails as the more recent policy.

The following LDP Policies are relevant to the determination of this application:

OP1 – Overarching Policy 1: Strategic Principles

OP2 – Overarching Policy 2: Development Requirements

VE1 - Visitor Experience Policy 1: Location and Scale of new development

VE2 - Visitor Experience Policy 2: Delivering a World Class Visitor Experience

TP2 - Transport Policy 2: Promoting Sustainable Travel and Improved Active Travel Options

TP3 - Transport Policy 3: Impact Assessment and Design Standards of New Development

NEP1 - Natural Environment Policy 1: National Park Landscapes, seascape and visual impact

NEP2 - Natural Environment Policy 2: European sites - Special Areas of Conservation and Special Protection Areas

NEP3 - Natural Environment Policy 3: Sites of Special Scientific Interest, National Nature Reserves and RAMSAR Sites

NEP4 - Natural Environment Policy 4: Legally Protected Species

NEP5 - Natural Environment Policy 5: Species and Habitats

The Development Plan

	<p>NEP6 - Natural Environment Policy 6: Enhancing Biodiversity NEP8 - Natural Environment Policy 8: Development Impacts on Trees and Woodlands NEP 9 - Natural Environment Policy 9: Woodlands on or adjacent to development sites NEP11 - Natural Environment Policy 11: Protecting the Water Environment NEP12 - Natural Environment Policy 12: Surface Water and Wastewater Management NEP13 - Natural Environment Policy 13: Flood Risk NEP16 - Natural Environment Policy 16: Land Contamination</p> <p>HEP8 - Historic Environment Policy 8: Sites with Unknown Archaeological Potential</p> <p>WMP1 - Waste Management Policy 1: Waste Management Requirement for New Developments</p>
6.4.	<p><u>Supplementary Guidance</u> The adopted Supplementary Guidance provides support to the policies of the LDP and carries the same weight in the determination of applications. The Supplementary Guidance of relevance to this application comprises:</p> <ul style="list-style-type: none"> • Design and Placemaking • West Loch Lomondside Rural Development Framework
6.5.	<p>The full LDP policy wording along with the Supplementary and Planning Guidance listed below can be viewed on the National Park's website at: Our Local Development Plan - Here. Now. All of us. - Loch Lomond & The Trossachs National Park (lochlomond-trossachs.org)</p>

Other Material Considerations

6.6.	<p><u>National Park Aims</u> 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:</p> <ul style="list-style-type: none"> • to conserve and enhance the natural and cultural heritage of the area; • to promote sustainable use of the natural resources of the area; • to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public; and
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Other Material Considerations

- to promote sustainable economic and social development of the area's communities.

Section 9 of the Act 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.

6.7. National Park Partnership Plan (2018-2023)

The National Park Partnership Plan ("Partnership Plan") is the overarching vision to guide how all those with a role in looking after the National Park will work together to widen the environmental, social and economic benefits of the National Park. All planning decisions within the National Park require to be guided by the Partnership Plan, where they are considered to be material, in order to ensure that they are consistent with the Park's statutory aims.

6.8. The following outcomes and priorities of the Partnership Plan are relevant:

Outcome 1: Natural Capital

The Park's natural resources are enhanced for future generations: important habitats are restored and better connected on a landscape scale.

Conservation Priority 1.1 Habitats

Conservation Priority 1.2 Species

Outcome 2: Landscape Qualities

The Park's special landscape qualities and sense of place are conserved and enhanced with more opportunities to enjoy and experience them.

Conservation Priority 2.1 Landscape & Heritage

Outcome 3: Climate Change

The natural environment of the Park is better managed to help mitigate and address the impacts of climate change.

Conservation Priority 3.1 Climate Change

Outcome 4: Land Partnerships

New landscape-scale partnerships deliver better integrated management of the land and water environment, providing multiple benefits for nature and people.

Conservation Priority 4.1 Integrated Land Management

Outcome 5: Recreation Opportunities

Other Material Considerations

The National Park has a wide variety of well promoted and managed outdoor recreation opportunities providing for a range of abilities and interests.

Visitor Experience Priority 5.2 Path Maintenance

Outcome 6: Water Recreation

There are more opportunities to enjoy water-based recreation and sporting activities across the Park's lochs, rivers and coasts while maximising safety for all users and protecting the quality of water environments.

Visitor Experience Priority 6.1 Water Facilities

Visitor Experience Priority 6.3 Water Recreation

Outcome 7: Visitor Economy

The Park's visitor economy is thriving with more businesses and organisations working together to create a world-class destination.

Visitor Experience Priority 7.1 Growing Tourism Markets

Visitor Experience Priority 7.2 Connectivity

Outcome 8: Visitor Management

The most popular parts of the National Park which experience pressures are managed to ensure that the quality of environment, visitor experience and community life are protected and enhanced.

Visitor Experience Priority 8.1 Visitor Management

Outcome 9: Health & Learning

People from a wider range of backgrounds are enjoying, valuing and helping manage the National Park. It is used more as a place for people to realise the personal health and wellbeing benefits of connecting with nature and being active in the outdoors.

Visitor Experience Priority 9.1 Health Improvement

Visitor Experience Priority 9.2 Engagement & Learning

Outcome 10: Placemaking

The National Park's towns, villages and countryside are enhanced with investment in the built and historic environment, public spaces and infrastructure.

Rural Development Priority 10.3 Improved Resilience

Outcome 11: Sustainable Growth

The rural economy has been strengthened through sustainable business growth and diversification.

Rural Development Priority 11.1 Low Carbon Economy

Outcome 12: Sustainable Population

Other Material Considerations

	<p>Population decline is being addressed by attracting and retaining more skilled working age and young people within the National Park and the development of a better range of housing options. Rural Development Priority 12.1 Skills & Training</p> <p>Outcome 13: Community Empowerment The Park’s communities are supported to influence and deliver actions that improve their quality of life and place. Rural Development Priority 13.3 Supporting Partnership Working</p>
6.9.	<p>Public Consultation on a draft National Park Partnership Plan (2024-2029) was undertaken from 26th April – 19th July 2023. The final draft will be presented to the National Park Authority Board in December for approval before being submitted to the Scottish Ministers.</p>
6.10.	<p><u>Planning Guidance</u> Planning Guidance does not form part of the Development Plan, but it supports the LDP and is a material consideration in decision making. The National Park’s Planning Guidance of relevance to this application comprises:</p> <ul style="list-style-type: none"> • Visitor Experience • Sustainable and Active Travel
6.11.	<p><u>Local Place Plan/Community Action Plan</u> The Luss & Arden Local Place Plan (registered 2023) is the applicable community plan for the location of the application site. A stated action of the Local Place Plan is to restrict second homes and holiday lets in favour of primary residence housing, to help prioritise support for local community growth and development.</p>

7. Summary of supporting information

Supporting Information

7.1.	<p>The applicant has submitted the following documentation in support of the planning application, as summarised below:</p> <p><u>Design and Access Statement (ABC Planning & Design)</u> Statement that outlines the applicant’s vision and approach and details the survey and analysis that informed the siting, design and layout of the proposals and the applicant’s Island Management Plan. The statement</p>
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Supporting Information

also includes an analysis of the proposed development considering key national and local plans and policies.

Flood Risk Assessment (*Kaya Consulting Ltd*)

Applicant's commissioned report assessing the flood risk with respect to the proposed development, with reference to relevant legislative and national policy and hydrological and wave analysis at the site. The report concludes that the proposed lodge (at approx. 13mAOD finished floor level) would place the development outwith the 1 in 1000-year plus climate change water level. With respect to the proposed boathouse, the report concludes that the proposed boathouse (at 12.3mAOD finished floor level) would be 0.6m above the present day 1 in 1000-year water level. The report concludes that no significant risk of flooding from groundwater is expected. The report includes further recommendations with respect to surface water management.

Environment and Ecology Reports (*EnviroCentre Ltd with other consultants*)

Series of reports detailing the findings of the applicant's commissioned ecological surveys, to inform the proposals, namely:

- Extended Phase 1 Habitat Survey (incl European & UK Protected Species);
- Woodland Composition;
- Tree Survey;
- Bat Surveys of Buildings and Trees;
- NVC & Aquatic Macrophyte Survey;
- Bryophyte & Lichen Survey;
- Fish Habitat Appraisal;
- Species Protection Plans.

Landscape and Visual Appraisal (*Ironside Farrar*)

Applicant's commissioned report appraising the proposed development's effects on landscape and visual receptors and appraisal with respect to the National Park's Special Landscape Qualities. The applicant's report concludes that the modest scale and design and siting of the buildings would have very limited effects on the landscape and visual resource.

Island Management Plan (*EnviroCentre Ltd*)

The applicants commissioned a habitat management plan for the whole island of Inchconnachan. The Plan sets out the context of the island's habitat and visitor pressure and proposes a set of aims and objectives to redress identified issues. The management plan includes a timeline of actions for delivery and monitoring. The key objectives of the management plan are:

Supporting Information

- *Eradicate Invasive Species* – e.g. removal of Rhododendron Ponticum and other non-native invasive plant species and undertake positive deer management;
- *Remove Exotic Species* – gradually remove exotic conifer and undesirable broadleaf species;
- *Promote Natural Regeneration* – promote regeneration of native species that contribute positively to woodland diversity;
- *Create Wet Woodland Diversity* – identify wetlands on the island and seek to restore these with botanically diverse collection of native species; and
- *Contribute to Habitat and Visitor Management* – contribute to positive countryside management collaborations with the National Park Authority and other stakeholders. Invest in strategies regarding ecological restoration and visitor engagement.

Construction Environmental Management Plan (CEMP) (Ironsides Farrar)
Framework that details how the environment of the site would be managed during the demolition of existing structures and construction of the proposed development and would be the key reference for contractors to produce a detailed CEMP to ensure the control of pollution of air, land and water with reference to relevant legislative, codes and standards.

EIA Screening Report (Ironsides Farrar)

Applicant's commissioned report to inform and formally request the Planning Authority's EIA Screening Opinion. The applicant's report concludes that, in their opinion, that Environmental Impact Assessment is not required for this planning application.

Habitats Regulations Appraisal: Report to Inform Appropriate Assessment (Ironsides Farrar)

Applicant's commissioned report to inform the Planning Authority's Habitats Regulations Appraisal. The applicant's report concludes that the proposed development will not adversely affect the integrity of the Loch Lomond Woods SAC, Loch Lomond SPA or Endrick Water SAC, or their qualifying interests.

The following further supporting information was submitted during consideration of the planning application:

Mobile Species Survey Data (EnviroCentre Ltd)

Specific survey undertaken in Sept 2023 to record, identify and appraise the potential impacts of the proposed development on the mobile species of the island – in response to Objective 2c of the Loch Lomond Woods SAC.

Artificial Lighting Report – Oct 2023 (DesignMe Consultants)

Supporting Information

Appraisal of the artificial lighting impacts from the proposed development on mobile species and proposed mitigation measures to avoid and reduce the potential impacts.

Site Specific Habitat Restoration Plan (EnviroCentre Ltd)

Applicant's commissioned site-specific habitat management plan for the development site boundary. The Plan sets out the context of the development site's habitat and visitor pressure and proposes a set of aims and objectives to redress identified issues. This Plan does not replace the applicant's Island Management Plan, but instead provides a site focussed interpretation of the island-wide management proposals.

Updated Habitats Regulations Appraisal Evidence Report (ABC Planning & Design)

Summary report of the applicant's evidence to support their Supplementary Report to Inform the Appropriate Assessment. The applicant's report concludes that the proposed development will not adversely affect the integrity of the Loch Lomond Woods SAC, Loch Lomond SPA or Endrick Water SAC, or their qualifying interests.

Supplementary Report to Inform Appropriate Assessment – Objective 2c (Ironsides Farrar)

A report to inform the Planning Authority's Habitats Regulations Appraisal following the applicant's further literature review, survey findings and analysis of the effects of the proposed development on Objective 2c of the Loch Lomond Woods SAC. The applicant's report concludes that the proposed development will not adversely affect Objective 2c.

Asbestos Survey Report (Enviraz Surveys Ltd)

Applicant's commissioned report of survey undertaken of the existing buildings and structures which details the presence of asbestos cement and debris and recommended actions.

8. Planning assessment

Key Issues

- | | |
|------|--|
| 8.1. | <p>The key issues for consideration in the determination of this application are as follows and will be considered in turn:</p> <ul style="list-style-type: none">• Principle of Development• Natural Environment• Landscape |
|------|--|

Key Issues

- Design and Sustainability
- Flood Risk and Drainage
- Roads & Public Access
- Cultural Heritage

Principle of Development

8.2.	The primary use of the proposal under consideration is for visitor experience purposes, with the development comprising of short-stay holiday accommodation at the proposed lodge building at the north side of the island. The proposed boathouse building, sited at the western bay, would provide a supporting ancillary role to the management of the lodge and island, providing a daytime base for the island warden (to be employed by the owner). The principle of development is therefore assessed with regards to Policy 30 of NPF4, Visitor Experience Policy 1 (parts d, e and g, being of relevance) and Visitor Experience Policy 2 of the National Park's Local Development Plan and the National Park's Visitor Experience Planning Guidance.
8.3.	Visitor Experience Policy 1 (part d) supports small-scale development where it involves the improvement or expansion of an existing tourism business, visitor infrastructure or facility. Visitor Experience Policy 1 (part e) supports the reuse, restoration, conversion of an existing building.
8.4.	It is accepted that the pre-existing lodge was in a largely derelict condition but more recently has now been lost to fire damage. It is therefore unsuitable for reuse, restoration or conversion and the site is now considered to be a 'brownfield' site. The principle of a replacement lodge and boathouse on this 'brownfield' site was established previously in the 2012 and 2018 planning permissions (the latter permission being 'extant' following the issuing of a certificate confirming its lawful implementation). Therefore, the principle of a replacement lodge on the island, in planning terms, has been established.
8.5.	The current proposal for a replacement lodge as tourism accommodation of the type proposed, in principle, is considered 'small-scale' in nature. The proposed boathouse building is discounted in this assessment of 'small-scale' as the boathouse is principally for ancillary use for the island warden, and not tourism use to be considered under Visitor Experience Policy 1. The applicant has explained in their submitted Design & Access Statement (based on a detailed survey and analysis of the island) why utilising the 'brownfield' site for the replacement lodge is not advantageous and why the proposed site has been selected in its favour.

Principle of Development

	<p>The applicant's key reasons for developing a 'greenfield' site for the proposed lodge at the north end of the island are as follows:</p> <ul style="list-style-type: none"> • Avoiding the wet zone of ground and surface water flood risk that is present on/around the pre-existing lodge and associated outbuildings - as this would present construction and surface/foul drainage issues for any new lodge development in this location; • Avoid potential conflict with the existing cluster of path routes and popular temporary mooring and camping spots that converge on/around the pre-existing lodge and western bay - by positioning the new lodge outwith that more publicly frequented zone; • To enable the restoration of the existing (brownfield) site of the pre-existing lodge and outbuildings to native wet woodland, to benefit the island's habitat and biodiversity; <p>The applicant's case for a relocation of the lodge building (from that previously approved) presents a convincing case, particularly when considered alongside the positive restoration of the brownfield site as being an advantageous outcome for this part of the island. Subject to landscape and other planning considerations discussed in the following sections of this report, it is recommended that the proposed new site for the lodge at the north end of the island be supported in principle.</p>
8.6.	<p>Therefore, taking into account the extant 2018 planning permission, it can reasonably be concluded that permission already exists for a new small-scale tourism accommodation use on Inchconnachan, to replace the derelict abandoned lodge (as supported by Visitor Experience Policy 1(part d) & Policy 30 of NPF4). Furthermore, it is concluded that the previous lodge is no longer available for reuse, restoration or conversion and although development of the new lodge site would result in a small degree of disturbed habitat, that the biodiversity value and benefits resulting from natural restoration of the site and relocation of the proposed lodge rules out a potential policy conflict with Visitor Experience Policy 1(part e) or the relevant sections of Policy 9 or 29 of NPF4 that relate to reuse of 'brownfield land'. It is considered that the applicant's case to utilise a 'greenfield' site rather than the existing 'brownfield' site has been fully considered and justified in the application and therefore material weight may be afforded to the applicant's case. As a result, in principle, this relocation of a previously approved, and now extant, planning permission for 'small-scale' proposed tourism development can be supported by Visitor Experience Policy 1, in part, which in turn complies with Policy 30 of NPF4. The remaining relevant consideration under Visitor Experience Policy 1 (namely part g) is considered below.</p>
8.7.	<p>Notwithstanding the policy support provided under Visitor Experience Policy 1(part d) (on the basis of there being an extant planning permission) Visitor Experience Policy 1(part g) is now considered. This part of the</p>

Principle of Development

	<p>policy supports 'small-scale' development which will help deliver a Visitor Management strategy or action identified in the National Park Partnership Plan. The applicant's submitted Island Management Plan is key to the consideration of this part of the policy. The Plan seeks to holistically address the long-term issues and unfavourable declining condition of the Western acidic oak woodland habitat with conservation and visitor management measures to benefit the whole island, not just the development site. These long-term management proposals are considered to collectively help deliver towards the broad suite of objectives across the National Park Partnership Plan in areas not only including visitor management but also conservation management and enhancement. The applicant proposes to employ a warden to ensure the coordination and implementation of their Island Management Plan. The Plan has been reviewed by the National Park's Trees & Woodlands, Natural Heritage and Recreation & Public Access Advisors. Subject to some minor updates (to conclude an agreed monitoring and reporting mechanism to the National Park Authority) the Park's Advisors conclude that the submitted Plan does indeed meet the requirements of Visitor Experience Policy 1(part g), by contributing to the actions of the current, and the emerging, National Park Partnership Plan in terms of visitor management and enhancement of visitor experience and restoration of the natural environment.</p>
8.8.	<p>It is recognised generally that the delivery of land management by a landowner is desirable but largely undertaken on a voluntary basis. However, in this instance, with the benefit of a planning permission (if approved by Members) a finalised version of the Island Management Plan can be agreed by planning condition and a Planning Obligation (Section 75 Agreement) can be utilised as the mechanism to secure, agree and monitor the delivery of the plan. This agreement would become an obligation on the land title of the island, and in perpetuity. The applicant has informally agreed to these terms. On this basis it is recommended that the principle of this development can be supported under Visitor Experience Policy (part g) due to it helping deliver on the actions of the National Park Partnership Plan. Furthermore, the implementation of the objectives and actions of the Island Management Plan would contribute significantly to tackling the nature crises and enhancing biodiversity of the island and therefore would comply with the aims of Policies 1, 3 and 4 of NPF4.</p>
8.9.	<p>Furthermore, it is recommended that the applicant voluntarily relinquish the further development of the extant planning permission ref: 2018/0011/DET. The applicant has also informally agreed to these terms which could be secured by Planning Obligation (as detailed in Appendix 2 of this report).</p>

Principle of Development

8.10.	Visitor Experience Policy 2 supports new tourism development that will enhance the visitor experience of the National Park and offer a bespoke, high-quality product. The design and sustainability of the development is considered further below under the relevant heading; however, in principle the proposed lodge has been well considered and designed for its particular context and to a high quality and thus is supported by this policy.
8.11.	With respect to the relevant Supplementary Guidance and Planning Guidance of the National Park, the principle of development is in accordance with the National Park's Visitor Experience Guidance. The site is located outwith the coverage of the West Loch Lomondside Rural Development Framework.
8.12.	The proposals are considered to accord with the National Park's objectives for tourism as set out in the National Park Partnership Plan which aims to grow the tourism sector, and resultant economic return, by providing high quality accommodation of authentic experience for visitors befitting the world class qualities and sense of place of the National Park.
8.13.	The Overarching Policies (OP1 & 2) of the National Park's Development Plan contain strategic and detailed planning requirements for all development in the National Park (including visitor experience development). It is considered that the proposed development complies with the terms of these policies.
8.14.	In conclusion, the principle of development is supported by the relevant policies of NPF4 (Policies 1, 3, 4 and 30), on balance would not conflict with the relevant sections of Policies 9 and 29 of NPF4 and would comply with the Local Development Plan (namely Visitor Experience Policies 1 & 2) and with the relevant Visitor Experience Planning Guidance of the National Park. Subject to occupancy and use restrictions being applied through planning conditions to the lodge and boathouse (see Appendix 1 below) and the finalisation of the Island Management Plan by planning condition and securing the long-term delivery and monitoring of the applicant's Island Management Plan by Planning Obligation/Section 75 Legal Agreement (Heads of Agreement detailed in Appendix 2 of this report) it is considered and recommended that this proposal can be supported in principle.

Natural Environment

8.15.	As already described, the site is located within the European Sites of Loch Lomond Woods Special Area of Conservation (SAC), the Loch
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Natural Environment

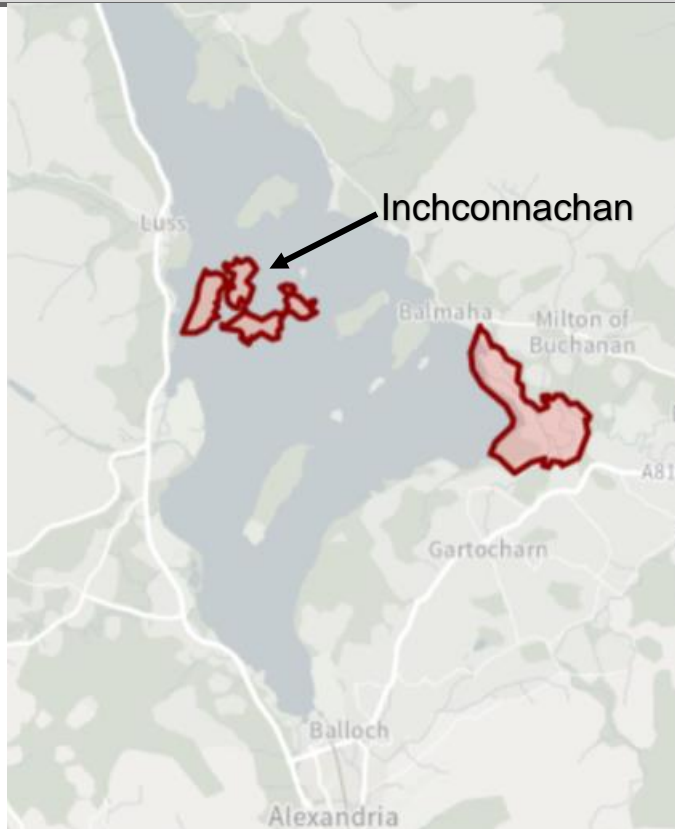
Lomond Special Protection Area (SPA), which are underpinned by the designation of the Inchtavannach and Inchconnachan Site of Special Scientific Interest (see Figures 13-15 below). Assessment of the proposal against the relevant natural environment policies of the Local Development Plan including those relating to European Sites, habitats and species is outlined in the paragraphs below.



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Figure 13: Location Plan of the geographical extent of the Loch Lomond Woods SAC within the context of Loch Lomond – the SAC boundary is outlined in red and the location of Inchconnachan, within this designated area, is noted with an arrow.

Natural Environment



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Figure 14: Location Plan of the geographical extent of the Loch Lomond SPA in the context of south Loch Lomond - the SPA boundary is outlined in red and the location of Inchconnachan is noted with an arrow.

Natural Environment



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Figure 15: Location Plan of the geographical extent of the Inchtavannach and Inchconnachan SSSI in the context of south Loch Lomond - the SSSI boundary is outlined in red.

8.16. European Sites

As summarised within Section 4 of this report above, given the location of the site within the Loch Lomond Woods Special Area of Conservation (SAC), the Loch Lomond Special Protection Area, and the likely significant effects on the qualifying interests of those European Sites, an appropriate assessment of the implications of the proposal on the sites' conservation objectives has been undertaken.

8.17. The full appropriate assessment of the development's effects on the SAC and SPA, taking account of the applicant's submitted surveys and documentation, and can be found within Appendix 3 to this report. The conclusion is that, subject to mitigation measures (i.e. a Construction Environment Management Plan and species protection plans), the proposed development would not have an adverse effect on the integrity of these European Sites, taking account of their conservation objectives.

8.18. NatureScot has an important role as statutory consultee and advisor on nature conservation matters in relation to appropriate assessment for SACs and must be consulted under the Habitat Regulations. The NPA must have regard to any representations made by them but is not bound

Natural Environment

	to follow NatureScot's advice. The final decision rests with the 'competent authority' which in this case is the National Park Authority.
8.19.	For this case NatureScot commented on officer's earlier HRAs stating that they could not concur with this Authority's officer's conclusions on the basis of the assessment undertaken and the information submitted. Further assessment and analysis of the applicant's further supporting information was undertaken. This exercise has led to the production of updated HRAs which officer's now consider have addressed NatureScot's previous comments (See section 5.1 above).
8.20.	Having regard to NatureScot's comments and given the conclusions of this Authority's appropriate assessment (detailed in Appendix 3), and the mitigation measures set out therein, the proposal is considered to comply with the requirements set out in Policy 4 of NPF4 and Natural Environment Policy 2 (European Sites). Subject to the same mitigation measures, the proposals are also considered to comply with Natural Environment Policy 3 (Sites of Special Scientific Interest) of the Local Development Plan. Furthermore, the implementation of the Island Management Plan would contribute to tackling the climate crises and enhancing biodiversity of the island.
8.21.	<u><i>Trees and Woodlands & Habitat</i></u> The qualifying interest of the Loch Lomond Woods SAC is western acidic oak woodland which is ancient woodland. Policy 6 of NPF4 and the Natural Environment Policy 8 of the Local Development Plan does not support development that would result in the loss or deterioration of woodland unless there are overriding public benefits that would outweigh the habitat loss.
8.22.	With regards to direct impacts: 4 mature trees are proposed to be removed and 31 small self-seeded trees (mainly silver birch). With regards to woodland flora habitat impacts, the appropriate assessment details the extent of potential habitat loss of woodland floor habitat from the development footprint and concludes that this would not undermine the integrity of the habitat. Otherwise, no notable flora was identified within the development area. Notwithstanding this, it is recommended that any approval should be subject to a finalised Construction Environment Management Plan that includes careful turve management measures to be adhered to during works. Furthermore, as proposed by the applicant and recommended to be secured by planning condition, an Ecological Clerk of Works (ECoW) should be employed to liaise closely with construction staff to ensure that disturbance is minimised on site and that all opportunities for restoration can be followed.

Natural Environment

8.23.	<p>Notwithstanding the short-term impacts, the proposal seeks to contribute to the National Park's Trees & Woodland Strategy, through the Island Management Plan objectives to bring the native woodland for the whole island into positive management, remove invasive non-native plant species, and create sustainable conditions of grazing management. Therefore, it is considered that the net positive gain for enhancing native and ancient woodland habitat, that would be secured through this planning application, outweigh the short-term loss of a small number of ash and rowan trees in this particular instance. Tree protection measures would form part of a finalised Construction Environment Management Plan, if approved. Therefore, it is considered that the proposal does not conflict with Policy 6 of NPF4 or the Natural Environment Policies 8 & 9 of the Local Development Plan. The concerns regarding impacts on woodland, as raised by the Woodland Trust and representations received, have been fully taken into account as material considerations, but are considered to be addressed by the above policy position and recommended planning conditions and planning obligation.</p>
8.24.	<p><u>Legally Protected and other Species</u></p> <p>Protected species surveys were conducted by the applicant and have been fully considered and assessed. Otters have not been recorded on site, despite being favourable habitat. A Species Protection Plan, secured by planning condition, would nonetheless safeguard against any disturbance should otters utilise the shoreline during construction of the development, if approved. Similarly, to avoid disturbance a Species Protection Plan for Osprey is recommended. Since the fire damage of the pre-existing lodge, no bat roosts are present and none of the trees to be affected by the proposed development present suitable bat roost habitat. However, bats and other mobile species can be disturbed by artificial lighting either during construction or post-occupation of a development. Therefore, as set out in the appropriate assessment for the Loch Lomond Woods SAC, the mobile species of the oak woodland habitat should be protected by a Lighting Management Plan. It is considered that the submitted Lighting Specification is satisfactory and its compliance should be adhered to and secured by a planning condition. No evidence of any other legally protected species was found during the surveys. Breeding bird habitat would be protected with prior checks of trees and the remains of the pre-existing buildings, prior to works or otherwise that works are undertaken outwith the bird breeding season. Subject to these recommended planning conditions the proposal would comply with Policy 4 of NPF4 and Natural Environment Policy 4 and 5 of the Local Development Plan. The concerns raised by representees, on potential ecology impacts from the construction and occupation of the development, have been fully taken into account and are considered to be addressed satisfactorily by the recommended planning conditions.</p>

Natural Environment

8.25.	<p><u><i>Biodiversity</i></u></p> <p>The combined proposals for removal of Non-native invasive species (present in the form of <i>Rhododendron ponticum</i>), the removal of non-native tree species and the restoration of the wet woodland and oak woodland habitat (through the proposed Island Management Plan) all present an opportunity for positive enhancement and management of the island's native natural habitat and this would greatly improve the biodiversity of the island. In this regard the measures set out in the Island Management Plan would ensure that the proposal would comply with Policies 1 and 3 of NPF4 and Natural Environment Policy 6 of the Local Development Plan by restoring nature.</p>
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Landscape

8.26.	<p>The application site, located in the Loch Lomond area exhibits several Special Landscape Qualities that are representative of the wider National Park. The application requires to be assessed in consideration of the applicable sections of Policy 4 of NPF4, Overarching Policies 1 & 2, Natural Environment Policy 1 of the Local Development Plan and the National Park's Design & Placemaking Supplementary Guidance. The applicant has submitted a Landscape Visual Appraisal with their application to enable assessment of the planning application, and this has been considered by the National Park's Landscape Adviser.</p>
8.27.	<p>The site is located within the Loch Lomond National Scenic Area, and it should be noted that Section 263A(2) of the Planning Act requires special attention to be paid to the desirability of safeguarding or enhancing the character/appearance of the National Scenic Area.</p>
8.28.	<p>Luss & Arden Community Council have commented, neither objecting or supporting the proposal (see section 5.4 above). The Community Council has commented that, if minded to approve the application, the proposed jetty at the lodge and the proposed boathouse building would negatively impact on the landscape and should be reduced in size and, in the case of the lodge, additional mature screening added to the foreshore. Representation has also been received (see section 5.12 above) objecting to the lodge and jetty at the northern shore as having an impact on the quality of public views and concern that the proposed boardwalk (connecting the lodge to the boathouse) as presenting a visual barrier on the island.</p>

Landscape

8.29.	In consideration of the proposed development's influence on the landscape and visual character and qualities of the site and its surroundings, the content of the applicant's submitted Landscape and Visual Appraisal and taking account of the relevant representations and consultation responses received (summarised above), the National Park's Landscape Adviser's comments are considered key to this part of the planning assessment.
8.30.	The National Park's Landscape Adviser comments that, due to the characteristic varied landform, extensive woodland coverage and the scenic composition of water and islands, the sensitivity of the Landscape Character Type of <i>Lowland Loch Basin Islands</i> , is medium to high. However, in view of the long history of occupation of some of the islands, including existing estate houses, a hotel and piers, that the proposed development would not be uncharacteristic to the landscape character and that the proposed development could be accommodated within the landscape without any detrimental adverse effects upon it or the National Scenic Area (designated for its landscape value).
8.31.	With respect to views and visual amenity, although parts of the proposed development would be noticeable in close proximity from the water (particularly the lodge, boathouse and jetty) these are not considered to be prominent in the landscape and would be localised. The relatively modest scale of built development, including the proposed jetties extending into the water, generally relate to the scale of the island's landform and important features. With curved roofs and wooded cladding, the general design of the boat house and lodge are also considered to be appropriate to their intimate woodland setting, thus limiting the nature of any adverse effects. In the wider context of the site the views across the loch, towards the backdrop of hills, would be largely unaffected by the proposed development. Therefore, the conclusion of the advice provided is that the proposed development does not present any significant landscape and/or visual issues for the Special Landscape Qualities and the underpinning landscape character type of <i>Lowland Loch Basin Islands</i> . The size, design and layout of the proposal is suitably 'light touch' for its context and is acceptable in landscape and visual terms.
8.32.	In conclusion, taking account of the qualified advice of the National Park's Landscape Adviser, it is considered that the proposed development as submitted, subject to final agreement of material specifications and lighting management, would safeguard the character and appearance of the Loch Lomond National Scenic Area and would comply with the relevant landscape and visual policies; namely, NPF4 Policy 4, Overarching Policies 1 & 2, Natural Environment Policy 1 of the Local Development Plan and the National Park's Design & Placemaking Supplementary Guidance. The comments raised by Luss & Arden Community Council

Landscape

and representations received, on landscape and visual grounds, have been fully taken into account as material considerations, but do not outweigh the above qualified advice or policy position. Therefore, there is no justification for a modification of the proposals, for landscape or visual reasons.

Design & Sustainability

8.33. The applicant has submitted a Design & Access Statement to outline their design approach and detail the sustainable aspects of the proposed development – to enable the Planning Authority’s understanding and consideration of the proposals, under the applicable sections of Policies 2, 12 , 14 and 23 of NPF4 and Overarching Policies 1 & 2 and Natural Environment Policy 1 of the Local Development Plan and the National Park’s Design & Placemaking Supplementary Guidance.

8.34. As set out in the section above, the siting, scale, and design of the proposals have been carefully considered and are acceptable in landscape and visual terms. Therefore, the remaining design elements to be considered relate to the aesthetics, materiality, and the sustainability of the proposed design, under the aforementioned policies.

8.35. As demonstrated in their Design and Access Statement, the applicants have taken a landscape-wide, island-wide and site-centred approach to their design, from the outset, based on extensive surveys and appraisals and have followed the sustainable design principles set out in the National Park’s Design & Placemaking Supplementary Guidance. This has resulted in a well-considered proposal which presents carefully sited and scaled buildings and structures, with a high quality of architecture and materiality and sensitive construction process that would comfortably blend into and be sympathetic to their natural, rural surroundings. Overall, the proposed design offers a high quality, bespoke development which, subject to planning condition requiring the final agreement of external materials prior to installation and a restriction on future permitted development rights, responds to the requirements of Visitor Experience Policy 2 and is also supported by the applicable sections of Policy 14 of NPF4 and Overarching Policies 1 & 2, Natural Environment Policy 1 and the National Park’s Design & Placemaking Supplementary Guidance.

8.36. Turning to sustainability matters, the proposals (as detailed in Section 3.8 above) respond to the sensitivity and remoteness of the island location and a focus on climate friendly design by proposing a light-touch

Design & Sustainability

	construction of low embodied energy, high thermal and ventilation specifications (supplemented with renewable energy generation) – as well as a detailed construction management process to safeguard the environment during the build process (i.e. as detailed in the submitted Construction Environmental Management Plan). The applicant proposes to achieve Building Standards <i>Silver standard</i> for sustainability and <i>Lifetime Homes Standards</i> for accessibility and adaptation.
8.37.	A letter of support was received in connection with the proposed design and a separate objection received that the construction of the buildings/structures would damage and disturb the sensitive ground habitat and would be unlikely to recover. In response to the objection raised, it is considered that the design has sought to limit potential impacts of construction and this is adequately covered in the submitted CEMP.
8.38.	In conclusion, subject to final agreement of external materials and compliance with the CEMP during all phases of construction, it is considered that the proposed design would be of a high quality, with due regard to sustainability, security and safety and environmental construction management. It would therefore comply with the applicable sections of Policies 2, 12, 14 and 23 of NPF4 and Overarching Policies 1 & 2 and Natural Environment Policy 1 of the Local Development Plan and the National Park's Design & Placemaking Supplementary Guidance.

Flood Risk

8.39.	As previously described, the location for the proposed lodge, at the northern end of the island, and the proposed boathouse building, at the north-western shoreline, are located near or within areas, identified in SEPA's flood risk maps, as being at potential flood risk. The proposal therefore requires to be assessed in consideration of the relevant national and local policy and the advice of SEPA (as the statutory consultee on flood matters) and Stirling Council's Flood Officer.
8.40.	The applicant has submitted a Flood Risk Assessment, the conclusions of which are summarised in section 7 of this report (above). The Flood Risk Assessment establishes a 1 in 200-year flood plain level at 10.54mAOD and the lesser risk 1 in 1,000-year flood plain level at 11.12mAOD, all of which incorporate an allowance for climate change. As part of the applicant's design process the chosen siting (at the 11.5mAOD contour)

Flood Risk

	and finished floor level of the proposed lodge would be above the 1 in 1,000-year flood plain approx. 13mAOD, thus allowing for an additional freeboard in excess of 1.5 metres. With respect to the proposed boathouse, the applicant's original case, as presented, is that this building (incorporating warden's accommodation) would be of a water-compatible use and would be positioned on piles well above the 1 in 200-year and approx. 0.6m above the 1 in 1,000-year flood plain. Furthermore, the proposed servicing infrastructure for the development would be positioned outwith the 1 in 200-year flood plain.
8.41.	SEPA were consulted on the proposals as originally submitted and initially raised an objection to the overnight accommodation element within the proposed boathouse, as being contrary to national flood risk policy and their guidance on piled development within flood risk areas.
8.42.	The applicant engaged with SEPA to seek clarification on their objection and upon realisation that the issue related to the overnight sleeping/living accommodation element of the warden's accommodation and not the daytime use of this building, were content to remove this problematic use (in flooding terms) as they considered that the function and role of the warden in implementing the proposed Island Management Plan did not rely on this and could still be fulfilled with the overnight sleeping accommodation removed from the proposals. The applicant subsequently modified the relevant plans and documents to reflect this change.
8.43.	SEPA reviewed the modified proposal and were comfortable to remove their objection to the proposed boathouse element of the development and confirm that all other elements of the development were satisfactory.
8.44.	Argyll & Bute Council's Flood Officer responded with no objection to the proposals but recommended that the applicant make available emergency access/egress procedures to safeguard occupants in the event of a potential extreme flood event.
8.45.	It is therefore recommended that, subject to conditions restricting the use of overnight accommodation within the boathouse, the proposals are satisfactory to the relevant statutory consultees, compliant with the climate mitigation and flood risk avoidance aims of NPF4 Policy 2 and 22 and SEPA guidance with respect to flood risk and the terms of Natural Environment Policy 12 of the National Park's Local Development Plan.

Roads and Public Access

8.46.	The proposed development, on the island of Inchconnachan, (being inaccessible by motor vehicle) will require the delivery of construction materials and transportation for the lodge visitors upon occupation, to be via the public road network and then boat. The applicant proposes to deliver materials via the A82(T) onto the Old Military Road (near Luss) to offload these at the proposed laydown area at the Camstradden former Slate Quays for onward transportation, by barge, to the island. Parking for lodge visitors is proposed at Aldochlay Boat Yard which has the benefit of planning permission (ref 2020/0216/DET) and is located close to a bus stop. The details of these proposed laydown and parking areas are detailed in the submitted plans and documents and the applicant's Construction Environmental Management Plan (CEMP) includes a strategy for construction access arrangements.
8.47.	On the basis of the proposals as submitted Transport Scotland has no objection to the use of the A82(T) for the transportation of materials or lodge visitors. Argyll & Bute Council, as Roads Authority, has no objection to the use of the classified roads, road access or parking proposals detailed in this planning application. Therefore, no conditions are required, and this proposal would present no issues for the operation and safety of the public road network, and therefore accords with the relevant sections of Policy 13 of NPF4 and Transport Policy 3 of the National Park's Local Development Plan.
8.48.	With respect to public access, the proposal affects no core paths or rights of way; however, the public's general rights to access land and water under The Land Reform (Scotland) Act 2003 are of relevance.
8.49.	Inchconnachan has a long history of public access by residents and visitors and the boating/watersport community. The proposed curtilage areas of the lodge and the boathouse/jetty are noted (as detailed in the submitted plans) and are appropriate to provide privacy areas for the buildings. Within these curtilage areas it is accepted that public access rights would not exist for reasons of privacy and security. Outwith these curtilages, the construction and occupation of the proposed development, and the objectives of the submitted Island Management Plan, must maintain and work holistically with the established public access rights on the island. In this respect public access rights would be protected. Subject to construction management measures being employed to avoid conflict with the public (as set out in the applicant's CEMP and secured by condition and as set out in the applicant's Island Management Plan) it is recommended that the proposals have no direct consequences for public access rights and no further conditions are necessary. Sustainable and Active Travel measures have been considered by the applicant and they propose that these will be presented to lodge guests on arrival.

Roads and Public Access

- 8.50. The proposals are considered to be sufficiently small-scale and been designed such that they would not present road network/traffic safety issues or conflicts with public access and enjoyment of the island, where public access rights would continue to apply and the implementation of the Island Management Plan presents visitor experience and management benefits for the greater public. In this respect the concerns raised by representees in this regard have been taken into account but do not outweigh the above position. Furthermore, resultant traffic movements would be low (due to its island location) and reasonable opportunities exist for sustainable and active travel. Therefore it is concluded that the proposal would satisfactorily comply with the policy aims of Policy 13 of NPF4 and Transport Policies 2 and 3 and the relevant sections of the Overarching Policies of the Local Development Plan.

Cultural Heritage

- 8.51. The National Park's Archaeological Advisor (WoSAS) has been consulted on this application. They have noted that the development proposed is different to that for which planning permission was issued in 2012 and renewed in 2018. The current planning application proposes new buildings. Therefore, the specific archaeological issues are different from the previous applications. However, the National Park's Archaeological Advisor recommends that the same planning conditions as previously recommended in 2012 and 2018 would still address the requirement for the developer to appoint a professional archaeological contractor to undertake a watching brief during all ground disturbance related to the development (including the grubbing out of the foundations of existing buildings) and be afforded access to record, recover and report any items of archaeological interest.
- 8.52. It is considered that, subject to compliance with the above condition, the proposed development would accord with the terms of Policy 7 of NPF4 and Historic Environment Policy 8 of the National Park's Local Development Plan.

Conclusion

8.53.	<p>The development under consideration proposes a replacement of an extant planning permission for a lodge and boathouse on the island of Inchconnachan. The justification for a relocation of the lodge is accepted and, although the proposed lodge site would result in a small loss of habitat (as justified in the Appropriate Assessment in Appendix 3) the proposals are considered to have a biodiversity benefit for the naturalisation of the former site. Subject to the finalisation and implementation of the Island Management Plan and relinquishing of the implemented 2018 planning permission, it is considered that, in principle, the new development accords with the Visitor Experience Policies of the Local Development Plan and Policy 30 of NPF4. The contribution that the proposed development can secure (through Section 75 agreement) towards the National Park Partnership Plan outcomes and priorities and the policies addressing the nature and biodiversity crisis (set out in NPF4 and the Local Development Plan) provides additional support for this proposed development.</p>
8.54.	<p>The integrity of the natural habitat and supporting species of the European Sites and SSSI that are present at Inchconnachan would not be adversely affected by the proposed development. Furthermore, protection measures would be secured through a Construction Environmental Management Plan, Lighting Plan and other natural environment safeguarding conditions. In addition, the proposal would include biodiversity enhancements, to be provided through the naturalisation of the brownfield site and the whole island management proposals. Overall, the proposals would help deliver the National Park Partnership Plan outcomes and priorities and the relevant natural environment policies and aims of NPF4 and the Local Development Plan.</p>
8.55.	<p>The proposal is a well-considered and high-quality development that would benefit the context and quality of the location. The ecological and sustainability design measures incorporated into the proposal would ensure that it addresses the climate mitigation and adaptation objectives of the relevant NPF4 and Local Development Plan policies. The siting and design of the development satisfactorily addresses the requisite Landscape and Visual Impact considerations of the Development Plan and, subject to conditions, does not raise any concerns regarding Flood Risk matters or Cultural Heritage.</p>
8.56.	<p>All other material considerations either raised by Development Plan policy or the representations and consultation responses received have been fully taken into account and (where applicable) would be addressed by planning condition, if approved.</p>
8.57.	<p>The proposed development is considered to collectively accord with the National Park Aims (set out in Section 6.6 further above) and would</p>

Conclusion

	support the relevant outcomes and priorities of the National Park Partnership Plan (set out in Section 6.8 further above).
8.58.	In conclusion, it is recommended that the planning application be supported on the basis that (1) subject to the recommended planning conditions and a s75 Agreement/ Planning Obligations (set out in Appendix 1 and 2 of this report), it would accord with the relevant Development Plan policies and guidance and that there are no other material considerations that would outweigh the support offered by the Development Plan and (2) that the planning application and proposal will not result (in terms of the Habitat Regulations) in an adverse effect on either the integrity of the Loch Lomond Woods SAC or the Loch Lomond SPA, all as set out in Appendix 3 of this report

9. Appendix 1: Conditions, Informatives & Plans

Conditions:

1. **Duration of Permission:** This permission lapses on the expiration of 3 years beginning from the date of this permission unless the development to which this permission relates is begun before that expiration.

REASON: In accordance with section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. **Lodge - Short Term Holiday Accommodation:** The lodge hereby approved (as identified on the approved plans dwg. no. P-00-102 Rev B, received on 24/02/22) shall be used solely for short-term holiday use and not for permanent residential use. The lodge shall not be occupied by any one individual or group for a period exceeding 90 days in any one calendar year. A register of occupant's details (names and dates of stay) shall be kept and shall be made available to the National Park Authority on request.

[Note: This condition does not prohibit the letting of the units by a management company or other management arrangement on behalf of the owner].

REASON: The proposal has been assessed as a tourism development and the approval of permanent residence(s) would be contrary to the policies contained in the adopted development plan.

3. **Boathouse – Use:** The use of all parts of the internal accommodation of the boathouse building hereby approved (as detailed on the approved plans dwg. no. P-00-102 Rev B, received on 24/02/22) shall be primarily limited to purposes related to the management of Inchconnachan and the lodge by a person or persons solely or mainly employed in undertaking these duties (all as detailed in the approved Inchconnachan Island Management Plan), unless otherwise approved in writing by the Planning Authority, and at no time shall be occupied as overnight accommodation or as a separate dwelling,

REASON: The proposal has been assessed as providing, island warden's accommodation for office and associated use and the approval of overnight accommodation or permanent residences would be contrary to the housing and flood risk policies contained in the adopted development plan.

4. **Island Management Plan:** Prior to commencement of the development hereby approved, a finalised Inchconnachan Island Management Plan (based on the details set out in the approved *Inchconnachan Island Management Plan*) shall be submitted to, and approved in writing by, the Planning Authority.

REASON: To ensure that the agreed management measures are updated to comply with best practice at the time of commencement of development.

5. **Lighting Management Plan:** Prior to the commencement of development hereby approved a finalised Lighting Management Plan (based on the details set out in the approved *Artificial Lighting Survey and Specification*) for the occupation of the approved buildings and external areas shall be submitted to, and approved in writing by, the Planning Authority, and shall thereafter be complied with in perpetuity, unless subsequently amended and approved in writing by the Planning Authority .

REASON: To ensure that the agreed management measures are updated to comply with best practice at the time of commencement of development and to avoid disturbing mammals and mobile species of the European Site or contravene Nature Conservation laws relating to a protected species and to accord with the first statutory aim of the National Park to conserve and enhance the natural heritage of the area.

6. **Construction Environmental Method Statement:** Prior to commencement of the development hereby approved, a finalised Construction Environmental Method Statement (CEMP) ((based on the details set out in the *Construction Environmental Management Plan*) shall be submitted to, and approved in writing by, the Planning Authority. In addition to the details set out in the approved *CEMP*, the finalised CEMP shall detail the following:
- a. Method of working and mitigation measures to control pollution control, dust and vibration/ measures to control the emission of dust and dirt during construction;
 - b. Method of controlling pollution and sediment release to the water environment including the existing development footprint where water accumulates due to the lower ground levels, and Loch Lomond.
 - c. The location of the site compound, and loading and unloading of plant and materials;
 - d. A lighting management plan for any artificial lighting to be utilised during the course of the construction works.
 - e. A Tree Protection Plan which shall set out measures (in accordance with British Standard "Trees in Relation to Design, Demolition and Construction to Construction - Recommendations" (BS 5837)(2012)) to protect the trees and root plates of the trees within the development site and bounding the development site from construction works and movements, with particular regard for trees associated with oak woodland habitat. No storage of building

materials or piling of soil shall take place within the protected areas established pursuant to this condition.

- f. Details of all ecological, tree and landscape mitigation measures that must be complied with by site operatives. This should include turve management and protection of the area of Phragmites identified at the shore near the existing development (Target Note 2). It should also include any areas of juniper (Target Note 1) should this be identified within the construction areas or corridors and consideration given to the retention of the magnolia tree at the site of the former lodge as an existing feature.
- g. The erection and maintenance of construction corridors to prevent accidental trampling of vegetation;
- h. Contact details and role and duties of the Environmental/Ecological Clerk of Works (ECoW) to be employed to monitor and advise during the construction phase of development.

Thereafter all works shall be carried out in accordance with the agreed Construction Environmental Management Plan.

REASON: To ensure that the agreed management measures are updated to comply with best practice at the time of commencement of development and to ensure habitat and species protection are employed during construction to ensure that the proposed development does not have an adverse impact on the features of the European Site or contravene Nature Conservation laws relating to a protected species and to accord with the first statutory aim of the National Park to conserve and enhance the natural heritage of the area.

- 7. **Ecological Clerk of Works:** Prior to the commencement of construction works within the development site, an appropriately qualified ecologist shall be appointed as an Ecological Clerk of Works by the developer to oversee the implementation of the development. Confirmation of the appointment, qualifications and contact name and details shall be submitted to the Planning Authority prior to commencement of development. Within 2 weeks of the appointment a detailed planned work programme including site visits and reporting to the developer and the Planning Authority shall be submitted to and approved by the Planning Authority.

REASON: To ensure construction works are undertaken in a manner that complies with the planning conditions and safeguards ecological species and habitats on the site.

- 8. **Breeding Birds Protection Plan:** Prior to commencement of development, a Breeding Birds Protection Plan shall be submitted to, and approved in writing by, the Planning Authority. This shall include the following:

- a) An on-site ecologist shall regularly check the construction corridors for signs of breeding bird activity;
- b) Toolbox talks shall be given to all personnel to alert them to wildlife legislation and breeding bird signs;
- c) Methods for keeping the construction corridor clear of breeding activity;
- d) Procedures to be followed in the event of a nest being located within the construction corridor.
- e) A detailed osprey protection plan.

The Breeding Birds Protection Plan, approved pursuant to this planning condition, shall be implemented in its entirety to the satisfaction of the Planning Authority.

REASON: To ensure the proposed works are not carried out in a manner liable to contravene Nature Conservation laws relating to a protected species and to accord with the first statutory aim of the National Park to conserve and enhance the natural heritage of the area.

9. **Otter Protection Plan:** Prior to commencement of development, an Otter Protection Plan shall be submitted to, and approved in writing by, the Planning Authority and thereafter shall be implemented in its entirety to the satisfaction of the Planning Authority.

REASON: To ensure the proposed works are not carried out in a manner liable to contravene Nature Conservation laws relating to a protected species and to accord with the first statutory aim of the National Park to conserve and enhance the natural heritage of the area.

10. **Land Contamination:** Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to, and approved, by the Planning Authority, and is thereafter implemented in accordance with the scheme so approved.

The scheme shall be undertaken by a competent person or persons in accordance with relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination to the satisfaction of the Planning Authority, and must include:

- A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Planning Authority prior to addressing parts b, c, and d of this condition.

Should the desk study show the need for further assessment this will be undertaken in the following sequence:

- A detailed investigation of the nature and extent of contamination on site, and assessment of the risks such contamination presents.
- Development and agreement of a remedial strategy (if required) to treat/remove contamination ensuring the site is made suitable for its proposed use (this shall include a method statement, programme of works, and proposed verification plan).
- Submission of a verification report for any agreed remedial actions detailing and evidencing the completion of these works.

Written confirmation from the Planning Authority, that the scheme has been implemented and completed shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Planning Authority.

REASON: To ensure that the potential risks to human health, the water environment, property, and ecological systems arising from any identified land contamination have been adequately addressed.

11. **Water Supply:** Prior to the development commencing, a full appraisal to demonstrate the wholesomeness and sufficiency of the private water supply to serve the development shall be submitted to and approved in writing by the Planning Authority.

This assessment shall be carried out by a qualified and competent person(s). Such appraisal shall include a risk assessment having regard to the requirements of The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 and shall on the basis of such risk assessment specify the means by which a wholesome and sufficient water supply shall be provided and thereafter maintained to the development. Such appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development.

Furthermore, the development itself shall not be brought into use or occupied until the required supply has been installed in accordance with the agreed specification.

REASON: To ensure that properties within the development are served by a sufficient and wholesome water supply.

12. **Archaeological Watching Brief:** Prior to commencement of development, the developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Planning Authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record, recover and report items of interest and finds. A method statement for the watching brief will be submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority prior to commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences.

REASON: To ensure that any items of archaeological interest that might be damaged or disturbed by the development are recorded and recovered as necessary for the benefit of the nation.

13. **Agreement of Materials and Specifications:** Prior to their installation, affixation or application to the development hereby approved, a further detailed specification of the undernoted proposed external finishing materials to be utilised on the building, including samples as indicated, shall be submitted to, and agreed in writing by, the Planning Authority. Thereafter the specification and materials as may be approved in accordance with this condition shall thereafter be undertaken and used respectively in the completion of the project, prior to the proposed development being brought into use.
- a) The roof materials to be used on the roof surfaces of the lodge and the boathouse: sample(s) or detailed specification to be submitted;
 - b) The timber cladding to be utilised on the walls of the lodge and the boathouse: specification (detailing the material, finish or colour/stain) to be submitted and details of methods of fixing and orientation and sizing of boards;
 - c) Exposed Steel Columns: specification, dimensions and finished appearance on any exposed structural steel columns;
 - d) Windows and doors and shutters: further specification details and materials, colours/finishes of external framing, or alternatively a sample section of the proposed window/door;
 - e) Exposed timberwork (e.g. decking, terracing, underbuilding, balustrades, fascias, bargeboards, soffits) further details of the material colour/treatment/finishes;
 - f) Metal/Glazed Balustrades – further specification details and dimensions and locations of any balustrades;
 - g) The rainwater goods: specification details and details of colour/finish to be submitted;
 - h) Roof flues: specification details, dimensions and external finish/colour to be submitted;
 - i) Energy Efficiencies and Low/Zero Carbon Technology – finalised details of the low/zero carbon technology to be utilised in the

approved development as set out in the approved plans, and subsequent confirmation and evidence of their installation/use in the completed development;

- j) The material/ and external finish for the boardwalks;
- k) Services: further specification details and finish/colour of any visible above ground structures to house services equipment;
- l) Jetties and any gates, signage etc.: Details of the materials and colours for the surface and sides of the pontoon to be submitted. Further details of the position, design and dimensions of any gate or barrier to be positioned on the pontoon; and the wording, size, colour and position of any signage to be positioned on the pontoon or within the application site.

REASON: To ensure that the external appearance of the development complements the rural character of the area, to ensure that public access rights are afforded, and to ensure the implementation of the development in accordance with the further details as may be approved in compliance with the conditions attached to this permission.

14. **Removal and Restoration Works:** No later than 3 months following the substantial completion of the development hereby approved the removal from site of any remaining part or whole of the existing buildings and structures (as detailed in the approved plan dwg. no. P-00-050 Rev A, received 21/12/21); any part or whole of the temporary construction pontoons (as detailed in the approved plan dwg. no.P-00-111 Rev A, received on 10/12/21) and the removal of construction materials and plant and restoration of the material laydown area at Camstradden Slate Quays (as detailed in the approved plan dwg. no.P-00-001 Rev B, received on 21/01/22) shall be undertaken in full, and the land restored to its pre-development condition and habitat, and monitored for a further year thereafter with any issues identified by the Planning Authority thereafter addressed to their satisfaction in writing.

REASON: To minimise the visual impact of the scheme by ensuring that the construction related infrastructure and materials are removed timeously following the completion of development and that the ground is restored as quickly as possible post-construction and monitored thereafter.

15. **Permitted Development Rights:** For the avoidance of doubt, permitted development rights under Part 1 of Schedule 1 and Class 7 of Part 2 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any subsequent amendments) shall not apply within the curtilage of the lodge development hereby approved (and as indicated as a green line on the approved plan ref: dwg. no. P-00-102 Rev B, received on 24/02/22). Any proposed works within, this aforementioned curtilage shall be subject to formal planning permission.

Reason: To ensure that the Planning Authority retains effective control over the development of extensions, ancillary buildings, hard-standing, fences that may

affect the setting, character and qualifying features of this European Site designated area.

Informatives:

1. **Notification of Initiation of Development:** Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. We recommend this is submitted 2 weeks prior to the start of work. A failure to submit the notice, included in the decision pack, would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
2. **Notification of Completion of Development:** As soon as practicable after the development is complete, the person who completes the development is required by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give written notice to the planning authority of the completion of the building works. As before, there is notice for you to complete for this purpose included in the decision pack. In larger, phased developments, a notice of completion is to be submitted as soon as practicable after each phase is finished by the person carrying out the development.
3. **Surface Water:** Disposal of surface water from the site should comply with General Binding Rules (GBRs) 10 and 11 of The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended). Details of the requirements of these GBRs can be found on SEPA's website or from SEPA's Lochgilphead Environmental Protection and Improvement Team on 01546 602876.
4. **CAR Licence:** Contact should be made with SEPA's local regulatory team regarding any proposals to undertake alterations to or works on the bank or bed of the watercourse as this may constitute an activity which requires to be authorised under The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR). Details of regulatory requirements and good practice advice can be found on SEPA's website at www.sepa.org.uk/planning.aspx. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at: Balloch Office, Carrochan, Carrochan Road, Balloch G83 8EG (tel no. 01389 727770).
5. **Protected Species in Vicinity** – Bats and breeding birds are known to be in the vicinity of the proposed development. Please be aware that they are fully protected, and it is an offence to deliberately, capture, injure or kill them or to damage, destroy or obstruct their breeding or resting places. It is also an offence to disturb them in their breeding or resting places.

Plans

Title	Reference	Date Received
Location Plan	P-00-001 Rev B	21/01/22
Existing Site Plan	P-00-050 Rev A	21/12/21
Topographic Survey	56392_T01_F	21/12/21
Proposed Site Plan	P-00-100 Rev C	24/02/22
Proposed Construction and Temporary Jetties	P-00-111 Rev A	10/12/21
Proposed Lodge GA Plan - Level 0	P-01-100 Rev A	21/12/21
Proposed Lodge GA Plan - Level 1	P-01-101 Rev A	21/12/21
Proposed Lodge GA Plan - Roof	P-01-102 Rev A	21/12/21
Proposed Lodge Jetty GA Plan	P-01-103 Rev A	21/12/21
Proposed Boathouse GA Plan - Level 0	P-01-200 Rev A	21/12/21
Proposed Boathouse GA Plan - Level 1	P-01-201 Rev C	24/02/22
Proposed Boathouse GA Plan - Roof	P-01-202 Rev A	21/12/21
Proposed Lodge Context Elevations - North and East	P-02-100	10/12/21
Proposed Lodge Context Elevations - North and West	P-02-101	10/12/21
Proposed Lodge Elevations - North and East	P-02-102 Rev A	21/12/21
	P-02-103 Rev A	21/12/21

Proposed Lodge Elevations - South and West		
Proposed Lodge Jetty Elevation	P-02-105 Rev A	21/12/21
Proposed Lodge Elevations with Closed Shutters - North and East	P-02-106 Rev A	21/12/21
Proposed Lodge Elevations with Closed Shutters - South and West	P-02-107 Rev A	21/12/21
Proposed Boathouse Context Elevations - 1 and 2	P-02-200	10/12/21
Proposed Boathouse Context Elevations - 3 and 4	P-02-201	10/12/21
Proposed Boathouse Elevations - 1 and 2	P-02-204 Rev A	21/12/21
Proposed Boathouse Elevations - 3 and 4	P-02-205 Rev A	21/12/21
Proposed Boathouse Elevation - 5	P-02-206 Rev A	21/12/21
Proposed Plantroom Elevations	P-02-300 Rev A	21/12/21
Proposed Drainage Site Plan	P-00-110 Rev C	24/02/22
Proposed Curtilage Plans	P-00-102 Rev B	24/02/22
Inchconnachan Island Management Plan	Envirocentre Nov 2021	10/12/21
Construction Environmental Management Plan	Envirocentre Dec 2021	10/12/21
Artificial Lighting Survey and Specification	Design Me Consultants Ltd. Sept 2023	24/10/23

10. Appendix 2: Planning Obligation/Section 75 Heads of Terms

Planning Obligation/Section 75 Heads of Terms

- | | |
|-------|---|
| 10.1. | <p>A recorded or registered Section 75 Legal Agreement is required to be entered into between the Park Authority and the Landowner to secure the following:</p> <ol style="list-style-type: none">1. Implementation of the Inchconnachan Island Management Plan, to be finalised and approved under planning condition no.4.2. Ensuring that Planning Permission 2018/0011/DET will not be implemented any further that the applicants/landowners will if required by the Park Authority take such steps as the Park Authority may reasonably require to achieve this including the Applicants/landowners consenting to a formal revocation of that planning permission under s65 of the Planning Act 1997 and waiving any claim for compensation under s76. |
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11. Appendix 3: Habitats Regulations Appraisal

HABITATS REGULATIONS APPRAISAL

Report to inform an Appropriate Assessment to be undertaken by the National Park Authority

in respect of Planning Application 2021/0452/DET

Formation of a lodgehouse, boathouse, formalising of path and timber raised board walk.

On the Loch Lomond Woods Special Area of Conservation (SAC)

The proposal is for a new two storey lodge as short-term holiday accommodation at the north of the island, erected on screw piled foundations; a building comprising of a boat house and shelter (as warden's accommodation), with plant rooms and stores at the north-western bay; temporary and permanent jetties; ground source and water boreholes, drainage treatment plant and associated services; and the demolition/removal of the existing structures/buildings (at the north-western bay) and natural regeneration of the site. A resurfaced path and 1.5-metre-wide raised boardwalk linking the new lodge and boathouse sites would be formed with service pipes contained underneath. The proposal is on land within the SAC and within qualifying habitat of western acidic oakwood.



Requirements of the Habitats Regulations

European Sites are **Special Areas of Conservation (SACs)** designated under the EC Habitats Directive to protect particular habitats and non-bird species and **Special Protection Areas (SPAs)** designated under the EC Birds Directive to protect wild birds.

Environmental protection for SACs and SPAs is addressed in Scotland through the *Conservation (Natural Habitats &c) Regulations 1994*, which is known as the “Habitats Regulations”.

SPAs and SACs provide a network of core breeding and resting sites for rare and threatened species and some rare natural habitats which are protected in their own right.

The Loch Lomond Woods SAC is a rare natural habitat forming part of this network that receives high level of protection from development under the Habitat Regulations. It is designated for the western acidic oak woodland.

There have been some amendments to the Habitat Regulations to address the UK’s withdrawal from the EU but these have not reduced the high level of protection given by them.

The Habitats Regulations require that:

Where an authority concludes that a development proposal is likely to have a significant effect on a European site (SPA or SAC), it must undertake an appropriate assessment of its implications for the European site in view of the site’s conservation objectives.

The need for appropriate assessment extends to projects outwith the boundary of the SAC or SPA, in order to determine their implications for the interest protected within the site.

Significance Test

Regulation 48(1) of the Habitats Regulations requires the “competent authority” (in this case the National Park Authority) to first carry out a ‘significance test’. The test for significant effects acts simply as a precautionary filter to exclude any projects which have no possible connection to the conservation interests of the SAC or SPA. This will result in the exclusion of cases where there is clearly no risk of an adverse effect.

Under Regulation 48 of the Habitats Regulations, the Loch Lomond and The Trossachs National Park Authority, as a competent authority, has a duty to:

- Determine whether or not the proposal is directly connected with or necessary to SAC/SPA management for conservation; and, if not;

- determine whether the proposal is likely to have a **significant effect** on the SAC/SPA either individually or in combination with any other plans or projects.
- If required seek information from the applicant to enable the appropriate assessment to be undertaken.
- Consult with Nature Scot and have regard to any representations they may make.
- If they consider it appropriate take the opinion of the general public.
- Make an **appropriate assessment** of the implications (of the proposal) for the SAC/SPA in view of that site's conservation objectives.
- In the light of the above subject to regulation 49 the competent authority shall agree to the development only after having ascertained that it will not adversely affect the integrity of the SPA or SAC.
- In undertaking an appropriate assessment have regard to the manner in which a development is to be undertaken and any mitigation that can be imposed.

The first bullet should only be accepted where it is part of a fully assessed, and agreed, management programme.

If the proposed development is not directly connected with or necessary to site management, the competent authority must determine whether the proposal is likely to have a significant effect on a SPA or SAC. The decision on whether an appropriate assessment is necessary should be made on a precautionary basis.

An appropriate assessment is required where there is a probability or a risk that the plan or project will have significant effects on a site. This is in line with the ruling of the European Court of Justice in Case C-127/02 (the Waddenzee Judgment) which stated: -

“any plan or project not directly connected with or necessary to the management of the site is to be subject to an appropriate assessment of its implications for the site in view of the site’s conservation objectives if it cannot be excluded, on the basis of objective information, that it will have a significant effect on that site, either individually or in combination with other plans or projects”

Appropriate Assessment

Habitats Regulation 48 (5) requires that *“in the light of the conclusions of the assessment, the authority shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site”*, in relation to its conservation objectives.

In *Sweetman and others v An Bord Pleanála* (Case C-258/11) it was stated: -

“In order to establish whether a plan or project to which article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora applies has an adverse effect on the integrity of a site, it is necessary to determine whether that plan or project will have a negative effect on the constitutive elements of the site concerned, having regard to the reasons for which the site was designated and their associated conservation objectives. An effect which is permanent or long lasting must be regarded as an adverse one. In reaching such a determination, the precautionary principle will apply.”

It is also important to note that arriving at this conclusion of no adverse effect requires being certain beyond reasonable scientific doubt.

CJEU *Waddenzee* case:

“Therefore, pursuant to Article 6(3) of the Habitats Directive, the competent national authorities, taking account of the conclusions of the appropriate assessment of the implications of mechanical cockle fishing for the site concerned, in the light of the site's conservation objectives, are to authorise such activity only if they have made certain that it will not adversely affect the integrity of that site. That is the case where no reasonable scientific doubt remains as to the absence of such effects.

Agency Role

In undertaking the Appropriate Assessment, the Habitats Regulations require the National Park Authority as competent authority to have regard to the advice received from Nature Scot. The National Park Authority can also have regard where relevant to the opinions of other bodies where these are material. However, the responsibility for undertaking the Appropriate Assessment rests with the National Park Authority as competent authority and it is not bound to follow the advice of Nature Scot. The National Park Authority must act fairly and rationally and for proper lawful purposes and provide reasons if it decides not to follow Nature Scot's advice.

Background Information on the Loch Lomond Woods Special Area of Conservation

- Name of European site: **Loch Lomond Woods Special Area of Conservation.**

Annex 1 habitats that are a primary reason for selection of the site

91A0 Old sessile oak woods with Ilex and Blechnum in British Isles

- Loch Lomond Woods is one of three sites representing **old sessile oak woods** in the most bryophyte-rich zone in the south -west Highland zone. This extensive block of western woodland in western Scotland comprises a mosaic of woodland including ash *Fraxinus excelsior*, elm *Ulmus* spp, and alder *Alnus glutinosa* woodland, which adds to the ecological variation of the site. Pendunculate oak *Quercus robur*, rather than sessile oak *Quercus petraea*, is locally abundant, and the oak stands integrate in places with ash-elm stands, and with alder at flush sites by the loch. The stands on the islands include areas that have been less subject to grazing than many other examples of this type of woodland.

Site Type: Special Area of Conservation (SAC) Annex 1 habitat

Qualifying features

Qualifying feature	SCM assessed condition	SCM visit date	UK overall Conservation Status
Western acidic oak woodland	Unfavourable Declining	27 June 2002	Unfavourable-Bad
Otter (<i>Lutra lutra</i>)	Favourable Maintained	25 August 2012	Favourable

Notes:

Assessed condition refers to the condition of the SAC feature assessed at a site level as part of NatureScot's [Site Condition Monitoring \(SCM\)](#) programme.

Conservation status is the overall condition of the feature throughout its range within the UK as reported to the European Commission under Article 17 of the Habitats Directive in 2019.

The Site Condition for **western acidic oak woodland** is in unfavourable declining condition with negative pressures listed as forestry operations, invasive species and over grazing. This proposal does not involve any of the above so does not directly affect site condition.

Otters are in favourable maintained condition. Although there is no evidence of otters on the island a construction environment management plan will be produced and approved by the National Park Authority to ensure no net loss of otters and no

net loss of habitat. Negative pressures are listed as climate change, development and recreation/disturbance.

Nature Scot has recently produced documents to help protect and manage European sites. Conservation Advice Packages have been produced for all terrestrial SAC's and these revise and update the conservation objectives. Below are the specific Conservation objectives for the Loch Lomond Woods SAC from the Nature Scot conservation advice package.

The overall aim for each European site is to make an appropriate contribution to achieving Favourable Conservation Status (FCS) across the UK for each of the relevant features. However, the conservation objectives do not set obligatory requirements for the day to day management of these sites by land managers. Nor do they provide obligations on land managers or developers to carry out restoration work alongside other proposed activities. They set out Nature Scot's overall aims on how sites and features should be managed and this appropriate assessment will have to consider whether any plan or project would undermine the elements described in the objectives.

Conservation Objectives [Source - nature Scot Conservation Advice Package](#)

Conservation Objectives for western acidic oak woodland (also known as old sessile oak woods with *illex* and *Blechnum* in the British Isles (91A0)

1. To ensure that the qualifying features of Loch Lomond Woods SAC are in favourable condition and make an appropriate contribution to achieving favourable conservation status

Favourable Conservation Status (FCS) is considered at a European biogeographical level. When determining whether management measures may be required to ensure the conservation objectives for the site are achieved, the focus should be on maintaining or restoring the contribution that this site makes to FCS.

When carrying out appraisals of plans or projects against these conservation objectives, it is not necessary to understand the status of the feature in other SAC's in this biogeographical region. The purpose of the appraisal should be to understand whether the integrity of the site (see objective 2) would be maintained. If this is the case, then its contribution to FCS across the Atlantic Biogeographical Region will continue to be met. Further details on how these appraisals should be carried out in relation to maintaining site integrity is provided by objective 2 (including parts a,b and c). If broader information on the feature is available, then it should be used to provide context to the site-based appraisal.

Note that "appropriate" within this part of the conservation objectives is included to indicate that the contribution to FCS varies from site to site and feature to feature.

2. To ensure that the integrity of Loch Lomond Woods SAC is restored by meeting objectives 2a, 2b and 2c for each qualifying feature

The aim at this SAC is to restore the Western acidic oak woods habitat to a favourable condition as a contribution to its wider conservation status. Therefore any impacts on the objectives shown as 2a, 2b and 2c below **must not persist** so that they prevent the achievement of this overall aim. When carrying out appraisals of plans or projects the focus should be on restoring site integrity, specifically by meeting the objectives outlined in 2a, 2b and 2c. If these are met then site integrity will be restored. Note that not all of these shown will be relevant for every activity being considered. Any impacts on the objectives shown on 2a, 2b and 2c below must not persist so that they prevent the restoration of site integrity. Temporary impacts on these objectives resulting from plans or projects can only be permitted where they do not prevent the ability of a feature to recover and there is certainty that the features will be able to quickly recover.

This objective recognises that the qualifying habitat is exposed to a wide range of drivers of change. Some of these are natural and are not a direct result of human influences. Such changes in the habitat's extent, distribution or condition within the site which are brought about by natural processes, directly or indirectly, are not normally considered compatible with the site's conservation objectives. An assessment of whether a change is natural or anthropogenic, or a combination of both, will need to be looked at on a case by case basis.

2a Maintain the extent and distribution of the habitat within the site

The extent of the western acidic oak feature, taken from the Standard Data Form, has been estimated at 1440.2ha. This should be maintained or allowed to increase through natural regeneration; there should be no measurable net reduction in the extent of the habitat and its distribution throughout the site.

Opportunities exist for significant increase in extent of the western acidic oak woodland through clearance of non-native conifer plantation both within and surrounding the SAC.

The woodland is made up of a mosaic of woodland habitat types including wet woodland and upland ash woodland, scrub and open spaces. These other supporting habitats should be maintained and allowed to extend into areas that are planted with non-native conifers.

Further increases in extent could be made by reduction in the ground dominated by rhododendron, Japanese knotweed and other invasive non-natives.

To avoid any permanent reduction in extent or distribution of habitats no further agricultural reclamation, non-native forestry planting, or dumping of waste should take place.

This conservation objective is considered to be met if the conditions to ensure the habitat's long term existence are in place.

2b Restore the structure, function and supporting processes of the habitat.

This habitat type comprises a range of woodland types dominated by mixtures of oak. It is found in areas of base-poor soils with at least moderately high rainfall, and is characterised by tree cover that:

- Has thick forest structure including young, mature, dying and dead trees in dense thickets and open glades with a range of shade cast on the woodland floor. Some western oceanic locations may be of smaller and scrub-dimensions.
- Is dominated by variable proportions of species with the characteristics (shade, leaf decay, structure, bark pH and obligate/associated dependant species) of oak and birch, with holly and some places hazel as a lower shrub. The high forest types include long lived trees growing to large dimensions with a variety of niches including furrowed bark, rot-holes, large slow-decaying snags and deadwood.

At Loch Lomond Woods this characteristic woodland structure has been affected in many locations by decades of over grazing so that there are few seedlings or saplings leaving an aged woodland dominated by mature and dying trees. This in turn affects the ability of the woodland to support other species.

The field layer is generally species-poor, characterised by ericoid shrubs, bracken and grasses. In the more oceanic and wetter parts of the range as we have here, the diversity of ferns and particularly lichens and bryophytes dominates the species interest. In most locations within Loch Lomond Woods the shrub layer has been grazed out or is suppressed from the impact of 3 deer species, goats and livestock. Several of the fern species are also severely grazed.

The appropriate structure of this habitat can be achieved by ensuring an abundance of key tree and shrub species, and absence of invasive species such as rhododendron, non-native conifers and appropriate low grazing levels that allow trees, shrubs and ground flora to develop naturally to allow flowering and seed set for regeneration.

2c Restore the distribution and viability of typical species of the habitat.

The habitat corresponds broadly to the western oakwoods described in previous accounts of UK woodlands, particularly NVC types:

- W10e *Quercus robur* - *Pteridium aquilinum* - *Rubus fruticosus* woodland, *Acer pseudoplatanus* – *Oxalis acetosella* sub-community
- W11 *Quercus petraea* - *Betula pubescens* - *Oxalis acetosella* woodland
- W16b *Quercus* spp - *Betula* spp- *Deschampsia flexuosa* woodland, *Vaccinium myrtillus* – *Dryopteris dilatata* sub- community
- W17 *Quercus petraea* – *Betula pubescens* – *Dicranum majus* woodland

The key tree species found in this habitat are oak (*Quercus robur* and/or *Q. petraea*) and birch (*Betula pendula* and or *B. pubescens*) There is significant variation between stands of the habitat in domination by either oak or birch. Inchconnachan and Inchlonaig are dominated by birch rather than oak. Parts of

Rowardennan and Craig Royston are mosaic with wet and ash woodland and Pollochro is a mosaic of wet woodland and oak birch woodland. Holly and hazel are also important components of the habitat. At Rowardennan there are large areas of pure stands of hazel.

The ground flora is variable by key species many include dominant grasses such as *Agrostis capillaris/canina* bent grass, *Anthoxanthum odoratum* sweet vernal grass in less acidic soils and *Deschampsia flexuosa* wavy hair grass in more acidic soils. There is also a diverse fern assemblage including several buckler ferns, *Blechnum spicant* hard fern and the oceanic Wilson's filmy fern *Hymenophyllum wilsonii*. Key bryophyte species include hypnoid mosses such as *Dicranium majus*, *Pleurozium schreberi*, *Rhytidiadelphus loreus* and *Polytrichum formosum*. The scrub layer may be absent or often dominated by ericoid shrubs such as *Callunba vulgaris* heather and *Vaccinium myrtillus* blaeberry along with *Rubus fruticosus*, *Oxalis acetosella*, *Potentilla erecta* and *Galium saxatile*.

Natural regeneration of the typical species of the habitat is being prevented in many part so the SAC by the presence of non-native species. Rhododendron competition is particularly damaging north and south of Inversnaid and is also on some fo the islands and parts of Rowardennan. Non-native conifers from old forestry plantations are also reseeding throughout the woodlands especially on Inchtavannach, Rowardennan and Craig Royston. Removal of these non-native species is needed to ensure that the distribution of the typical oak wood species throughout the SAC is not compromised.

There are large number of moths in this area and they often feed on the oak leaves. The caterpillars are important food for several bird species in this area including redstart, pied flycatcher and wood warbler. The oak also supports populations of red squirrel and this in turn supports populations of pine marten.

Conservation Objectives for Otter [S1355]

1. To ensure that the qualifying features of Loch Lomond Woods SAC are in favourable condition and make an appropriate contribution to achieving favourable conservation status

Favourable Conservation Status (FCS) is considered at a European biogeographic level. When determining whether management measures may be required to ensure that the conservation objectives for this site are achieved, the focus should be on maintaining or restoring the contribution that this site makes to FCS. When carrying out appraisals of plans and projects against these conservation objectives, it is not necessary to understand the status of the feature in other SACs in this biogeographic region. The purpose of the appraisal should be to understand whether the integrity of the site (see objective 2) would be maintained. If this is the

case then its contribution to FCS across the Atlantic Biogeographic Region will continue to be met. Further details on how these appraisals should be carried out in relation to maintaining site integrity is provided by objective 2 (including parts a, b and c). If broader information on the feature is available then it should be used to provide context to the site-based appraisal. Note that “appropriate” within this part of the conservation objectives is included to indicate that the contribution to FCS varies from site to site and feature to feature.

2. To ensure that the integrity of Loch Lomond Woods SAC is restored by meeting objectives 2a, 2b and 2c for each qualifying feature

The aim at this SAC is to maintain otters in a favourable condition as a contribution to its wider conservation status. Therefore, any impacts on the objectives shown in 2a, 2b, or 2c below must not persist so that they prevent the achievement of this overall aim. When carrying out appraisals of plans or projects the focus should be on restoring site integrity, specifically by meeting the objectives outlined in 2a, 2b and 2c. If these are met then site integrity will continue to be restored. Note that not all of these will be relevant for every activity being considered. Any impacts on the objectives shown in 2a, 2b or 2c below must not persist so that they prevent the restoration of site integrity. Temporary impacts on these objectives resulting from plans or projects can only be permitted where they do not prevent the ability of a feature to recover and there is certainty that the features will be able to quickly recover. This objective recognises that the qualifying species are exposed to a wide range of drivers of change. Some of these are natural (e.g. population fluctuations/ shifts or habitat changes resulting from natural processes) and are not a direct result of human influences. Such changes in the qualifying species' distribution and use of the site, which are brought about by natural processes, directly or indirectly, are normally considered compatible with the site's conservation objectives. An assessment of whether a change is natural or anthropogenic, or a combination of both, will need to be looked at on a case-by-case basis.

2a. Maintain the population of the species as a viable component of the site

An estimate of the number of otters occupying the site is not available and therefore there is no numerical baseline that can be given for the site. When considering the impacts of a plan or project this conservation objective is considered to be met if the conditions for the species' long-term existence are in place. This includes: - avoiding effects that could lead to a permanent reduction in the otter population through mortality, injury, or impacts caused by disturbance or displacement. This includes for example the effects caused by development, river engineering, water pollution, roads without adequate crossing provision for otters or suitable culverts, or entanglement in fishing gear. - maintaining the species' ability to use all areas of importance within the site (to be considered under conservation objective 2b) - maintaining access to, and availability of, undisturbed resting places - maintaining access to, and availability of, supporting habitats and prey (to be considered under conservation objective 2c). Otters are wide-ranging and highly mobile. The population at Loch Lomond Woods SAC is reliant on suitable habitat in the surrounding wider countryside and is unlikely be viable (capable of functioning) in isolation. The home range of an otter will vary depending on their sex, habitat quality and food availability. It will also vary

between freshwater and coastal environments. Males living in rivers and streams can have a mean linear range size of 48km and females living in the same habitat can have a mean linear range of 21km. Males have been known to range as far as 80km. When assessing the effects of any plan or project consideration should be given to whether impacts outwith the SAC could affect achievement of this conservation objective. Otters are a European protected species (EPS) and it is an offence to deliberately or recklessly capture, injure, kill, harass or disturb them in certain circumstances, or to damage or destroy their breeding or resting places anywhere in Scotland unless a licence has been issued to do so. A licence can only be issued for particular purposes which the law allows. Further, there must be no satisfactory alternative and no detrimental impact on the contribution to the maintenance of otter at a favourable conservation status for a licence to be issued. This assessment considers impacts on the otter population at a local and regional level. The licensing requirement is in addition to considering whether a plan or project will result in any impacts (including incidental impacts) to the otter population within the SAC.

2b. Maintain the distribution of the species throughout the site

Distribution of otters within the site can be affected by disturbance originating both within and outwith the site. Plans and projects that cause displacement and barrier effects to the species can also affect species distribution. Examples include use of night-time floodlighting of watercourses, road and bridge construction works and general disturbance from human activity (and dogs) by watercourses especially at dusk/night-time.

2c. Maintain the habitats supporting the species within the site and availability of food

Otters require suitable habitat for foraging, breeding and resting. In freshwater environments abundant boulders, crevices and/or peat, or other cavity-forming features such as tree root systems are needed to provide secure holt sites. Dense scrub is also valuable for providing lie-ups and couches. Suitable areas supporting a healthy fish population within a nearby watercourse or still water body are required within each otters home range, to enable foraging for key prey species such as salmonids and eels. Access to ponds, ditches, reedbeds and wetlands where amphibians may breed is also important. Changes to water flow and water quality can adversely affect otter habitat and prey on which they depend. Otters' food supply is normally associated with good water quality and therefore the water quality standards set out under the Water Framework Directive (2000/60/EC) should be met. Several streams run though the site, however these are below the size threshold for SEPA's freshwater classification system and so separate water quality monitoring is needed.

Description of proposal

The proposal is for a new two storey lodge as short-term holiday accommodation at the north of the island, erected on screw piled foundations; a building comprising of a boat house and shelter (as warden's accommodation), with plant rooms and stores at the north-western bay; temporary and permanent jetties; ground source and water boreholes, drainage treatment plant and associated services; and the demolition/removal of the existing structures/buildings (at the north-western bay) and natural regeneration of the site. A resurfaced path and 1.5-metre-wide raised boardwalk linking the new lodge and boathouse sites would be formed with service pipes contained underneath.

Two temporary jetties will be installed for construction of the new lodge and boathouse. The boathouse would be constructed partially on the footprint of the existing boat shelter.

It has been calculated that 4 trees (a rowan, 2 silver birch, and a European larch) with 31 small pioneer species i.e. silver birch would be removed for development.

The utilities and drainage system for the lodge would require a water borehole which would be to the rear of the proposed store/plant room, with water treatment/filtration contained within the plant room. Distribution of the water would be under pressure within pipes located under the path and boardwalk.

After construction the temporary jetties would be removed with the area reinstated as detailed within the Construction Environment Management Plan.

Location and recreational use of Inchconnachan

Inchconnachan is heavily used for boating, camping on the shores and related recreational activities. It is covered by the Loch Lomond Byelaws but is not subject to the Camping Management Byelaws that apply to much of the mainland shores of the loch.

Inchconnachan is close to Luss and other parts of the west shore of Loch Lomond that are very popular with visitors. It sits in the middle of the part of Loch Lomond that is most heavily used for recreational boating and is regular visited by recreational visitors. Boats are frequently moored close to or beached on the shores of the island. There are numerous shoreline campsites that see use in all seasons. These camping areas exhibit high levels of trampling and fire lighting as well as problems with litter and vandalism. The island is criss-crossed by a network of long-established desire line paths. Visitors regularly bring pet dogs to the island. Data has been collected over many years on recreational activities relation to the islands

and Inchconnachan. The following summaries give an indication of the levels of recreational activity there.

An average of 88 to 90 craft per day used the loch during the summer months in surveys conducted in 1989 and 2009, with significantly higher numbers at weekends and at the southern parts of the loch including round the Luss Islands including Inchonnachan. A mean monthly density of 42.2 (\pm 4.96 SE) craft per km² was recorded in May 2009 in the area encompassing Inchconnachan, representing the highest density of craft recorded during the 2009 survey (Dodd & Adams, 2009). Boating numbers on the Loch have not changed significantly since then, as measured by indicators such as boat launches recorded at the Duncan Mills slipway and numbers of powered craft registered under the Loch Lomond Byelaws.

Surveys by the National Park Authority Ranger Service and consultants identified 9 commonly used informal camping & boat stopping areas on Inchconnachan. In the period April to September 2011, 24 ranger patrols were undertaken of the two most popular informal camping areas on Inchconnachan. On these two locations alone the following data on visitor usage were recorded, which are quite typical of the levels of visitor usage noted over many years.

- 115 people
- 17 tents
- 6 campfires
- 8 dogs not under control
- 1 dog under control

A detailed literature review undertaken in 2010 for the habitats and species round Loch Lomond found that sensitivities to the various recreational activities vary substantially between habitats and species. It showed that capercaillie, waterfowl, Greenland white-fronted geese and nesting waders are the most sensitive species, whilst otter, osprey, aquatic macrophytes and Atlantic oakwoods are less sensitive to recreational activities.

Since 2010, capercaillie have become extinct in this part of Scotland as part of their wider decline.

References:

Jennifer A Dodd & Colin E Adams, 2009. "21 years of Craft Activity on Loch Lomond (1989 to 2009)". A Commissioned Report for The Loch Lomond & the Trossachs National Park Authority.

Morris, York, Johnson, Marshall, Cummins and Beale. 2010. "Monitoring the impacts of recreational activities on the designated wildlife sites in and around Loch Lomond".

Keating, 2011. "End of Season Report. Scottish Natural Heritage / National Park Authority. Loch Lomond Island Visitor Management Project"

Significance Test for Planning Application 2021/0452/DET Qualifying Features of the SAC

- 1.4. The Qualifying Interest of the Loch Lomond Woods Special Area of Conservation (SAC) is Western acidic oak woodland and Otter.
- 1.5. The Conservation Objectives are detailed in the background information above.

Significance Test

Oak Woodland

The proposal will result in a permanent loss of habitat of approx. 0.09 ha and possible physical disturbance to an additional 0.05 ha of SAC qualifying habitat. This equates to 0.14 ha which is **0.009%** of the Loch Lomond Woods SAC. This is calculated from the footprint of the proposed new lodge development, boathouse (which although partially on the existing development footprint of the boat shelter would involve additional loss of ground flora), utilities, footpath and boardwalk.

As a precautionary approach a buffer of 0.5m around the lodge and boat shelter, either side of the boardwalk and path as well as possible maintenance areas at the borehole, soakaway and foul drainage areas have been considered as areas that could suffer from physical disturbance. This is included within the calculation of loss of 0.14ha of the total SAC. There could also be indirect effects that could increase this loss due to construction impacts and then the possibility of additional visitors on the island impacting on the qualifying feature. Construction areas will be restored so are temporary effects only.

Otters

No evidence of otters was found on Inchconnachan. However, there is suitable habitat for otters and due to their transitory nature there could be indirect and direct effects that would affect otters and their habitat so the **proposal is likely to have a significant effect on the qualifying interest, otters.**

As a consequence, the proposal **is likely to have a significant effect** on the qualifying interests of the SAC, western acidic oak woodland and also otter. An appropriate assessment is therefore required.

Appropriate Assessment

Elements of project likely to give rise to significant effects on the site assessed against the Conservation Objectives which Nature Scot has recently produced to help protect and manage sites. The overall aim for each European site is to make an appropriate contribution to achieving Favourable Conservation Status but the conservation objectives do not set obligatory requirements for the day-to-day management of these sites by land managers. Nor do they provide obligations on land managers or developers to carry out restoration work alongside other proposed activities.

1. To ensure that the qualifying features of Loch Lomond Woods SAC are in favourable condition and make an appropriate contribution to achieving favourable conservation status.

The purpose of the appraisal is to understand whether or not the integrity of the site (objective 2) would be maintained. Loch Lomond Woods is one of three sites representing old sessile oak woods in the most bryophyte rich zone in the south-west Highland zone.

The woodland is presently in unfavourable condition due to over grazing by herbivores and invasive non-natives such as rhododendron.

The conservation objectives do not set obligatory requirements for the day-to-day management of these sites by land managers. Nor do they provide obligations on land managers or developers to carry out restoration work alongside other proposed activities. They do however set out Nature Scot's overall aims on how sites and features should be managed. To compliment the conservation objectives, An island management plan has been produced by the applicant. However, to avoid confusion with mitigation and what could be considered as compensation, there will be no reference to the proposed Island Management Plan within the HRA and resultant AA.

2. To ensure that the integrity of Loch Lomond Woods SAC is restored by meeting objectives 2a,2b 2c for each qualifying feature.

2a. Maintain the extent and distribution of the habitat within the site

2b. Restore the structure, function and supporting processes of the habitat

2c. Restore the distribution and viability of typical species of the habitat.

The aim is to restore the Western acidic oak woods habitat to a favourable condition. Therefore, any impacts on the objectives shown in 2a, 2b and 2c listed above must not persist so that they prevent the achievement of this overall aim. Conservation objective 2a is considered to be met if the conditions to ensure the habitat's long-term existence are in place.

It should be reiterated that conservation objectives set out Nature Scot's overall aims for the site but do not set out obligatory requirements on land managers and developers to carry out restoration work alongside other proposed activities.

The NPA consider that this conservation objective is considered to have been met as the habitat's long term existence will be retained.

Appropriate Assessment in Relation to Objective 2a, 2b and 2c.

2a. Maintain the extent and distribution of the habitat within the site.

The habitat loss is calculated to be **0.009 %** of the total SAC (1,440.20 ha) and has been calculated by adding the physical development footprint of the lodge, boathouse, decked areas, and paths.

.As a worst case scenario *the possible* disturbance included taking account of the possibility of disturbance that may arise due to disturbance *around* the lodge and boat shelter (as a result of the development proposals), maintenance at drainage areas eg soakaway, foul drainage system & boreholes and a buffer of 0.5m either side of the boardwalk and path to account for visitors disturbance. The new boardwalk and track would be restricted to 1.5 metres as the width of the path surface, though this would entail a wider footprint to accommodate foundations and drainage. This amounts to an **additional 0.05 hectares**

CALCULATION

The development footprint detail comprises of:

- Lodge = 273sqm
- Boathouse = 8sqm (proposed footprint of 98sqm minus the 90sqm element that lies within the existing boat shelter footprint)
- Decked areas = 387sqm

Paths/Drainage = 196sqm Actual development footprint totals **0.09 hectares**) of the total SAC.

Additional *possible habitat loss* totals **0.05** hectares

So total worst case scenario of habitat loss is 0.14 hectares. **This is 0.009% habitat loss of the SAC.**

However, as the existing lodge and existing structures are to be demolished and debris cleared there will be an area of 0.03 hectares left to recolonise with flora and therefore increase the extent and distribution of the habitat within the site and

reducing the physical loss of habitat to development. Taking this into account there will be a gain therefore of 304sqm (0.03 hectares) of habitat. However, this has not been included in the final habitat loss figure.

The non-implementation of the 2018/0011/DET permission would be agreed and secured through the terms of a Planning Obligation (section 75 agreement), if the 2021 planning application was approved. This would ensure that this area can be recolonised with flora, as part of the proposal, and therefore increase the extent and distribution of the habitat within the site and reducing the net physical loss of habitat to development. The above considerations form part of the background discussion for the proposal

The elements of disturbance to the extent of habitat and distribution of habitat within the site could include: -

- Permanent shading under the boardwalks and permanent loss of habitat from the proposed lodge development, boathouse and ancillary buildings could result in loss of mosaic of woodland habitat types, scrub and open spaces.
- Temporary impact on the Western acidic oak woodland flora from the construction works resulting in permanent loss of habitat from development.
- Damage to tree roots occurring as a result of construction processes resulting in compaction of soil repressing vegetation growth;
- Ongoing maintenance activities including vegetation management in and around the lodge, paths, boat house and surrounding areas resulting in further disturbance to woodland vegetation and mosaic of habitat types.
- Lodge and Boathouse foul and surface water drainage areas resulting in loss of regenerating vegetation areas.
- Accidental damage from visitors to the island straying from the constructed path which could result in new localised trampling of ground flora and impacts on trees and roots.

Mitigation for the elements of possible disturbance to extent and habitat distribution.

There will be a loss of habitat under the proposed boardwalk, lodge and boathouse with ancillary buildings. The exact amount of habitat loss underneath the boardwalk is difficult to calculate as the boardwalk will follow desire lines on the island where habitat is already impacted by footfall from visitors. During construction there will be use of ground guards and trackway to protect vegetation

and construction paths will follow existing desire lines between the two construction zones for the proposed lodge and replacement boathouse.

Construction areas will be clearly marked out to prevent accidental trampling during construction.

A temporary construction compound at Slate Quays at Camstradden south of Luss will be used for materials and equipment reducing construction areas required on the island.

As there could be poaching at the site of the old boathouse, which is an area of localised water accumulation due to low ground levels, ground guards, matting and trackway will be used.

No impermeable surfaces are proposed for the buildings and they would be raised on piling.

A draft Construction Management Plan (CEMP) has been submitted with the planning proposal, which includes: -

- Employing an Environment Manager and an Environment and Ecological Clerk of Works. Their role would include ensuring construction zones are marked off to restrict movement by construction workers outwith construction areas to prevent damage to habitats.
- The employed staff would also carry out site induction, training and toolbox talks with all construction staff to ensure compliance with the measures in the CEMP. This is to raise awareness of habitats and species that should be protected.
- A turve management plan to maximise reinstatement of vegetation and work practices in place to prevent vegetation stripping and ground preparation works during high rain fall or when soil waterlogged. There will also be a daily log of checks on silt traps. This is to prevent damage to the wet woodland habitat.

A **tree protection plan** has been included in the CEMP which would adhere to BS standards. Zoning off areas for protection would limit soil compaction and there would be fixed vertical barriers in place to prevent accidental disturbance of sensitive areas.

Long term the boardwalk should encourage visitors to stay on a path and should reduce footfall across woodland flora. The detailed NVC and species surveys have not identified any species of rarity that would be fragmented by the addition of a boardwalk in the north-west corner of Inchconnachan.ie habitat loss.

Maintaining the extent and distribution of the habitat will therefore be met by strict adherence to the CEMP which includes regular monitoring and reporting by staff to

protect habitats and species. A planning condition will apply that the finalised CEMP is agreed by the NPA. After construction, visitors will be encouraged to use the boardwalk by a warden who will liaise directly with visitors.

In summary

If the planning application was approved, a Construction Environment Management Plan would be secured by planning conditions by the National Park Authority and would include:

- Site induction and training to ensure awareness of the sensitivity of the site is known.
- Recording of unforeseen incidents that could result in damage within the SAC to ensure any incidents are dealt with appropriately and promptly.
- Silt management including daily visual checks to avoid run off on and around the proposed development site.
- Toolbox talks to contractors to raise awareness of the sensitivity of the site.
- Employment of an Environmental Clerk of Works.
- Construction zones created on site to minimise any damage to habitat and there would be no waste burnt on site.

A bespoke tree protection plan would be produced for the site. There will also be a warden employed to liaise with visitors to the island.

This conservation objective will be met as there will be planning conditions in place to ensure the habitats long term existence continues.

2b Restore the structure, function and supporting processes of the habitat.

The habitat is already unfavourable declining, due to high herbivore impacts (the main negative pressure) and invasive rhododendron. In particular, the site requires the restoration of the shrub layer and age structure of the woodland, through reduction on herbivore impacts and increased regeneration of woody species.

As a result of removal of habitat for development there will be a removal of rhododendron along the route of the proposed boardwalk and the structure of the existing woodland will be retained by ensuring only 4 trees are removed and there will be a maximum of 0.009% loss of habitat within the SAC. Removal of rhododendron and herbivore control is not under the control of the planning application. However it is noted that there will be a reduction of rhododendron and other non-natives as a result of development within the development footprint.

This conservation objective will be met by ensuring an abundance of key trees and shrub species are retained and within the development footprint rhododendron and non-native trees will be removed.

2c restore the distribution and viability of typical species of the habitat.

To accommodate the current proposal 4 individually surveyed trees (1 rowan, 2 silver birch, and a European larch) will be removed and 31 small broadleaf trees (mainly birch) which have colonised open ground following historic coppicing /removal of sessile oak, will also be removed.

The design has sought to prioritise the retention of all sessile oak by micro-siting the development proposals including the boardwalk. As identified in objective 2c the key tree species found in this habitat are oak and birch. Inchconnachan is dominated by birch¹ rather than oak because of previous coppicing and removal. Birch is an important pioneer species and should recolonise the area where the old lodge remains are. There should be no net loss of birch.

A single NVC community is associated with the homogenous woodland in the northwest of Inchconnachan, W17b oak, birch *Dicranium majus* (moss) woodland. There will be a small loss of habitat at this location as a result of the proposed development.

Ground Flora.

An extensive survey of the habitats across the NW of Inchconnachan has resulted in the proposed location for development. Turf management will be undertaken for construction areas and this will allow reinstatement of grasses and other ground flora present within the soil base.

Chickweed evergreen and honeysuckle were the only distinctive woodland herbs identified during survey and both were rare in this locale. Populations of these will be therefore largely unaffected as a result of the development.

The **bryophyte and lichen** survey undertaken by Botanaeco and Envirocentre did not identify any protected or notable species or species assemblages. The existing buildings have *Schistidium apocarpum* in abundance, *Barbula unguiculata*, *Pogonatum aloides* frequently and small areas of species such as *Tortula muralis*, *Grimmia pulvinata*, and *Fissidens adianthoides*. These are common bryophytes commonly associated with built structures and stone. On the ground only *Thuidium tamariscinum* is abundant and this is common throughout the island. The proposed development will therefore not impact upon woodland bryophytes.

At the proposed new lodge location mosses such as *Pleurozium schreberi*, *Rhytidiadelphus loreus* and *Thuidium tamariscinum* are present but these are not particularly rare and are abundant throughout the island. The population of these species should not be impacted upon.

The proposed development is considered to have a negligible impact on the bryophyte and lichen populations and the wider oak woodland ecosystem. Lichens

¹ Noted within Conservation Objectives and Enviroscope Ecology report to support application.

are very limited in their cover and number by the lack of suitable habitat on the island.

Within the old existing lodge and boathouse area, campfires and firewood cutting is prevalent. There is very little ground flora cover in this area as it is impoverished, not supporting a natural ground cover, likely because of shade and trampling. This area will be allowed to recolonise and removal of the old buildings as part of this development proposal will assist with this.

The area to be covered by the boardwalk is predominantly vegetated by bilberry, forming shrub cover. There will be some loss of bilberry under the board walk due to shading but the narrow width of the board walk, the retention of soil beneath it and the scope for passage of animals, dispersal of pollen and seeds both above and below the board walk means there should be little fragmentation of habitat as a result of this structure. There is also an existing desire line for much of the route of the boardwalk resulting in compressed vegetation and reduced habitat for other species.

Lighting could affect the mobile species, birds, bats and invertebrates. Notably lepidoptera.

Bats – a further survey was carried out and this concluded that the main priority area was the shoreline and woodland edge with tree and shrub diversity. Avoidance of artificial light to minimise disruption of commuting routes for bats will be achieved by a Light Management Plan. Trees identified with cavities that could potentially host transitory bats will have a 20m buffer zone from generators, percussive instruments etc and an ecologist shall check these trees to confirm before works start that there are no roosting bats.

Moths – species identified by survey revealed birch and blaeberry to be important foodplants. Both foodplants are abundant on the island so there should be no net loss of this species.

Birds – A total of 20 species was recorded including tree creeper, goldcrest, dunnock, jay, woodcock and wren. (An osprey is also known to be nesting on the island outwith the development area and a Species Management Plan will be approved by the National Park Authority to ensure protection of the ospreys). Although migratory in nature, mitigation to protect birds will be put in place and includes:-

- Timing all works outwith the bird breeding season April – August inclusive;
- Lighting to be directed away from woodland habitat;
- Employment of an ECoW to check for nesting birds and
- No mature trees removed that could be used by nesting birds.

All species identified by additional survey work were deemed to be foraging within woodland habitat so again there should be no net loss of the bird species identified on site.

A full lighting assessment was carried out by a member of the Institute of Engineering and Light Technology. A Light Management Plan has been produced adhering to Guidance from the Bat Conservation Trust. There will be no lighting on the boathouse and jetty, and the boardwalk will also not be lit. DiaLux EVO software was used to calculate the lighting assessment and as a result a detailed Light Management Plan has been produced to ensure zero light spillage from the proposed Lodge.

In view of the known and recorded use of the island at present by visitors it is not anticipated that there will be additional footfall on the boardwalk as a result of the proposal.

The distribution and viability of species will not be adversely affected by the Proposal so this conservation objective will be met.

Conservation Objectives for Otter.

- 1. To ensure that the qualifying features of Loch Lomond Woods SAC are in favourable condition and make an appropriate contribution to achieving favourable 2a conservation status.**

This qualifying feature is in favourable maintained condition. No evidence of otters was found during surveys of the island. However, an otter protection plan will be submitted prior to any construction works starting on site and there will be an otter survey carried out as a precautionary measure due to suitable habitat for lying up areas being on the island. Otters can be very transitory in behaviour. Otters are known to be vulnerable to the effects of night-time lighting on water deterring them from hunting in illuminated areas. However this species is known to be robust and resilient and they will habituate urban areas. The Light Management Plan will however ensure that water surfaces are not directly illuminated to avoid disturbance during development works and its subsequent operation. Worth noting that no evidence of otters was found during several surveys but as a precautionary measure the habitat will be safe guarded for otters.

- 2. To ensure that the integrity of Loch Lomond Woods SAC is restored by meeting objectives 2a, 2b and 2c for each qualifying feature.**

The aim at this SAC is to maintain otters in a favourable condition as a contribution to its wider conservation status. Therefore any impacts on the objectives shown in 2a, 2b and 2c below must not persist so that they can prevent the achievement of this overall aim. Important to note that even temporary impacts can only be permitted where they do not prevent the ability of a feature to recover and there is certainty that the features will be able to recover quickly. No lying up areas or holts were found during surveys of the island ecology. There was also no evidence of otter use, such as spraints.

A Construction Environment Management Plan will include toolbox talks for construction staff. There will also be an Otter Protection Plan. Light spillage will not occur at the loch edge (as detailed within the Light Management Plan)

The integrity of the SAC will be restored by meeting the objectives below.

2a Maintain the population of the species as a viable component of the site.

There were no otters recorded on the island. However, avoidance of any effects that could lead to a permanent reduction in the otter population through mortality, injury, or impacts caused by disturbance or displacement will be addressed by a species protection plan which will be within the Construction Method Statement. This includes water pollution, injury from equipment on site and also accidental injury from entering pipes and deep trenches . Although no otters were recorded on site, due to their transitory nature, the Species Protection Plan will take the precautionary approach that otters could, at some point, be on the island. Habitats suitable for otters such as the shoreline, will have an ECoW monitoring these areas during construction and any disturbance to suitable habitat will be reinstated. As stated above there will be no light directed on the loch edge during construction or as a result of the proposed development.

The population of the species will therefore be maintained as a viable component of the site.

2b Maintain the distribution of the species throughout the site.

Inchconnachan is heavily used for boating, camping on the shores and recreational activities. It is covered by the Loch Lomond Byelaws but it is not subject to the Camping Management By-laws that apply to much of the mainland shores of the loch. During construction and after development the Light Management Plan will ensure that there is no night -time lighting on the loch and loch edge and a lighting plan to comply with good practice guidance from the Institute of Lighting Professionals will be adhered to.

The distribution of the species throughout the site will therefore be maintained.

2c Maintain the habitats supporting the species within the site and availability of food.

As mentioned above habitat loss will be a maximum of 0.14 hectares in total. Boulders, crevices or tree root systems suitable for otter will be protected within the Species Protection Plan and the Light Management Plan will prevent light spill on the loch and also the habitat at the woodland edge suitable for otters. This will include monitoring the island for any otter activity and will include pollution prevention measures during construction.

The habitat will therefore be maintained.

In combination effects.

1. **Planning permission ref: 2018/0011/DET.**

There is an extant planning permission for a lodge house and replacement boat house on the existing development footprint. To date, no development has taken place to implement the 2018/0011/DET planning permission. The planning application 2021/0452/DET, if approved, would replace this extant planning permission. The non-implementation of the 2018/0011/DET planning permission would be agreed and secured through the terms of a Planning Obligation (section 75 agreement), if the 2021 planning application was approved.

There are no other consented planning proposals or projects near to this proposed application.

Other proposals that will or may affect the SAC in other locations that are in the developmental stage and are anticipated as likely to be taken forward in the foreseeable future are listed below.

2. **Forestry and Land Scotland Ptarmigan Land Management Plan.**

Western acidic oak woodland

The land management plan for the Ptarmigan Forest on the eastern shore of Loch Lomond, north of Rowardennan, has been under production for a number of years and has been subject to the HRA process. It covers an extensive section of the Loch Lomond Woods SAC and adjacent land. It proposes the complete removal of all non-native conifers in and adjacent to that part of the SAC and for all of the woodland to be converted to native woodland through a process of natural regeneration and restocking. Works as part of the woodland removal will include upgrading of a haulage road in 2023/24, new roads, forwarding tracks, broad leaf restocking and deer fencing.

The HRA and subsequent AA is still technically in draft as the Land Management Plan has still to be finalised and submitted to Scottish Ministers for approval. The associated Planning Application for the construction of new and upgraded forest roads within the SAC has still to be submitted to the National Park Authority. The Land Management Plan and associated Planning Application are at an advanced stage of development and the draft HRA concludes that 8.41 hectares of SAC qualifying habitat will be damaged or removed as a result of the works required for the conifer removal. The conclusion of the draft HRA, which is accepted by Nature Scot, FLS, Scottish Forestry and the National Park Authority as the relevant regulators, is that the proposals will have an adverse effect on the integrity of the SAC. In these circumstances, the proposal can only be allowed to proceed if there are no alternatives and there are imperative reasons of overriding public interest. In addition, all necessary compensatory measures must be secured by Scottish Ministers to maintain the coherence of the UK site network.

It has provisionally been agreed that there are no alternative solutions and there are imperative reasons of overriding public interest due to the benefits of the

conversion of the entire plantation within and adjacent to the SAC to native woodland, removal of windthrow and associated landslip risks that threaten the West Highland Way. A 10 ha compensation site has been identified outside the SAC boundary at Kenmore Woods, north of Tarbet. The intention is for this site to be designated as part of the SAC to offset the negative impacts of the proposal and to ensure that the overall coherence of the UK site network is protected. The acceptability of the compensation site has been provisionally agreed with NatureScot but the Land Management Plan, Planning Application and HRA must be finalised before this conclusion can be confirmed. Further consultation with Scottish Ministers will also be required before any approval can be granted by Scottish Forestry and the National Park Authority.

As this proposal has yet to be finalised and approved by the relevant competent authorities, it is not possible to consider it in detail as part of this in-combination assessment. However, the subsequent HRA for the Land Management Plan and associated Planning Application will require to consider the implications of the outcome of the planning application for the Inchconnachan development as part of the in-combination assessment. It is also worth emphasising that consent will only be granted for the Land Management Plan and associated Planning Application if sufficient compensatory measures are secured to maintain the coherence of the UK site network. In the longer term, the Land Management Plan will also help to restore the structure, function and supporting processes of the habitat and restoration of the distribution and viability of typical species of the habitat. As a result, there shall be no in-combination effects with the proposed Inchconnachan development.

Otters.

The SAC is considered to support a significant presence of otters. An extensive protected species survey was undertaken in August 2016 to inform the Ptarmigan Ridge works HRA. The survey found that protected species presented no constraint to the proposed works. While evidence of otter was identified, no shelters or holts were identified within the proposed works and extensive habitat would remain following the works. It was noted that there could be indirect effects from increased traffic movements, presence of people and potential effects on the water quality.

Habitat and Otters

It was concluded in the HRA for Ptarmigan that despite the mitigation measures, and as agreed with SNH at a meeting on 22nd September 2016, it is considered that the scale and duration of the entire project justifies all effects being considered likely significant and progressing to Appropriate Assessment stage. The only exception is effect on otters as it was considered in the HRA as highly unlikely to result in an adverse effect on the otters' conservation status or on the SAC conservation objectives as they relate to the species. This assumption does not remove the need to regularly monitor for otters during works and to adhere to the Species Protection licensing process when required.

3. A82 Upgrade from Tarbet to Inverarnan

There is now a preferred route with detailed draft design drawings and other details for the upgrading of the A82 between Tarbet and Inverarnan. To date the Roads Orders have not been submitted to Scottish Ministers as the development process for the upgrade works is ongoing. The preferred route runs adjacent to the west bank of Loch Lomond and the River Falloch for 17kms. The Loch Lomond Woods SAC will not be directly impacted by works along this preferred route, but it will result in an area of approximately 30 ha of ancient semi natural ancient broad-leaved woodland being lost. In recognition of this woodland loss, the draft proposals include extensive woodland management to improve the condition of the remaining adjacent woodland and extensive woodland creation to ensure that the total extent and connectivity of the native woodland in that part of the Loch Lomond area are retained.

Western acidic woodland

The native woodland expected to be affected by this development is not part of the SAC therefore there can be no in combination effects in relation to Objective 2a with regards to the western acidic oak woodland qualifying interest .It can however be considered important for the SAC as part of the larger Habitat Forest Network and also as adjoining habitat that support objectives 2b and 2c. If sufficient woodland creation and improvements to remaining woodland condition are delivered under that scheme, it is not considered that there will be In Combination effects in relation to these objectives either.

Otters

Given the proximity of the scheme to the Loch Lomond Woods SAC and the large home range of otters, the otter population of the SAC is likely to make use of the preferred route corridor. Otters depend on an abundance of food supply such as eels, lamprey, salmon, trout and frogs, normally associated with a high water quality. If the otter's food supply is depleted due to pollution or degradation of their habitat, then the number of otters along stretches of river will reduce. In addition otters need suitable habitat such as vegetated riverbank, reed bed, woodland and islands for foraging, breeding and resting places. They need quiet conditions and can be prone to disturbance, resulting in them deserting an area.

Extensive survey work for otters has been carried out to inform the design of the scheme, identify potential impacts and appropriate mitigation/compensation measures. This information formed part of a draft Environmental Impact Assessment (EIA) Report that was shared with the National Park Authority for comment in 2019. Further design and assessment work has been carried out since the time and this will inform the final EIA Report that will accompany the Road Orders for the scheme. The consenting process will ensure that sufficient mitigation and compensation measures are secured to ensure that an adverse effect on the integrity of the otter qualifying interest of the SAC will be avoided by this proposal.

When an HRA is completed for the A82 works it will be necessary for it to take into consideration any In Combination effects arising from the proposed Inchconnachan development.

4. Forestry management at Culag and Inverbeg

Felling and restocking including conifer removal at Culag and Inverbeg has been proposed which would require access through areas the Loch Lomond Woods SAC. However, this is in the early stages of preparation, as agents are developing new plans for this (pers. comm Scottish Forestry). At present, there is insufficient detail to consider any In Combination effects relating to this forestry proposal.

When an HRA is completed for the Culag and Inverbeg forestry management, it will be necessary to take into consideration any in combination effects arising from the proposed Inchconnachan development.

5. Refurbishment of the Transmission Line from Glen Sloy to Windy Hill

5.1 Construction of temporary access tracks and upgrades to existing tracks to allow for the refurbishment of the overhead line – Sloy Switching Station to Glen Mallan

SSEN Transmission is proposing to refurbish the existing overhead line from Sloy Substation to Windyhill, which comprises two 132 kV steel lattice tower lines. The refurbishment works are to be undertaken via SSEN Transmissions permitted development rights but a planning application (Ref: 2022/0272/DET) has recently been submitted for the construction of temporary access tracks and upgrade of existing tracks to facilitate the refurbishment works within the National Park. Three towers are located on/within the SAC boundary and a temporary ATV track will require to be constructed within the SAC. This application is still under consideration by the National Park Authority and an HRA/AA has yet to be completed. Nature Scot has responded to a consultation from the National Park Authority to state that in their view the proposal is unlikely to have a significant effect on the qualifying interests of the Loch Lomond Woods SAC, either directly or indirectly.

5.2 A separate application by SSEN Transmission has been submitted to NatureScot for SSSI consent to undertake the permitted development refurbishment works within the Glen Loin SSSI. NatureScot will be required to complete an HRA of this consent application but until the results of this assessment are known, it is not possible to for this element of the project to be included as part of the in-combination assessment. This situation will also be kept under review and the in-combination assessment updated if required.

5.3 Proposed Visual Improvement of Scottish Transmission Assets (VISTA) Project – Glen Loin

SSEN Transmission has also identified the overhead lines at Glen Loin as having high potential for landscape mitigation in the form of undergrounding. A bid has

been submitted to Ofgem to secure funding to underground these lines, but the outcome of this bid is not yet known. Whilst it is likely that works within part of the Loch Lomond Woods SAC will be required to dismantle the existing overhead lines and construct the replacement undergrounded lines if this bid is successful, detailed designs are not available at this stage. As a result of the lack of detailed information, it is not possible to consider this proposal as part of the in-combination assessment for the proposed Inchconnachan development. However, any subsequent application for the undergrounding of these lines will be required to take account of the outcome of the appropriate assessment of the Inchconnachan proposal and any other applications affecting the SAC.

CONCLUSION

The Appropriate Assessment requires the elements of the project likely to give rise to significant effects on the site to be assessed against the Conservation Objectives which Nature Scot has recently produced to help protect and manage sites.

Western acidic oak woodland

- 1. To ensure that the qualifying features of Loch Lomond Woods SAC are in favourable condition and make an appropriate contribution to achieving favourable conservation status.**

The integrity of the site being maintained is unknown as the proposals although resulting in a small habitat loss will be predominantly within an area of the SAC previously undeveloped.

2 To ensure the integrity of Loch Lomond Woods SAC is restored by meeting objectives 2a,2b and 2c for each qualifying feature.

2a maintain the extent and distribution of the habitat within the site

2b Restore the structure, function and supporting processes of the habitat

2c Restore the distribution and viability of typical species of the habitat.

The net loss of habitat would be up to 0.009% of the SAC. This takes into account areas of the SAC which *may* be additionally disturbed as a result of the proposals. Although a small area of habitat would be affected the proposal and is predominantly within an area undeveloped in the SAC it is considered that the small area of habitat loss would not compromise the conservation objectives and would allow the conservation objectives to be met.

Otters.

The aim at this SAC is to maintain otters in a favourable condition as a contribution to its wider conservation status. Impacts on objectives 2a, 2b and 2c must not persist preventing the achievement of this overall aim.

2a - Maintain the population of the species as a viable component of the site;
2b - Maintain the distribution of the species throughout the site;
2c - Maintain the habitats supporting the species within the site and availability of the food.

There was no evidence of otters found during ecology surveys. No holts or lying up areas were identified.

An emergency procedure would be in place to ensure that no disturbance to otters occur should there be any evidence of otters found during construction. A preconstruction survey would also be carried out as a precautionary measure to ensure no disturbance. The above is a precautionary measure due to their transitory behaviour.

Statutory Consultee Responses.

Nature Scot

Nature Scot letter of 27 January 2023 did not support the National Park in their conclusion that there would not be an adverse effect on the integrity of the Loch Lomond Woods SAC.

This was because they did not consider that the HRA had considered the impacts of the Proposal against the Conservation Objective 2c² as there was not sufficient information to support this. Additionally, NatureScot commented that the HRA/AA had not fully assessed the in combination effects of the various plans and projects affecting the SAC.

As a result, there was a more detailed survey undertaken by the applicant on the mobile species, bats, birds and lepidoptera. Detail was also provided on the projects affecting the SAC.

Nature Scot also considered that otters had not been assessed and that the Island Management Plan should not be referenced in the HRA . A full assessment of effect on otters was added to the Appropriate Assessment and reference to the Island Management Plan was removed to avoid confusion with mitigation and compensation.

NatureScot comments have been addressed and this additional information has been used in the Appropriate Assessment.

Conclusion

² To restore the distribution and viability of typical species of the habitats.

The existing tree canopy would be retained, and losses of existing trees are restricted to 4 trees and 31 small self-seeded trees (mainly silver birch). This loss of trees, as a result of development, is included within the permanent habitat loss calculation.

There could be permanent loss of woodland ground flora of 0.009% (0.14 hectares) of the SAC, taking into account the proposed development footprint and as a precautionary approach considering possible disturbance around buildings, paths and boardwalk and also the infrastructure and services relating to drainage.

The area of the existing lodge and ancillary buildings will be removed as part of the proposals resulting in 304sqm (0.03 hectares) reverting to woodland habitat through recolonisation resulting in a gain of qualifying habitat. The non-implementation of the 2018/0011/DET planning permission (as secured by Planning Obligation) would result in an additional (0.03 hectares) gain of habitat.

Retention of soil through turve management and removal of the temporary laying down areas would allow reinstatement of woodland flora. It is also probable that the drainage areas at soakaway, foul drainage & boreholes etc will recolonise with field layer species resulting in no permanent loss of qualifying habitat in these areas. They have been included as a possible habitat loss as a precautionary approach.

Evidence was provided by the applicant on the mobile species on site and this took into consideration loss of habitat, foraging areas and food plants for lepidoptera. It was concluded there would be no net loss to these species.

An otter protection plan would be in place as would a Construction Environment Management Plan to minimise habitat loss and resultant effect on flora and fauna.

We conclude that there will **not be an adverse effect on the integrity** of the Loch Lomond Woods SAC qualifying feature western oak woodland and otter as the conservation objectives have been met.

Loch Lomond SPA

HABITAT REGULATION ASSESSMENT

LOCH LOMOND SPECIAL PROTECTION AREA (SPA)

In respect of the effects of

Planning application 2021/0452/DET

Formation of a new lodgehouse, boathouse, formalising of path and timber raised board walk.

On the Loch Lomond Special Protection Area (SPA)

The proposal is for a new two storey lodge as short-term holiday accommodation at the north of the island, erected on screw piled foundations; a building comprising of a boat house and shelter (as warden's accommodation), with plant rooms and stores at the north-western bay; temporary and permanent jetties; ground source and water boreholes, drainage treatment plant and associated services; and the demolition/removal of the existing structures/buildings (at the north-western bay) and natural regeneration of the site. A resurfaced path and 1.5-metre-wide raised boardwalk linking the new lodge and boathouse sites would be formed with service pipes contained underneath.



Requirements of the Habitats Regulations

European Sites are **Special Areas of Conservation (SACs)** designated under the EC Habitats Directive to protect particular habitats and non-bird species and **Special Protection Areas (SPAs)** designated under the EC Birds Directive to protect wild birds.

The EC Directive is applied in Scotland through the *Conservation (Natural Habitats &c) Regulations 1994*, which is known as the “Habitats Regulations”.

The requirements of the Habitats Regulations are summarised in Planning Circular 6/1995 as amended June 2000.

The Habitats Regulations require that:

Where an authority concludes that a development proposal is likely to have a significant effect on a European site (SPA or SAC), it must undertake an appropriate assessment of its implications for the European site in view of the site’s conservation objectives.

The need for appropriate assessment extends to projects outwith the boundary of the SAC or SPA, in order to determine their implications for the interest protected within the site.

Significance Test

Regulation 48(1) of the Habitats Regulations requires the competent authority to first carry out a ‘significance test’. The test for significant effects acts simply as a filter to exclude any projects which have no possible connection to the interests of the SAC or SPA.

Under Regulation 48 of the Habitats Regulations, the LLTNPA, as a competent authority, has a duty to:

- determine whether or not the proposal is directly connected with or necessary to SAC/SPA management for conservation; and, if not,
- determine whether the proposal is likely to have a **significant effect** on the SAC/SPA either individually or in combination with any other plans or projects; and, if so, then
- make an **appropriate assessment** of the implications (of the proposal) for the SAC/SPA in view of that site's conservation objectives.

The first bullet should only be accepted where it is part of a fully assessed, and agreed, management programme.

Appropriate Assessment

Habitats Regulation 48 (5) requires that *“in the light of the conclusions of the assessment, the authority shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site”*, in relation to its conservation objectives.

Agency Role

In undertaking the Appropriate Assessment, the Habitats Regulations require LLTNPA to have regard to the advice we receive from statutory consultees including SNH, SEPA and HSE (Health and Safety Executive). However, the responsibility for undertaking the Appropriate Assessment rests with LLTNPA.

Background Information on the Loch Lomond Special Protection Area

<ul style="list-style-type: none"> Name of European site: Loch Lomond Special Protection Area. 	
Site Type: Special Protection Area	
Qualifying features:	
SCIENTIFIC NAME	COMMON NAME
Tetrao urogallus	Capercaillie
Anser albifrons flavirostris	Greenland white-fronted goose
Conservation Objectives:	
<p>To avoid deterioration of the habitats of the qualifying species (listed above) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and</p> <p>To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> Population of the species as a viable component of the site Distribution of the species within site Distribution and extent of habitats supporting the species Structure, function and supporting processes of habitats supporting the species No significant disturbance of the species 	

Project Information

Significance Test for Planning Application 2021/0452/DET

Qualifying Features of the SPA

1. As listed above, the Qualifying Interests of the Loch Lomond Special Protection Area are:
 - Capercaillie (*Tetrao urogallus*)
 - Greenland white-fronted goose (*Anser albifrons flavirostris*)
- The Conservation Objectives for the Loch Lomond SPA are detailed in the background information above.

Significance Test

The proposal is for a new two storey lodge as short-term holiday accommodation at the north of the island, erected on screw piled foundations; a building comprising of a boat house and shelter (as warden's accommodation), with plant rooms and stores at the north-western bay; temporary and permanent jetties; ground source and water boreholes, drainage treatment plant and associated services; and the demolition/removal of the existing structures/buildings (at the north-western bay) and natural regeneration of the site. A resurfaced path and 1.5-metre-wide raised boardwalk linking the new lodge and boathouse sites would be formed with service pipes contained underneath. The application site, and wider Inchconnachan island, is situated within part of the Loch Lomond SPA which is classified for its wintering Greenland white-fronted geese (*Anser albifrons flavirostris*) and breeding Capercaillie (*Tetrao urogallus*) qualifying interests.

Capercaillie

Capercaillie historically bred on the four Luss islands (including Inchconnachan) and they require mature woodland with a well-developed understory and low levels of disturbance, especially during their breeding season in the spring and summer months. The SPA no longer supports a viable population and there have only been occasional sightings of capercaillie in recent years. However, as the proposal is situated on one of the islands where capercaillie historically bred, there could be impacts on the woodland supporting habitat and disturbance to breeding capercaillie if they were to return to the island.

As a consequence, the proposal is likely to have a significant effect on the breeding Capercaillie qualifying interest of the SPA and an appropriate assessment is required.

Greenland white-fronted goose

The wintering Greenland white-fronted goose population of the SPA is present between October and March (inclusive). Greenland white-fronted geese roost on the mainland

section of the SPA and primarily feed on agricultural fields outwith the SPA boundary. They are particularly susceptible to disturbance and require large open areas with clear sight lines for foraging and roosting.

The development site itself does not have potential to support foraging or roosting Greenland white-fronted geese due to its wooded character and lack of clear sightlines. Based on monitoring data collated by NatureScot and RSPB between 2002 and 2019, the nearest known roosting area to the application site is around 5.3km away. The nearest known feeding area is around 5.6km away from the application boundary. Given this separation distance and the screening/backclothing provided by the intervening islands, there shall be no disturbance of these feeding and roosting areas as a result of the development. There shall also be no indirect impacts on the supporting habitat for the geese due to this separation distance and the lack of connectivity between the development site and the areas used by the geese.

As a consequence, there will be no likely significant effect on the wintering Greenland white-fronted geese qualifying interest of the Loch Lomond SPA and Greenland white-fronted geese are not considered further in the appropriate assessment.

Appropriate Assessment

<p>Elements of project likely to give rise to significant effects on the site.</p>	<p>Capercaillie</p> <p>As highlighted above, capercaillie require mature woodland with a well-developed understory and low levels of disturbance, especially during their breeding season in the spring and summer months. The proposal includes construction works and permanent development on part of the Loch Lomond SPA. As a result, the proposal could give rise to the following impacts:</p> <p><u>Habitat loss/deterioration</u></p> <p>The construction of the proposed short-term holiday accommodation and associated infrastructure (e.g. boat house, shelter and boardwalk) could result in the direct loss of supporting habitat within the footprint of the development. There is also risk of indirect impacts on retained supporting habitat that could result in the deterioration of these habitats</p>
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	<p>(e.g. pollution affecting woodland ground flora such as bilberry - an important food source for capercaillie).</p> <p><u>Disturbance</u> The construction and operation of the proposed development within the SPA could result in the disturbance of capercaillie during the sensitive breeding season and the remainder of the year should this species return to the island.</p> <p><u>Direct injury/mortality</u> There is a risk of capercaillie colliding with any temporary or permanent fencing required for the development and for this to result in death or injury of capercaillie.</p>
<p>Describe how the integrity of the site (determined by structure and function and conservation objectives) is likely to be affected by the project (e.g. loss of habitat, disturbance, disruption, chemical changes, hydrological changes and geological changes etc.).</p>	<p>Conservation Objectives.</p> <p>To avoid deterioration of the habitats of the qualifying species (listed above) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and</p> <p>To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> • Population of the species as a viable component of the site • Distribution of the species within site • Distribution and extent of habitats supporting the species • Structure, function and supporting processes of habitats supporting the species • No significant disturbance of the species <p>How site affected.</p> <p><i>Habitat</i> In the absence of mitigation, the proposed development has the potential to result in the loss and deterioration of supporting habitat. Due to regular monitoring it is known that capercaillie are</p>

	<p>not on the island but habitat for capercaillie is important to retain should this species ever return to Inchcailloch. As a consequence, the proposal could compromise the following conservation objectives for the breeding capercaillie qualifying interest of the SPA:</p> <ul style="list-style-type: none"> • Distribution and extent of habitats supporting the species • Structure, function and supporting processes of habitats supporting the species. <p>There will be a permanent loss of habitat within the total Special Protection Area of approximately 0.14 hectares considering the worst scenario of development footprint for all proposed buildings and a buffer of 0.5km considered as part of the development . This loss is 0.03% of the total of Loch Lomond Special Protection Area.</p> <p>Further detail on habitat loss on Inchcailloch is provided within the HRA and resultant Appropriate Assessment for the Loch Lomond Woods Special Area of Conservation</p> <p><i>Disturbance</i> Additionally, work activities could prevent the return of capercaillie during the construction process. So it will be necessary to ensure that monitoring is taking place to check for capercaillie prior to construction and that this monitoring is ongoing. The number of visitors on the island is not expected to increase so it is not expected that pre-development, capercaillie would be affected, so there will be no significant disturbance of species.</p>
In combination effects .	<p>There is an extant planning permission for a lodge house and replacement boat house on the existing development footprint 2018/0011/DET planning permission. The further non- implementation of the 2018/0011/DET planning permission would be agreed and secured through the terms of a Planning Obligation (section 75 agreement), if the 2021 planning application was consented.</p>
Describe what mitigation measures are to be introduced to avoid any	<p>There will be no adverse effect on the integrity of the SPA if the following mitigation measures are implemented:</p>

adverse effects on the integrity of the site.

- There will be no work carried out during the bird breeding season March – August inclusive (as a precautionary approach) ;
- Should works be scheduled to take place during this time it will be necessary to carry out a survey for capercaillie and submit the report to the planning authority for approval prior to any works taking place.
- There will be no removal of Scot's pine for development.
- A lighting plan will be submitted for approval by the National Park Authority prior to any development which will avoid areas of habitat that are suitable for capercaillie.

Construction Method Statement (CMS):

- Any fencing should be monitored to check for capercaillie as a precautionary approach;
- A turve management plan will be in place to allow recolonisation of vegetation disturbed during construction to retain habitat suitable for capercaillie such as blaeberry and
- Pollution prevention measures will be in place and regularly monitored to prevent damage to habitats.
- A lighting management plan will ensure that there is no lighting on areas that have been identified as possible capercaillie habitat.

An ECoW will be employed to ensure that habitats and species are protected and a full programme of works to be carried out by the ECoW working with the Construction team will be forwarded to the National Park Authority for approval prior to any development works. This will be subject to a planning condition.

The further non-implementation of the 2018/0011/DET permission would be agreed and secured through the terms of a Planning Obligation (section 75 agreement), if the 2021 planning application was approved. This would ensure that this area can be recolonised with flora, as part of the proposal, and therefore increase the extent and distribution of the habitat within the site and

	<p>reducing the net physical loss of habitat to development. This will assist with retaining habitat that may be suitable for capercaillie should this species ever return to Inchconnachan.</p>
<p>Conclusion</p>	<p>Provided the above mitigation measures are secured via appropriately worded planning conditions, the proposal will not have an adverse effect on the integrity of the Loch Lomond SPA. It should be noted that there is not a viable population of capercaillie on the island but it is necessary to retain habitat for capercaillie to ensure that there is habitat for them should this species return.</p>