



# Draft minutes of meeting held on 16 September 2024

## Agenda Item 3

**National Park Authority Board Meeting – hearing and determination meeting for Planning Application 2022/0157/PPP for major development at West Riverside and Woodside House Balloch (Lomond Banks)**

Monday 30 September 2024

Paper for approval

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<b>Present</b>
Heather Reid (Convenor) (HR)
Sarah Drummond (SD)
Maurice Corry (MC)
William Sinclair (WS)
Rhona Brock (RB)
Richard Johnson (RJ)
Colin Lee (CL)
Ronnie Erskine (RE)
Hazel Sorrell (HS)
David Mackie (DM)
Martin Earl (Depute Convener) (ME)
Claire Chapman (CC)
Chris Spray (CS)
David Fettes (DF)

<b>Apologies</b>
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Iain Shonny Patterson (ISP)
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Navid Foroutan (NF)
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<b>Not in Attendance</b>
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Sid Perrie (SP)
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Chris Kane (CK)
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<b>In Attendance - National Park Authority Staff</b>
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Gordon Watson (GW), Chief Executive Officer
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Stuart Mearns (SM), Director of Place
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Bob Cook (BC), Development Manager
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Caroline Strugnell (CSt), Senior Planning Officer
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Dougie Smith (DS), Corporate Performance Manager & Governance Clerk
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Ayeasha Temple (AT) Governance and Information Advisor (Minutes)
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Malcom Young (MY) Trees and Woodland Advisor
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Graeme Heenan (GH) Ecologist
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<b>In Attendance – External</b>
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Alastair McKie (AMc) – Anderson Strathern LLB (Legal Clerk)
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Gail McFarlane – West Dunbartonshire Council
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Doug Harman – Consultant Landscape Advisor
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<b>Items and Actions</b>
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<b>Item 1: Welcome and Apologies</b>
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The Convener opened the meeting by welcoming all attendees to Lomond Parish Church and stated that the venue was being used as it allowed the largest possible public attendance in the local area.

HR confirmed that Members had conducted a site visit prior to this hearing and determination meeting and that it had been accessible to members of the press and public to observe.

HR made a series of introductory remarks:

HR acknowledged the level of public interest in today's planning application and highlighted the need for the Board to consider the application in an objective manner.

HR set out her expectations for conduct during the meeting: for Board Members, staff and members of the public, referencing her powers under the organisation's Standing Orders to suppress or prevent disorderly conduct.

HR confirmed that while members of the public are able to attend the meeting to observe, they are not able to directly participate unless they have successfully applied to speak at the hearing in advance.

## **Items and Actions**

HR reminded attendees that no recording or filming of proceedings is permitted under the Standing Orders and asked members of the public attending to refrain from displaying signs or placards.

HR addressed the public speculation and misinformation directed at the Planning Authority and its staff relating to the planning application in question. She made clear that she had obtained external legal advice and was entirely satisfied that the Board were able to lawfully and properly consider the application 2022/0157/PPP and determine it on its own planning merits.

HR put on record her full confidence in the probity of the processes undertaken by the Park Authority in relation to this complex application.

HR outlined the importance of Members declaring conflicts of interest as appropriate in relation to this application and outlined the support and training all Members have undertaken in relation to conflicts of interest. HR confirmed that one Board Member – Iain Shonny Paterson – had declared an interest in this planning application and would not be taking part in proceedings today as a result.

HR reiterated the Board's commitment to Standards in Public Life.

HR explained that the meeting was being livestreamed and gave the opportunity for anyone that did not want to appear on the stream to leave the room.

HR introduced herself and asked all Members of the Board and members of National Park Authority staff to do likewise.

HR confirmed apologies from ISP and NF. HR confirmed that CK has resigned from the Board following his election as a Member of Parliament and would not be in attendance. HR confirmed that SP was not in attendance.

AMc confirmed that there were 14 Members of the Board in attendance, all of whom had attended the site visit in the morning.

AMc confirmed that the meeting was quorate.

## **Item 2: Declarations of Interest**

HR confirmed ISP's declaration of interest and his resulting conflict.

## Items and Actions

### Item 3: Minutes of the Board Meeting held on 10 June 2024

RJ requested a correction to p12 of the minute to alter 'Strathard' to 'Callander'. RJ Confirmed that he had met the Place Programme Manager to complete the action outlined.

RE noted the detail in the minutes as being useful.

The minutes were proposed by RE and seconded by DM. The minutes were approved by Members present at the meeting of 10 June 2024.

HR outlined the decision made by correspondence by Members on 16<sup>th</sup> July 2024 which established the process and procedures for today's site visit, hearing and determination meeting to consider planning application 2022/0157/PPP.

**DECISION:** The minutes of the Board Meeting held on 10 June 2024 were approved by unanimous vote of those who were in attendance.

Members formally noted the decision by correspondence taken on 16<sup>th</sup> July 2024.

### Item 4: Planning Application 2022/0157/PPP relating to land at Pier Road, Ben Lomond Way and Old Luss Road, known as West Riverside and Woodbank House (Lomond Banks), Balloch (Stuart Mearns / Caroline Strugnell)

HR confirmed that the hearing and determination meeting would be conducted under the Standing Orders of the Planning and Access Committee and that HR would adopt the role of Chair and ME the role of Depute Chair as set out in those Standing Orders.

SM and CSt presented the Officer's report with accompanying PowerPoint presentation.

SM introduced the presentation and outlined what would be covered.

SM drew attention to two corrections in the officers' report and advised that Members had received the corrections via email the previous week. These corrections were:

- At the top of page 76 at paragraph 8.3.51 – line 5 – where it refers to Zone B should be Zone E.

## Items and Actions

- On Page 91 at the top of page – line 2 - refers to area 3b in Zone E this should be area 3d.

CSt outlined key dates in the application process for the current and previous applications relating to this site.

CSt summarised sections 4 and 5 of the Officer's Report, making mention of the site description (zones and key characteristics), an outline of the proposed development and a summary of the consultations and representations received.

SM outlined the relevant policy context for the determination of planning applications in the National Park, drawing attention to National Planning Framework 4, the Local Development Plan, the National Park Partnership Plan and the statutory aims of the National Park.

SM summarised the Officer's report from section 6 onwards and outlined the key determining issues, going through each in turn:

- Principle of Development
- Flood Risk
- Trees and Woodland
- Ecology and biodiversity
- Other policy topics
- National Park Aims

SM outlined the report's conclusion and the reasons for the recommendation for refusal before Members.

SM stated that the application is contrary to National Park Aims 1, 2 and 3, NPF4 and the Local Development Plan.

HR turned to Members for questions relating to the Officer's Report and Recommendation.

Questions from Members focused on:

- The scale of the proposed development
- The impact of the proposed development on wildlife, woodlands and water

## Items and Actions

- The absence of an objection from NatureScot. [SM explained that there was a casework protocol in place with NatureScot which set out the areas which planning responses would cover as a result of the National Park Authority having internal ecology and woodland expert staff, the advice from NatureScot is reduced in comparison to that given to other Planning Authorities]
- Clarification as to whether any formal guidance relating to the interpretation of NPF4 policies has been issued by the Scottish Government. It was confirmed that no such guidance has been issued relevant to key policies in this case.
- Significance of a stated 1 in 200 flood risk
- Clarification on calculations of Woodland loss/net gain – specifically the difference between the applicant's and the Officer's conclusions.
- The socio-economic benefit of the proposed development
- Clarification of the 'Sandford Principle' was given by AMc; that the first aim of the National Park to conserve and enhance the natural and cultural heritage of the area should be given greater weight if in conflict with any of the other aims, including the fourth aim to promote sustainable economic and social development of the area's communities.
- The materiality of the existence of empty units and the impact on local businesses of the proposed development.
- The significance of the identified flood risk of the proposed development.

*The meeting was adjourned for a comfort break.*

Upon readjournment, HR explained that the National Park Authority received 13 valid applications to speak at the hearing and that standard procedures had been suspended to allow all those requests to be accepted. There were 5 applications to speak in support of the application and 8 applications to speak in objection to the application. 2 speakers in objection subsequently withdrew their applications to speak. There were therefore 5 speakers in support and 6 in objection.

HR explained that each speaker would have up to 5 minutes to speak, with the Governance Clerk timing contributions, and questions from Members may follow.

## Items and Actions

Steve Callan and Fiona Roberston spoke on behalf of the applicants in support of the application. A detailed question session followed where Members asked questions of the applicants' representatives and their team in attendance, including their legal representative.

Questions from Members focused on:

- Jobs and employment – commitment to the real living wage
- Range and type of jobs proposed to be created
- The status and enforceability of the 'Lomond Promise' [AMc outlined the legal status of the Lomond Promise for Members]
- NPF4 Policy 22 – confirmation that the applicant disagrees with the Planning Officer's assessment
- Economic development – competition with local businesses
- Biodiversity net gain on the proposed development site
- The significance of the identified flood risk on the proposed development site
- The Net Zero commitment included in the Lomond Promise
- Business model and commitment to jobs being 'all year round'
- Transport impact of the proposed development
- Impact of the proposed development on the wider Balloch area

Rev Ian H Miller, speaking as an individual, spoke in support of the application.

HR clarified that her previous reference to misinformation was regarding allegations against the planning authority and its staff.

Questions from Members followed and focused on:

- The economic and social benefits of the proposed development
- Nature and climate impact of the proposed development

## **Items and Actions**

Stewart Gibb, speaking on behalf of Helensburgh and District Access Trust, spoke in support of the application.

Questions from Members followed and focused on:

- Clarification of past industrial use of land
- Raised land at West Riverside and relation to flooding
- Status of Woodbank House in proposed development

Anne Urquhart, speaking on behalf of Loch Lomond Steamship Company, spoke in support of the application.

Questions from Members followed and focused on:

- The nature of tourism created by the proposed development.

James Fraser, speaking on behalf of Friends of Loch Lomond and The Trossachs, spoke in support of the application.

Questions from Members followed and focused on:

- The key factors relating to economic development of the proposed development.

Lynne Somerville, speaking on behalf of Balloch & Haldane Community Council, spoke in objection to the application.

Questions from Members followed and focused on:

- Clarification on business survey results and methods used to gather information from local residents
- Impact on hospitality businesses
- Impact on tourism and economy
- Community Council's interaction with the applicant
- Clarification of period of time when BHCC was not functioning due to absence of office bearers



## Items and Actions

- Impact on recreation businesses
- Feedback from young people in Balloch

Ross Greer MSP, speaking on behalf of those who submitted objections via the portal on the Scottish Green Party's website, spoke in objection to the application.

Questions from Members followed and focused on:

- The designation for redevelopment of the land at West Riverside
- Absence of objection from NatureScot
- The changes made between the original application and the current application and their impact on the scale of the proposed development.
- The scale of economics required to develop Woodbank House

Simon Ritchie, speaking on behalf of Woodland Trust Scotland, spoke in objection to the application.

Questions from Members followed and focused on:

- WTS position on compensatory planting
- Status of ancient woodland and the impact of removing it
- Mitigations for biodiversity
- Public access to woodland

*The meeting was adjourned for a comfort break.*

Jackie Ballie MSP, speaking as an individual, spoke in objection to the application.

Questions from Members followed and focused on:

- Collaboration with local businesses
- Survey responses, content and demographics

## Items and Actions

- Balance of types of jobs available through proposed development

Jack Fordy, speaking on behalf of Bonhill & Dalmonach Community Council, spoke in objection to the application.

Questions from Members followed and focused on:

- Potential benefits of economic investment to neighbouring areas
- Contamination risk to the River Leven

Ian Cowan, speaking on behalf Ross Greer MSP, spoke in objection to the application.

Questions from Members followed and focused on:

- A request for clarification on prospect of legal challenge raised by Mr Cowan from AMc in response to request from Members
- Risk associated with heavy metal contamination
- Confirmation that any Contaminated Land Assessment would be the responsibility of West Dunbartonshire Council as a part of any detailed planning application
- Clarification on consideration of submissions from consultees and experts

AMc presented to Members a summary of the key legal considerations in relation to this planning application and the decision-making process. These included:

- The 'Sandford Principle' and the context of aims of the National Park
- The nature of Planning Permission in Principle
- The need to determine on the maximum parameters set out in the application
- The role of the relevant Development Plans – NPF4 and LDP. Confirmation that most regard must be given to NPF4 as the most recent plan.

## Items and Actions

- An outline of NPF4's stated policies regarding nature, climate and biodiversity
- The determining issues: flood risk; significant biodiversity enhancements woodland removal, woodland compensation and the need for these to be considered by decision-makers at the Planning Permission in Principle stage.

HR opened discussion up to Members. Discussion focused on:

- Flood risk and the objection from the Scottish Environment Protection Agency as a statutory consultee.
- Flood risk and the impact of climate change on flood likelihood
- The fundamental nature of flood risk as a consideration in the context of NPF4's flood policies
- The need for enhancement of biodiversity in the national park
- The status of planning permission in principle in the context of NPF4 policies

HR asked if any Member wished to move an amendment to the Officer's Recommendation in the Report. No amendment was proposed.

HR moved to vote on the officer's recommendation that Members refuse application ref. 2022/0157/PPP for the reasons contained within Section 10 of the Report.

By a show of hands, Members unanimously approved the recommendation in the officer's report.

AMc confirmed the decision of the Board.

### **DECISION:**

**Members REFUSED application ref. 2022/0157/PPP for the reasons contained within Section 10 of the Report.**

### **Item 5: Any Other Business**

None

### **Item 6: Date of Next Meeting: Monday 30 September 2024**

<b>Items and Actions</b>
HR thanked all those involved in the decision-making process for their many months of work and the dedication.
HR thanked all those who spoke at the hearing and those who attended to observe the meeting, including members of the press.

DRAFT