



Planning and Access Committee

Meeting: 18 December 2023

Agenda Item: 6

SUBMITTED BY: Manager – Development Management

APPLICATION NUMBER:	2023/0020/DET
APPLICANT:	Loch Lomond and the Trossachs National Park
LOCATION:	Ben Venue Car Park, Trossachs
PROPOSAL:	Erection of shelter, walls, timber bollards, boulders, and cycle parking
NATIONAL PARK WARD:	Ward 2 - Breadalbane and the Trossachs
COMMUNITY COUNCIL AREA	Trossachs
CASE OFFICER:	Name: Vivien Emery Tel: 01389 722619 E-mail: vivien.emery@lochlomond-trossachs.org

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1. Summary and reason for presentation

1.1. The proposal relates to an upgrade of an existing car park located adjacent to the A821 to the west of Loch Achray. It is a popular car park for visitors walking Ben Venue which is located to the West, and it is known as the Ben Venue car park.

1.2. Trossachs Community Council has submitted an objection to the proposal.

1.3. In accordance with the National Park Authority's Scheme of Delegation Section 5.6, applications require to be referred to Members for determination where a statutory consultee, including the Community Council, has formally objected on valid planning grounds and where the officer recommendation is to approve.

2. Recommendation

2.1. That Members:

APPROVE the application subject to the imposition of the conditions set out in **Appendix 1** of the report.

3. Background

Site Description

3.1. The site comprises an existing car park with capacity for approximately 42 cars. A location plan is contained within Figure 1 below. Figure 2 contains a photograph of the site taken last year prior to recent upgrade works (see paragraph 3.2)

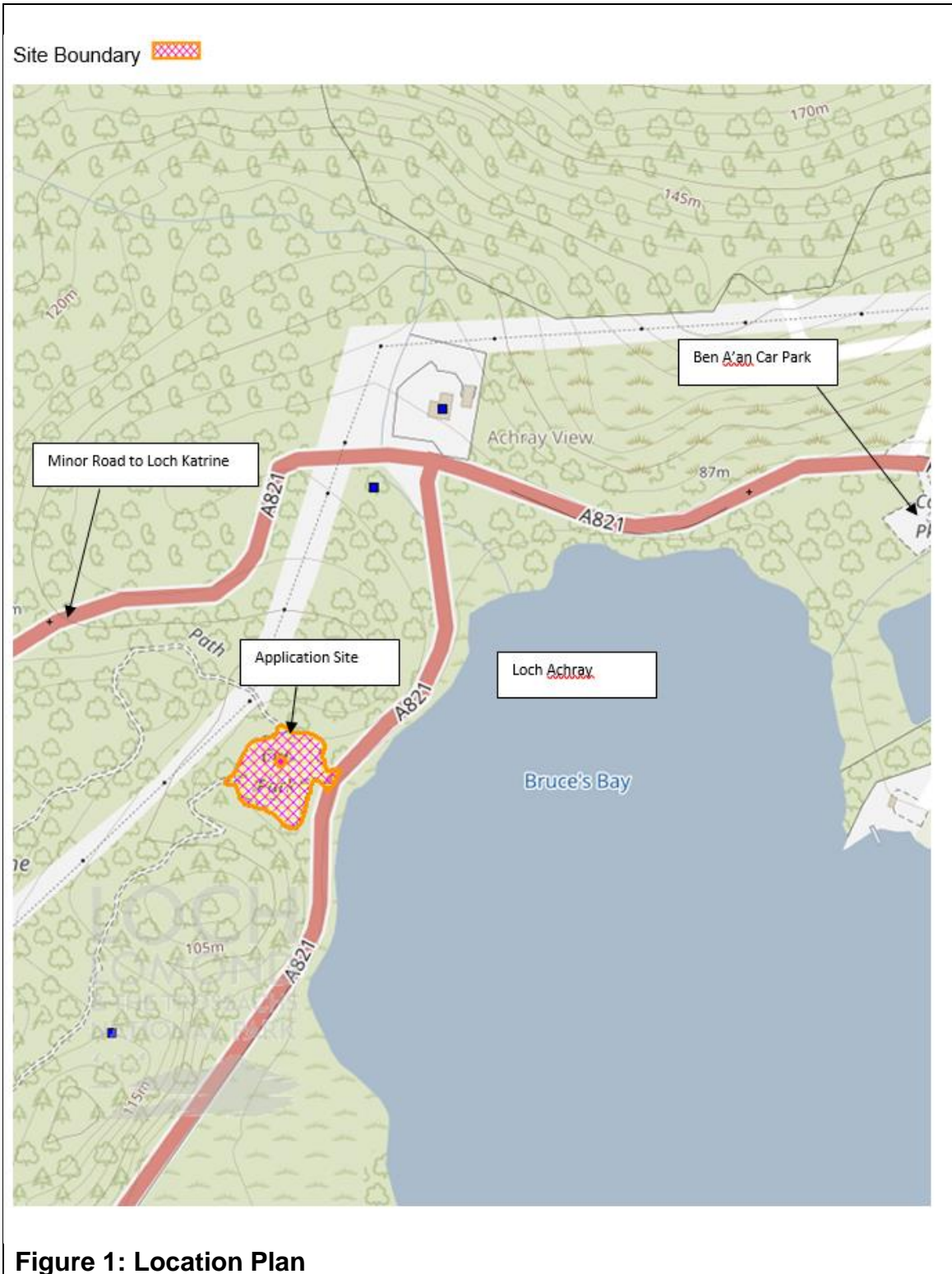


Figure 1: Location Plan



Figure 2: Photograph of Site (prior to minor upgrade works that took place earlier this year)

Description of Proposal

3.2. The proposed works will take place within the footprint of the existing car park layout. They include erection of a shelter and hard landscaping improvements. These include new areas of footway with stone sett edging and small sections of low random rubble stone walling. The layout of the car park will be adjusted to facilitate bus parking and turning and will be capable of serving a proposed new bus route in the future. Some improvements to the car park, which did not require planning permission, were undertaken earlier this year. These include re-surfacing and rationalising the car park layout (within the existing footprint) to reduce ad hoc parking. The proposed site layout plan is contained within Figure 3 below. Figure 4 contains a photograph of the site taken following these works.

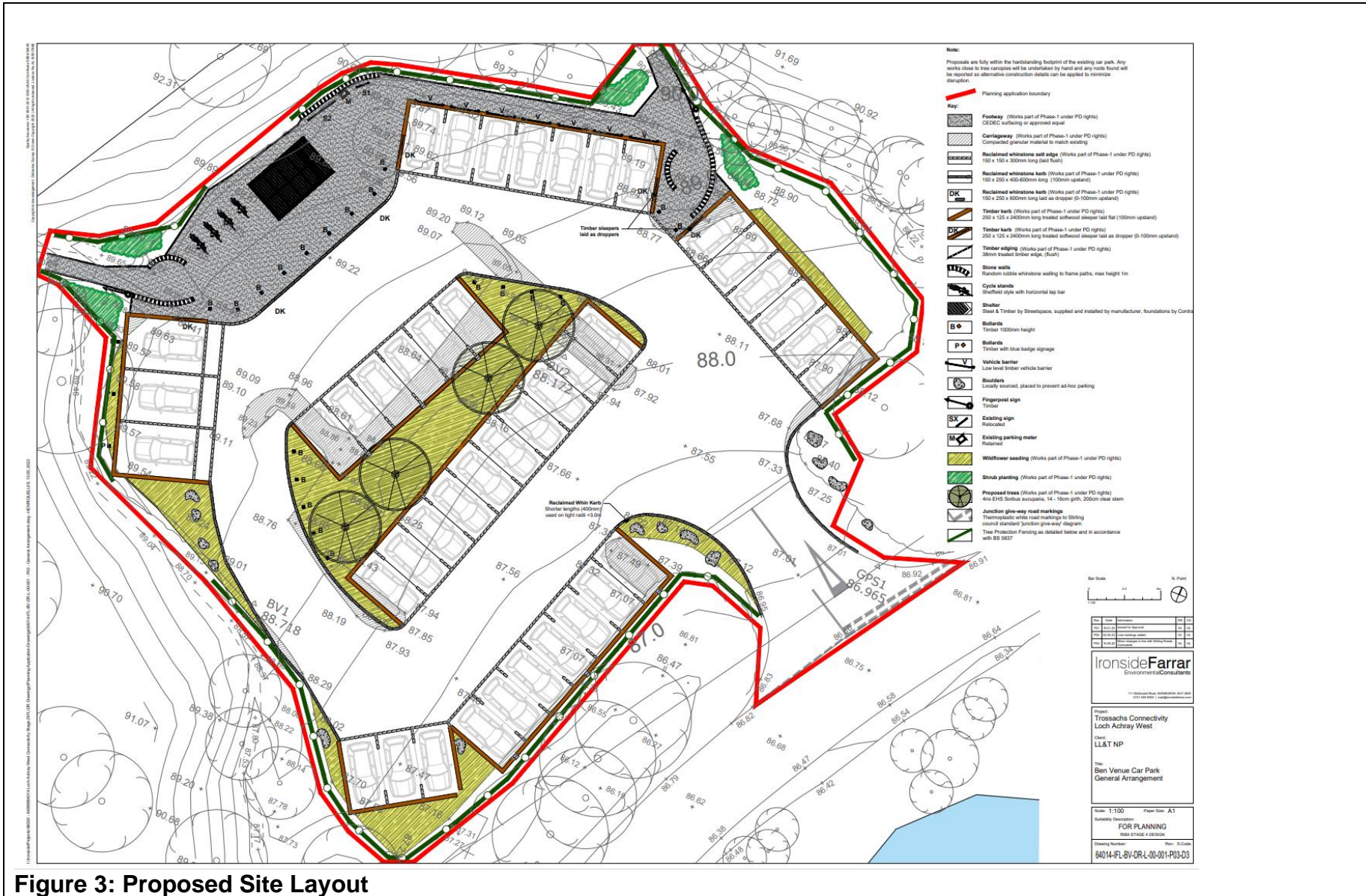




Figure 4: Photograph of Site following works undertaken earlier this year

4. Environmental impact and habitat regulations assessment

Environmental Impact Assessment (EIA)

4.1. The National Park is identified as a 'Sensitive Area' within the Environmental Impact Assessment (Scotland) Regulations 2011. As a 'Competent Body' the National Park Authority has a statutory duty to consider whether proposals for development should be subject to the EIA process.

4.2. In this particular instance it has been determined that an EIA is not required as the proposal is not identified within Schedule 2 of the Regulations.

Habitat Regulations Assessment (HRA)

4.3. 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 (AA) of its implications for the European site in view of the site's conservation objectives.

4.4. The application site is close to Loch Achray which is within the catchment of the River Teith SAC. A Habitat and Regulations Appraisal carried out concludes that the proposal is unlikely to have a significant effect on the SAC (either alone or in combination with other plans and projects) and an Appropriate Assessment of the implications for the site's conservation objectives is therefore not required.

5. Consultations and representations

Responses to Consultations

- 5.1. **NatureScot** note that the car park is close to the River Teith SAC, however standard practice and pollution prevention mitigation are sufficient to prevent any impact on this site.
- 5.2. **Stirling Council Flood Prevention** has no objections to the proposals. The entrance to the site is located within the functional floodplain but all increased hardstanding is set back and outwith the flood risk area. This is unlikely to have an effect on floodplain storage. The increased drainage is welcomed.
- 5.3. **Stirling Council Roads Authority** has no objection. Sufficient information has been provided to ensure that an assessment of bus penetration & circulation can be undertaken (swept path analysis), along with details relating to visibility improvements at the junction to the public road, parking layouts, accessible parking provisions, site accessibility, road markings and cycle parking provisions. A number of conditions are suggested in order to capture the delivery of these elements. These include conditions relating to visibility, road access and accessible parking.
- 5.4. **Trossachs Community Council** objects to the proposals.

Initial response Dated 26 February 2023: The Community Council recognise that the installation of a shelter is a crucial requirement to try to introduce some sustainable transport alternatives to the area, what is not clear from this application is the destination(s) that this shelter will service. If this will be the 'stop' for Ben A'an then the Community Council has serious concerns in regard to road safety as this section of road has some areas where there is nowhere to safely stand off the road away from traffic. This will effectively encourage people to put their lives at risk on a busy road. How does this planning application relate to the Visitor Management Strategy for the Trossachs and the wider National Park wide Sustainable Transport plan?

Further response dated 10 March 2023: The Community Council maintain their objection. Is a shelter proposed at Ben A'an and if not, why is one needed at Ben Venue? Concerns about people walking on the road. The 40mph on the A821 was introduced as part of the clearway and was not for walkers' safety.

Representations Received

- 5.5. No representation received.

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 the National Planning Framework 4 (NPF4), Loch Lomond & The Trossachs National Park Local Development Plan (LDP) (adopted 2016) along with Supplementary Guidance (SG).

National Planning Framework 4 (NPF4) (Feb 2023)

6.2. 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. The following NPF4 policies are relevant to this proposal:

Policy 1 - Tackling the climate and nature crises

Policy 2 - Climate mitigation and adaptation

Policy 3 - Biodiversity

Policy 4 - Natural places

Policy 13 - Sustainable transport

Policy 14 - Design, quality, and place

Policy 29 - Rural development

Policy 30 - Tourism

Local Development Plan (2017-2022)

6.3. The Local Development Plan (LDP) sets out the vision for how the National Park should change over the next 20 years. The LDP covers the period from 2017 to 2026 is updated every 5 years.

6.4. 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

TP1 - Transport Policy 1: Safeguarding Sites to Improve the Transport Network

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
NPE2 - Natural Environment policy 2: European Sites
NEP5 - Natural Environment Policy 5: Species and Habitats
NEP8 - Natural Environment Policy 8: Development Impacts on Trees and Woodlands
NEP 9 - Natural Environment Policy 9: Woodlands on or adjacent to development sites
NEP12 - Natural Environment Policy 12: Surface Water and Waste Water Management
NEP13 - Natural Environment Policy 13: Flood Risk

6.5. Full details of the policies can be viewed at: <http://www.lochlomond-trossachs.org/planning/planning-guidance/local-development-plan/>

Supplementary Guidance

6.6. 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:

Design and Placemaking

Other Material Considerations

National Park Aims

6.7. 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:

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

6.8. 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.

National Park Partnership Plan (2018-2023)

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

Conservation Priority 1.1 – Habitats
Conservation Priority 1.1 - Species
Conservation Priority 2.1 – Landscape and Heritage
Conservation Priority 3.1 – Climate Change
Visitor Experience Priority 5.1 Path Provision
Visitor Experience Priority 5.2 Path Maintenance
Visitor Experience Priority 5.3 Active Travel
Visitor Experience Priority 8.1 Visitor Management
Visitor Experience Priority 8.2 Public Transport

A draft revised NPPP was approved for public consultation by the National Park Board in March 2023 although this carries very limited weight in decision making at present.

7. Summary of supporting information

7.1 The applicant has submitted the following documentation in support of the planning application:

Design Statement – the design statement indicates that the proposals are driven by the intention of Loch Lomond and National Park to facilitate the introduction of a shuttle bus service to this area. This is subject to the National Park's ability to procure an appropriate service provider.

Tree Survey and Arboricultural Report

8. Planning assessment

8.1. The key issues for consideration in the determination of this application are:

- Principle of Development
- Trees and Ecology
- Landscape
- Access

Principle of Development

8.2. The site is owned and managed by Forestry and Land Scotland (FLS). The car park is extremely busy in good weather, weekends and during holidays. The proposals will help reduce ad hoc parking (which reduced overall capacity) and will also support active travel through the siting of bike stands and facilitation of a public bus service in the future – the new layout will ensure a small bus can safely turn within the site and access/egress the site. Policy 30 (Tourism) of NPF4 supports opportunities for sustainable travel and appropriate management of parking. Visitor Experience Policy 1 of the Local Development Plan supports the improvement of existing visitor facilities and infrastructure. The area around

Ben Venue, Loch Achray and Loch Katrine is a well-established tourist destination and the proposal will support the improvement of this popular tourist area by providing improved parking. It would be supported in principle by Policy 30: Tourism of NPF4 and of Visitor Experience Policy 1 of the LDP.

8.3. Trossachs Community Council have asked how the proposals would relate to the Visitor Management Strategy for the Trossachs. Improving traffic congestion and safety in the Ben A'an and Ben Venue area, along with key partners, was part of a suite of accelerated projects to improve the area. Forestry and Land Scotland has increased car parking and cycle parking at Ben A'an and provided access for a smaller shuttle bus to be accommodated. The Ben Venue project will not increase the parking for vehicles but will include fully accessible parking spaces to help enable people to access the range of paths from Ben Venue Car Park.

Trees and Ecology

8.4. The site is located within an Ancient Woodland Inventory site. A tree survey has been undertaken and the root protection areas of trees identified. The tree cover in the area is characterised by small birch regeneration, alder, and willow. The root protection areas of existing trees will not be affected by the development. Some vegetation clearance work is proposed (including clearance work necessary to provide the required visibility splay) however no mature trees will be affected.

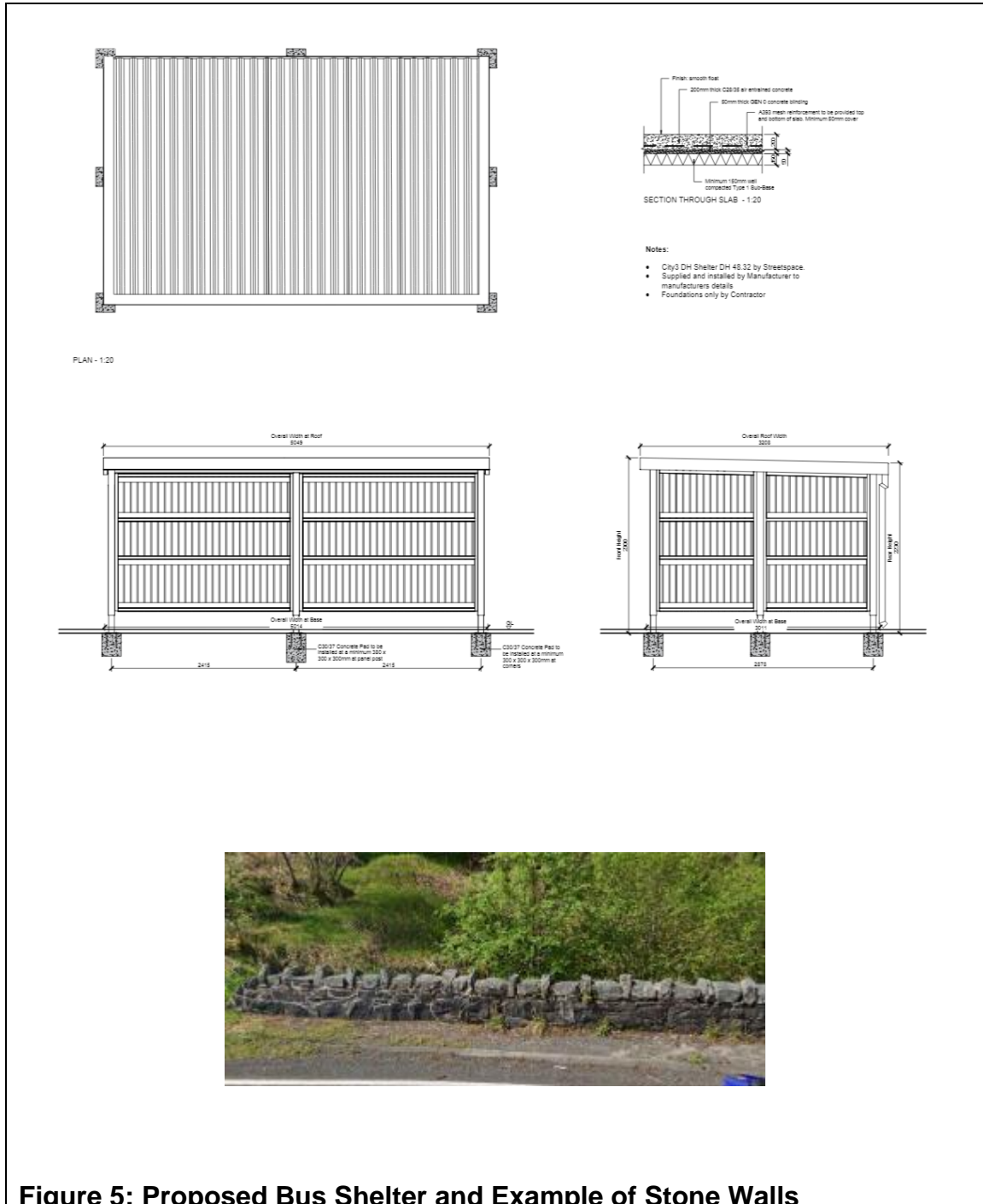
8.5. The application site lies around 15 metres away from Loch Achray. The Loch forms part of the River Teith Special Area of Conservation (qualifying interests are salmon and lamprey). A Habitat and Regulations Appraisal carried out concludes that the proposal is unlikely to have a significant effect on the SAC (either alone or in combination with other plans and projects) and an Appropriate Assessment of the implications for the site's conservation objectives is not required.

8.6. Natural Environment Policy 6 requires all developments to enhance biodiversity by "*securing the protection, management and enhancement of natural landscape, wildlife, wildlife habitat, habitat networks and green corridors, and where possible the creation of new wildlife habitats.*" NPF4 Policy 3(c) states "*Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.*" The proposals include new tree and shrub planting as well as wildflower seeding and will comply with the aforementioned policies.

Landscape

8.7. The majority of the works will take place within the footprint of the existing car park. The existing car park is discrete with its roadside vegetation and trees at the edge of the A821. Phase 1 of the proposals, which included the re-surfacing of the car park and demarcation of spaces, was completed earlier this year (no planning permission was required for these works). Phase 2 of the works will include further improvements to enhance the appearance of the car park and the

overall experience of those using it. It includes the erection of a small timber bus shelter (approximately 15 square metres and 2 metres in height), low stone walls, cycle stands and bollards and also new landscaping. Overall, these works will improve the character and setting of the site. An elevation of the bus shelter and an example of the stone wall construction is outlined within Figure 5 below.



Access

- 8.8. The proposals will improve an existing parking facility that is principally used by those using popular walking routes within the vicinity. The proposal also includes works that will facilitate the use of the car park for a future public bus service – bus turning and provision of a small timber shelter (see above).
- 8.9. Trossachs Community Council have objected to the proposals. They have raised concerns that providing a bus service to this car park will encourage visitors to walk along the public road to the nearby car park at Ben A'an. No bus service provider has been procured to date, however the applicant has advised that the intention would be to provide a service to the existing car parks nearby at both Ben A'an and Loch Katrine (including upgrading, together with project partners, to provide bus stops at these locations in the future). It is acknowledged that at busy times, when Ben A'an car park is at capacity, some visitors do park at Ben Venue and walk along the public road. As part of this project, directional signage to the core path to the east of the site that takes you to the Loch Katrine Road will be provided, however this would still require pedestrians to walk along a section of the A821 to then reach the Ben A'an path. Notwithstanding this, the capacity of the car park at Ben Venue will not be increased by this proposal, and the intention would be to provide a bus service to all 3 car parks within the locality (Ben Venue, Ben A'an and Loch Katrine). In the short term, with parking capacity remaining unchanged, there should be no material increase in the number of people that elect to walk on the road, and with improved directional signage, this situation could improve. In the longer term, providing a bus service to these popular car parks, should reduce car parking demand at these locations. The Roads Authority were advised of the concerns of the Community Council; however, they have raised no objections in relation to road or pedestrian safety.
- 8.10. The roads authority requested further information regarding visibility and splays at the access and have no objection to the proposals. The proposals will rationalise the car park layout and reduce the level of ad-hoc parking. It will promote active travel by introducing cycle parking. It will also facilitate the use of the car park by public transport in the future and is supported by relevant transport policies of the development plan.

9. Conclusion

- 9.1. In conclusion, the proposal will help reduce the visitor pressure impacts within the immediate locality and comply with tourism and visitor experience policies of the Development Plan. Subject to appropriate mitigation and best practice measures (which should be addressed within a Construction Environmental Management Plan), there will be no adverse impacts on ecology or trees and in this regard the proposal would comply with relevant Natural Conservation policies of the Development Plan. Ultimately, this proposal will result in a positive recreation experience for visitors and walkers that will promote active travel and also help meet the third statutory aim of the National Park to promote enjoyment of the Park's areas.

10. Appendix 1 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. **Construction Environmental Management Plan (CEMP):** Prior to commencement of construction of the development, a detailed Construction Environmental Management Plan (CEMP), which sets out how the construction of the development will be managed, shall be submitted to, and approved in writing by, the Planning Authority. In particular, the CEMP shall include the following:

- Full details of the pollution prevention safeguards that will be implemented to protect the water quality of Loch Achray and the wider River Teith SAC during construction works in line with Scottish Environment Protection Agency, Guidance for Pollution Prevention 5: Works and maintenance in or near water (February 2018) and other relevant Guidance for Pollution Prevention (GPP)/Pollution Prevention Guidance (PPG).
- If any invasive non-native species (INNS) are identified an INNS management plan detailing the measures that will be implemented to treat any INNS present on the site and prevent their spread to new areas within or adjacent to the site.

Unless otherwise agreed in writing by the Local Planning Authority, all works shall be carried out in accordance with the approved CEMP.

REASON: To ensure that the construction works are appropriately managed to minimise ecological impacts and avoid an adverse effect on the integrity of the River Teith SAC.

3. **Breeding Birds:** No vegetation clearance works shall take place between March and August (inclusive) unless a pre-works check for active nests has been carried out immediately prior to the works commencing and the results submitted to the National Park Authority. Should any active nests be recorded, it will also be necessary to submit a bird protection plan and both documents should be approved by the National Park prior to any works commencing.

REASON: To ensure that no offences are committed under protected species legislation with regards to breeding birds.

4. **Maintenance of Landscaping:** Unless otherwise agreed in writing with the Planning Authority, all landscaping works as approved shall be carried out during the first planting season following the commissioning of development and any trees or plants that, within a period of 5 years thereafter, die, are removed, or

become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species.

REASON: To minimise the visual impact of the development and to enable it to best fit in with its surroundings and to enhance the local area.

- 5. Landscape Management Plan:** A 5-year landscape management plan, including long term design objectives, management responsibilities and maintenance schedules (including review period) for all landscape areas, shall be submitted to, and approved in writing by, the Planning Authority, prior to the occupation of the development. Thereafter the landscape management plan and any subsequent revisions shall be implemented as approved.

REASON: To ensure a satisfactory standard of appearance of the development and to safeguard the visual amenities of the area.

- 6. Visibility:** Visibility splays of 2.4m x 90m to the left-hand side of the access on egress onto the public road, and 2.4m x 80m to the right-hand side of the access, shall be provided prior to the commissioning of the new car parking areas. Thereafter, the visibility splays shall remain in perpetuity and within which there should be no obstruction to visibility more than 1.05m above carriageway level.

REASON: In the interests of road safety.

- 7. Access Upgrade:** The works to upgrade the sites access shall be fully completed prior to the operation of any bus service from within the site. The vehicular access shall be surfaced in a bituminous material over its initial 10m from the carriageway edge and sufficiently drained to ensure that no loose material or surface water will be carried or discharged from it onto the public road. Once provided the access shall be permanently retained as such.

REASON: In the interests of road safety.

- 8. Road Markings:** Prior to the operation of any bus service from within the site, the site access shall be provided with give-way road markings in accordance with TSRGD (Traffic Signs Regulations and General Directions) 2016.

REASON: In the interests of road safety.

- 9. Cycle Parking:** Prior to its erection, a specification for the cycle parking facilities shall be submitted for the written approval of the Planning Authority, in consultation with the Transport Development Team. The specification shall be provided in accordance with the guidance set out within Transport Scotland's Cycle By Design. A minimum of 4no. cycle stands shall be provided, in accordance with drawing ref; '64014-IFLBV-DR-L-00-004-P01-D3'.

REASON: To promote sustainable travel and comply with transport policies of the Local Development Plan.

10. Accessible Parking: Accessible parking bays shall be provided in accordance with drawing ref; '64014- IFL-BV-DR-L-00-004-P01-D3'.. The accessible bays shall be provided with appropriate accessible parking signage which complies with the standards set out in Transport Scotland's Roads for All.

REASON: In the interests of road safety.

11. Bollards: All proposed bollards shall be constructed in accordance with the standards set out within Transport Scotland's Roads for All guidance. The bollards shall be installed prior to the operation of any bus service from within the site.

REASON: In the interests of road safety.

12. Access Gates: Notwithstanding the development hereby approved, no access gates shall be erected within the initial 9m of the site's access point, measured from the edge of the adjacent public road, and shall open inwards only.

REASON: In the interests of road safety.

13. Agreement of Materials and Specifications: Prior to their construction, details of the colour/treatment/finish of the bus shelter and stone walls shall be submitted to, and agreed in writing by, the Local 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.

REASON: To ensure that the external appearance of the development complements the rural character of the area 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.