



# National Park Authority Board Meeting

## Special Board Meeting

### West Riverside and Woodbank House Planning Application for Major Development

Date: Monday 16<sup>th</sup> September 2024  
Paper for decision

<b>SUBMITTED BY:</b>	Director of Place
<b>APPLICATION NUMBER:</b>	2022/0157/PPP
<b>APPLICANT:</b>	Flamingo Land Ltd
<b>LOCATION:</b>	Land At Pier Road, Ben Lomond Way And Old Luss Road, Known As West Riverside And Woodbank House (Lomond Banks) Balloch
<b>PROPOSAL:</b>	Erection and operation of a mixed-use tourism and leisure development including refurbished tourist information building; up to 60-bedroom apartment hotel; up to 32-bedspace budget hotel, up to 104 no. self-catering holiday lodges; restoration and redevelopment/conversion of Woodbank House and attendant listed structures for up to 21 self-catering holiday apartments (subject to other necessary consents); leisure pool, waterpark, spa; restaurants, hot food cafe and retail areas; craft brewery including pub; visitor reception area and hub building; external activity areas including areas for event and performance, play, picnic and barbeque; monorail; staff service and welfare accommodation; transport infrastructure; associated access and parking; landscaping and utilities infrastructure works.
<b>NATIONAL PARK WARD:</b>	Ward 5 - West Loch Lomond and Balloch
<b>COMMUNITY COUNCIL AREA:</b>	Balloch and Haldane
<b>CASE OFFICER:</b>	Name: Caroline Strugnell E-mail: <a href="mailto:planning@lochlomond-trossachs.org">planning@lochlomond-trossachs.org</a>

## 1. Introduction

- 1.1. This application for Planning Permission in Principle (PPiP) is for the erection of a mixed-use tourism and leisure development the full description of which is outlined above. It was agreed by the Board by correspondence on 16<sup>th</sup> July 2024 that, by raising issues of significant public interest, the application met the criteria of the Planning & Access Committee Standing Orders relating to applications that require to be determined by the National Park Board. The Board also agreed that the application should be determined at a Special Board Meeting and that a Hearing and Site Visit (with special arrangements prepared if deemed necessary) should be arranged prior to the Meeting.
- 1.2. This report presents the application for determination by the National Park Authority Board and contains the Director of Place's recommendation to the Board. This Planning Permission in Principle (PPiP) application is for the class of development known as 'major development' and, as such, has required pre-application consultation to have been undertaken by the applicant. The application is also accompanied by an Environmental Impact Assessment Report (EIAR).

## 2. Recommendation

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

## 3. Executive Summary

- 3.1. This report sets out the National Park Authority's (Officer's) assessment of this application – it is comprehensive and as a result runs to over 190 pages. This is to ensure that Board Members have all the necessary information, with detailed consideration along with the assessment behind the recommendation from the National Park Authority's Officers. It is divided into sections that set out the factual, background information on the application (Section 4), a summary of the representations and consultation responses received (Section 5), an outline of the policy and legal framework against which the application must be assessed (Section 6), a summary of the application supporting information (Section 7), a detailed planning assessment (Section 8), followed by the conclusions (Section 9). These conclusions draw together the issues identified in the planning assessment. The Appendices include information to supplement this assessment and a Glossary (Appendix 1) to assist with understanding of planning terms and acronyms. Being mindful of the interest in this

application's determination, and the length of the report, the following provides a short Executive Summary.

- 3.2. This application is for Planning Permission in Principle (PPiP), with the detail of the development proposed to be set out and considered in subsequent detailed applications only if this current application is approved. Officers have assessed the application based on a maximum extent of development (parameters) defined by the applicant.
- 3.3. This report concludes that the proposal would result in a significant amount of development that would be in an area of flood risk where no policy exceptions support it. It would also result in the removal and clearance of trees and woodland without appropriate compensatory planting and would not deliver the required significant biodiversity enhancements that would support wider outcomes to tackle the nature and climate crisis as outlined in National Planning Framework 4 and the National Park Partnership Plan. Following a detailed assessment, the scale of the proposal overall is considered to be in conflict with the site's capacity for development.
- 3.4. There are no socio-economic reasons, or other benefits, that would outweigh these conclusions in circumstances where the National Park Authority must give priority to natural heritage considerations. It is also not considered that the use of planning conditions could reasonably control or mitigate these impacts.
- 3.5. The application does not comply with National Planning Framework 4 or the Local Development Plan for the National Park. It is contrary to the statutory aims of the National Park and presents a conflict between the first aim and the fourth, meaning the National Park Authority must give greater weight to the first aim. It is therefore recommended to the National Park Authority Board that the application is refused.

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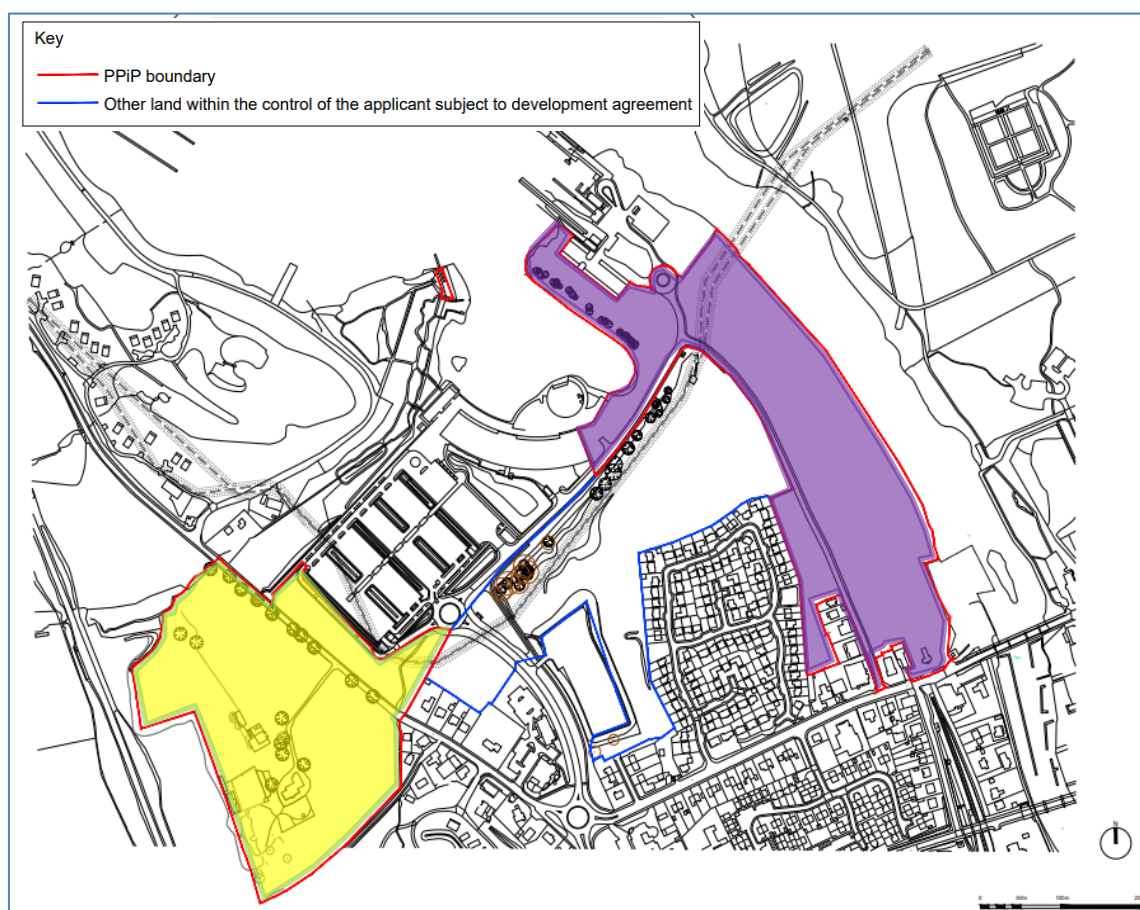
## 4. Background

### 4.1. Introduction

- 4.1.1. This section sets out a description of the site and the proposal. It then describes the Pre-Application Consultation (PAC) process that was undertaken, followed by an explanation of the requirements under relevant regulations for an Environmental Impact Assessment and Habitats Regulations Appraisal. The section ends with a summary of relevant planning history for the proposed development site.

### 4.2. Site Description

- 4.2.1. The application site is approximately 18.9 hectares (ha) in area and contains two distinct areas known respectively as West Riverside and Woodbank (see Figure 1 for location plan and Figure 2 for aerial photograph).



**Figure 1 - Location Plan showing West Riverside and Woodbank areas of the application site**

- 4.2.2. **West Riverside** (area shaded purple in Figure 1) is bounded by the River Leven to the east, Pier Road and Drumkinnon Gate Housing Estate to the west and Balloch Road to the south. The site incorporates land on the north side of Ben Lomond Way including land adjacent to the

east of Loch Lomond Shores, and between Drumkinnon Bay and the slipway car parks. For context, Loch Lomond Shores is a two-storey commercial centre of a contemporary design, and the adjacent 25m high Drumkinnon Tower is a landmark building (which accommodates a sea life centre), at the head of Drumkinnon Bay. This part of the application site is characterised by the following:

- Areas of woodland as well as smaller woodland pockets. These include the woodland edge along the River Leven, the edges of Pier Road, to the south of the slipway car parks and the woodland adjacent to Drumkinnon Bay Beach;
- Amenity space including a large area of open grassland located between the woodlands at Pier Road and the River Leven;
- Developed areas including the play park on the south side of Drumkinnon Tower and the car park and Tourist Information building across from Balloch Station.

4.2.3. **Woodbank** (the area shaded yellow in Figure 1) is the area of land on the south side of Old Luss Road. This part of the application site is bounded by grazing fields to the north and west, and a core path and housing to the south. The site includes woodland on the north side of Old Luss Road adjacent to the Lomond Shores car park. The site contains the former Woodbank House and associated out-buildings and former gardens. Woodbank House is a Category 'A' listed building and all out-buildings and boundary walls are listed in association with the House. The west side of the site includes an extensive area of woodland on rising ground. The woodland edge is located approximately between 30-100 metres east of the A82.

4.2.4. Outwith these two areas, the application site also includes a small area of woodland on the promontory on the north side of Drumkinnon Bay.





**Figure 2 - Aerial Photograph with Application Site Boundary in Red**

- 4.2.5. The application has been submitted by Flamingo Land Ltd, although the company is not the sole landowner of the application site. Scottish Enterprise owns the West Riverside part of the site, whilst Flamingo Land Ltd owns the Woodbank site. Scottish Enterprise are understood to have entered into an agreement with Flamingo Land Ltd to develop the land for leisure and tourism purposes. Planning law allows applications to be made over land not owned by the applicants provided the necessary notifications to the owners have been made. The identity of the applicant or the land owner are not relevant planning considerations and these have only been provided for background information purposes.

### 4.3. Site History

- 4.3.1. West Riverside: The site at West Riverside forms part of Balloch's railway and industrial heritage (aerial photographs of site from the 1920's to the 2000's are contained within Appendix 2 of the report). Balloch railway station was located within the south east of the site (across the road from the existing Station) and a railway line ran between the Station and Balloch Pier to the north. During the late 19th century, the arrival of the Loch Steamers and the railway signalled the beginning of Balloch as a tourist destination and extensive railways sidings and sheds were constructed at the Station. In the 1930's the Loch Lomond silk dyeing

and finishing works was constructed to the west of the Station (outwith the application site) and was present until the early 1990's when it was demolished and subsequently replaced by Drumkinnon Gate housing development. During the twentieth century there were a number of sand and gravel pits extended into the north west of the site, but these were more extensive outwith the application site. Loch Lomond Shores, a visitor destination, involved the extension of an existing, flooded gravel pit to form a new lagoon (now called Drumkinnon Bay).

- 4.3.2. Woodbank House: Historical maps and images shown in Appendix 2 show that the area at Woodbank House has remained largely unchanged since the 1860's although the buildings are now in a state of disrepair.

#### 4.4. Description of Proposal

##### *Planning Permission in Principle (PPiP)*

- 4.4.1. Planning Permission in Principle (PPiP) is being sought for a mixed-use tourism and leisure led development. A PPiP application seeks to establish the acceptability of the principle of a new use of a site and does not include details of the buildings proposed to be erected. The PPiP application is accompanied by an Environmental Impact Assessment Report (EIAR) and Addendum (hereafter referred to collectively as "the EIAR") that reports on the likely significant environmental effects that the development may have and supporting information prepared by the applicants which requires to be assessed at the time of considering the PPiP. Therefore, the level of detail about the development provided by the applicant must be sufficient to enable a proper assessment of the likely significant environmental effects. In this regard the applicants have identified 'development parameters' which set out the maximum extents of development being proposed (including building numbers and heights) for which planning permission is being sought. The detailed design, within the bounds of this maximum consenting envelope, will (if the application were to be approved) be confirmed at the Approval of Matters Specified by Condition (AMSC) ("detailed") stage of the planning process. Therefore, the likely 'worst case' effects can be considered when determining the PPiP application.
- 4.4.2. For the purposes of this PPiP application, a Parameters Plan (Figure 3) has been submitted (enlarged version and key at Appendix 3). This is the key plan for which PPiP is being sought. Other plans submitted are provided for illustrative purposes only. The assessment of the likely significant environmental effects of the proposed development is therefore based on the environmental impacts that would occur if those maximum parameters were met – the parameters, if accepted, could be controlled by enforceable planning conditions. The acceptance of this

approach (which is endorsed in Scottish Government advice) does not mean that the officers endorse the maximum parameters proposed by the applicants but only that they acknowledge them at this PPIP stage for the purposes of undertaking their planning assessment. This does not mean that the maximum parameters would be accepted at the detailed planning application stage. The Officers' approach to their assessment of the PPIP application (except where indicated) is therefore based on a proposed development that could be equal to but would not exceed these parameters and therefore only very limited weight (if any) can be given to illustrative or indicative plans. This process enables the officers to exercise their judgement on and report on the likely environmental impacts of proposed development in terms of the Parameters Plan as submitted by the applicants.





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## Parameters Plan

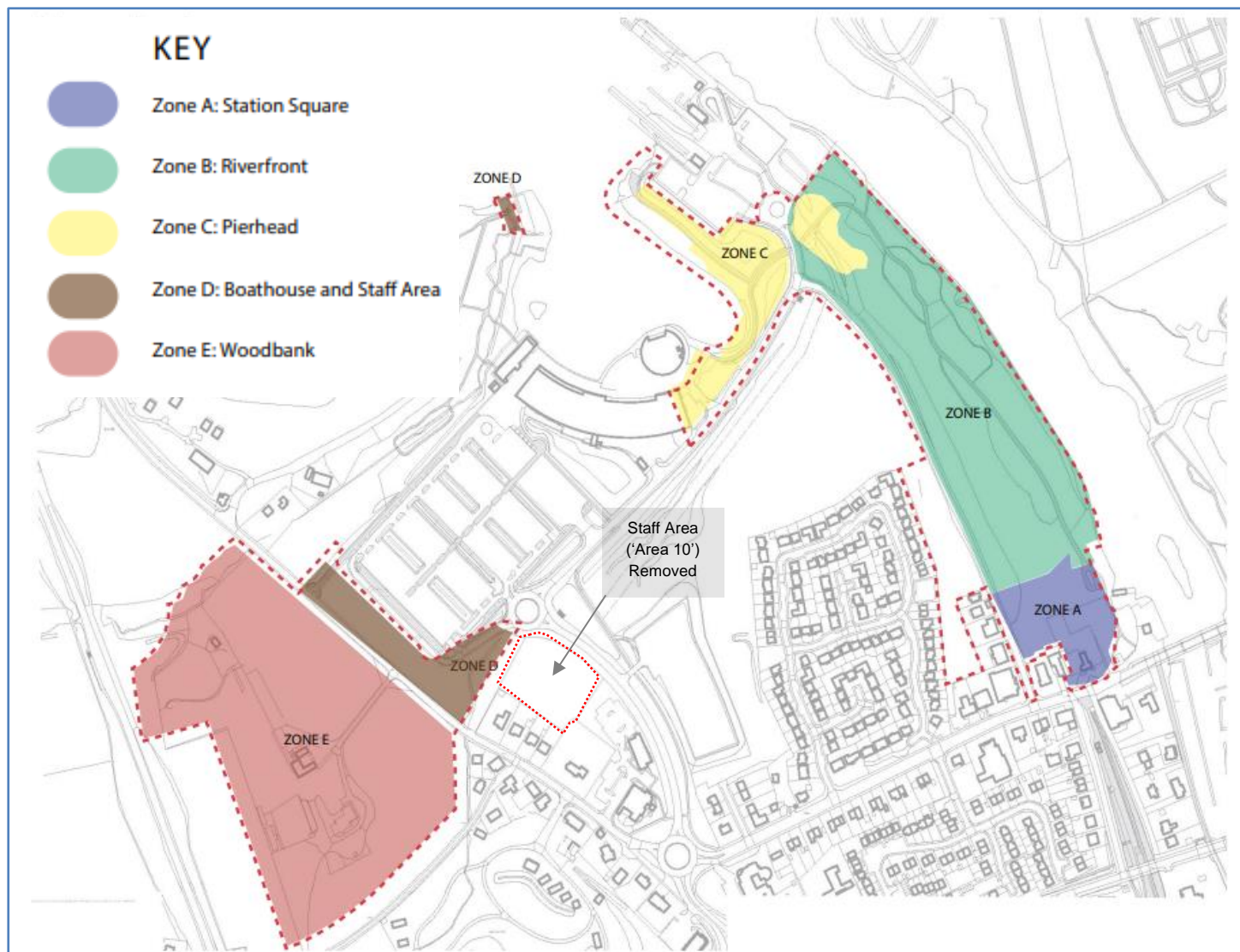
Zone	A	Proposed Use(s)	Key Parameters												
Zone A: Station Square	1	Blind Use: Food & Drink, Entertainment and Budget Accommodation	<ul style="list-style-type: none"><li>Blindery area height 13m, 1300 sqm total floor area including 380 sqm pitch</li><li>Restaurant (max height ~3m, floor area 150 sqm)</li><li>Amphitheatre: temporary tented structure (max height 6m, capacity: Flamingo Land to advise)</li><li>Budget accommodation (52 max bed spaces, 12m max height)</li></ul>												
	2	Tourist Information Services and Public Restrooms	<ul style="list-style-type: none"><li>Refurbished tourist office to include bike hire, commercial and site management uses</li><li>Enhanced public square adjacent to tourist office</li></ul>												
	3a	Woodland with Forest Lodges and Recreational Facilities	<ul style="list-style-type: none"><li>Up to max No. 42 single Stony Woodland Lodges within woodland</li><li>Public, SSSI and Play Areas in woodland (patches)</li><li>Path network</li></ul>												
Zone B: Riverside	3b	Managed Woodland with SUDs	<ul style="list-style-type: none"><li>Existing woodland retained and managed</li><li>2 SUDs: retention areas<ul style="list-style-type: none"><li>Area 1 - treatment of surface water from upgraded section of Pier Road and adjacent car park</li><li>Area 2 - treatment of surface water from reconstructed Pierhead</li></ul></li></ul>												
	4b	Pierhead Visitor Destination	<ul style="list-style-type: none"><li>Apartment (max 60 bedrooms) approx. Floor Area - 3000sqm, Max height 10m</li><li>Leisure pool/Waterside cafe, Floor Area - 2500sqm, Max height 10.5m</li><li>Restaurant/Cafe (max 150 seats, incorporated into apartment/water cafe)</li><li>Visitor Hub (indoor: video, storage &amp; office uses)</li></ul>												
Zone C: Pierhead	5	Visitor attraction and car park	<ul style="list-style-type: none"><li>Details subject to future planning</li></ul>												
	6	Multi-Use Public Restroom	<ul style="list-style-type: none"><li>High quality hard landscape public realm with capacity for temporary visitor attraction: open small scale cafes for water experience &amp; log cabin</li></ul>												
	7	Ancient Woodland Boundary	LEP0 Boundary - Area Designated Ancient Woodland												
Zone D: Boat House & Staff Area	8	SUDs	Proposed Sustainable Drainage Systems SUDs												
	9	Managed Woodland	<ul style="list-style-type: none"><li>Existing paths upgraded</li><li>Existing woodland retained and managed</li></ul>												
	10	Staff & Service Area	<ul style="list-style-type: none"><li>Area 10 Staff Accommodation and Parking (Removal)</li></ul>												
Zone E: Woodbank	11	Boat House	<ul style="list-style-type: none"><li>A boat house (off sign for storage of equipment and operation of water based activities)</li></ul>												
	12	Managed Woodland	<ul style="list-style-type: none"><li>Existing woodland retained and managed</li></ul>												
	13	Heritage	<ul style="list-style-type: none"><li>Woodbank House (max 40 and converted into up to 76 holiday apartments, subject to other necessary consents)</li><li>Woodbank House (max 40 holiday apartments including kitchen and bathroom and converted into 40, new self-catering holiday properties subject to other necessary consents)</li><li>Woodbank parking removed</li></ul>												
Overarching Components	14	Visitor Accommodation	<ul style="list-style-type: none"><li>Up to 17 new Countryside Lodges within existing field</li><li>1000 capacity</li><li>Up to 25 new Woodland Lodges within woodland (Woodland Lodges Removal)</li></ul>												
	15	WOODBANK PARKING SPACES	<table><thead><tr><th>Location</th><th>No.</th></tr></thead><tbody><tr><td>Woodbank House</td><td>25</td></tr><tr><td>Staff Parking</td><td>27</td></tr><tr><td>Woodbank Lodges**</td><td>81</td></tr><tr><td><b>WOODBANK TOTAL*</b></td><td><b>133</b></td></tr></tbody></table> <p>*See Zone E Woodbank Section for Lodge Quarters</p>	Location	No.	Woodbank House	25	Staff Parking	27	Woodbank Lodges**	81	<b>WOODBANK TOTAL*</b>	<b>133</b>		
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Overarching Components	16	WEST REVERSIDE PARKING SPACES	<table><thead><tr><th>Location</th><th>No.</th></tr></thead><tbody><tr><td>Staff and services area (close to Accommodation Removal)</td><td>0</td></tr><tr><td>Pierhead/Woodland Parking</td><td>102</td></tr><tr><td>Recreational Parking (SUDs adjacent)</td><td>42</td></tr><tr><td>Station Square Parking</td><td>50</td></tr><tr><td>Station Square &amp; Riverside Parking</td><td>136</td></tr></tbody></table> <p><b>LIMOND BANKS TOTAL PARKING SPACES 372</b></p>	Location	No.	Staff and services area (close to Accommodation Removal)	0	Pierhead/Woodland Parking	102	Recreational Parking (SUDs adjacent)	42	Station Square Parking	50	Station Square & Riverside Parking	136
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Station Square Parking	50														
Station Square & Riverside Parking	136														
Overarching Components	17	Site Vehicular/Bus Access Points	<ul style="list-style-type: none"><li>8 no vehicular access points</li><li>1 no bus access point</li></ul>												
	18	Indicative Pedestrian/Service Linkages (capable of use by emergency vehicles)	<ul style="list-style-type: none"><li>As shown</li></ul>												
Overarching Components	19	Indicative Pedestrian/Service Linkages (Blue) John Muir Way (Long)	<ul style="list-style-type: none"><li>As shown</li></ul>												
	20	Monorail	<ul style="list-style-type: none"><li>Station Square to Pierhead through Zones A, B and C (max height 3.5m rising to 5.5m above waterline access road)</li><li>Monorail Stations in Zone A at ground level &amp; Zone C in Apartment Hub</li><li>Monorail alignment subject to detailed design</li></ul>												

Figure 3 - Parameters Plan (Extract)

- 4.4.3. In the event that permission in principle was granted then subsequent detailed applications (the 'Approval of Matters Specified in Conditions' (AMSC)) would be required to be submitted and approved. These would seek approval of the detail of the development proposal and would be considered as separate applications. No development could take place until these are approved and any decision to approve these detailed applications cannot extend beyond the parameters set by the planning permission in principle. This would include the height, location and number of buildings along with the proposed use of buildings or structures. It should also be noted that given the listed status of Woodbank House, a separate application for Listed Building Consent for works to the house and outbuildings would also be necessary.

#### *The Proposed Development*

- 4.4.4. The proposal includes (in summary) the erection of up to 60-bedroom apart-hotel; up to 32-bed budget hotel, up to 104 no. self-catering holiday lodges; restoration and redevelopment/conversion of Woodbank House and outbuildings for up to 21 self-catering holiday apartments; leisure pool, waterpark, spa; restaurants/cafes, craft brewery including pub; hub building and monorail; refurbished Tourist Information building, outdoor/public realm and event space, associated access, parking; landscaping and infrastructure. The Parameters Plan separates the site into five 'Development Zones' (see Figure 4) and these are described in more detail below.



**Figure 4 - Plan of the Application Site showing the 5 proposed Development Zones**



4.4.5. **Zone A (Station Square):** The proposals for Zone A (Station Square) as shown on the Parameters Plan include:

- Refurbishment of existing Tourist Information Building, to include bike hire;
- Enhanced public square adjacent to tourist office;
- Erection of brewery (maximum height of 13 metres and area of 1,200 square metres) including a 300sqm pub;
- Erection of restaurant (maximum height of 9 metres and floor area of 150 square metres);
- Erection of budget accommodation (32 bed spaces with a maximum height of 12 metres);
- Amphitheatre (temporary tented structure with a maximum height of 8m);
- Monorail station.

4.4.6. **Zone B (Riverside):** The proposals for Zone B (Riverside) as shown on the Parameters Plan include:

- Erection of up to 42 single-storey woodland lodges;
- Monorail between Station Square and the Pierhead (maximum height 3.5 metres rising to 5.5 metres above vehicular access roads);
- Picnic/barbeque/play areas;
- Path network including a path along riverside;
- Sustainable Urban Drainage Systems (SUDS);
- Managed retained woodland.

4.4.7. **Zone C (Pierhead):** The proposals for Zone C (Pierhead) as shown on the Parameters Plan include:

- Apart Hotel: Maximum 60 bedrooms with a maximum height of 10.5 metres;
- Leisure Pool/ Water Park: Maximum height of 10.5 metres;
- Restaurant/Bar (incorporated within hotel/water park);
- Visitor Hub (indoor rides and storage/office uses);
- Multi-user Public Realm (including small scale kiosks for visitor experience);
- Visitor Attraction (details TBC) and car park (within north of Riverside);
- Monorail station incorporated within Apart Hotel building.

4.4.8. **Zone D (Boathouse):** The proposals for Zone D as shown on the Parameters Plan include:

- Erection of Boathouse (for storage and operation of water-based activities).

- Managed retained woodland (existing paths upgraded);
- Sustainable Urban Drainage Systems (SUDS);
- Staff and service area - 'Area 10' (now removed).

4.4.9. **Zone E (Woodbank):** The proposals for Zone E (Woodbank) include:

- Conversion of Woodbank House to up to 15 holiday apartments;
- Conversion of Woodbank House ancillary buildings to 6 self-catering holiday properties;
- Erection of up to 62 lodges (25 within woodland west and south west of Woodbank house and 37 within existing field north, east and south of Woodbank House).
- Woodland planting blocks;
- Managed retained woodland;
- Path network.

4.4.10. It should be noted that during the assessment of this PPiP application, revised plans and further supplementary environmental and supporting information were submitted for consideration. These submissions followed a request for additional information by the National Park Authority (in November 2022) and requests for additional information by SEPA (in March and April 2023).

4.4.11. The revised plans, which were submitted in February 2023, included the following alterations to the proposals and additional environmental information:

- Removal of staff facilities and service area from Drumkinnon Wood area within Zone D ('Area 10' on the original Parameters Plan). These facilities will be incorporated into the other proposed buildings across the site and staff parking (27 spaces) relocated to Woodbank;
- Reduced scale of development at Woodbank House (removal of 17 bothies within the woodlands to the north of Woodbank House and 5 woodland lodges from the area to the south west of Woodbank House);
- Revised Location Plan red line and blue line boundaries (red line alteration reflecting the removal of Area 10 from the application site);
- An Addendum to the EIA Report (EIAR);
- A replacement EIAR Non-Technical Summary (NTS);
- Scope for a summer junction/traffic survey and a Parking and Signage Strategy;



- Assessment of the proposed development against NPF4 (following its adoption in February 2023) incorporated within a revised Planning Statement.

4.4.12. These changes were not considered to be substantial enough to require withdrawal and resubmission of the application on account of the application being for planning permission in principle and the proposed uses remaining the same. It was therefore considered appropriate that the original planning application could be amended subject to the description being updated and further notice and publicity being undertaken. In order to give effect to this further notice and publicity requirement, in line with Environmental Impact Assessment requirements, all notifiable neighbours and those who had submitted representations were notified accordingly of the changes to the proposals and supplementary supporting information. This also provided an opportunity to make further comment. The application was re-advertised in accordance with statutory requirements and a re-consultation exercise was undertaken. The summary of representations in Section 5 includes those received throughout the application process – both before and after the revised plans and supplementary environmental and supporting information was provided by the applicants.

#### **4.5. Pre-Application Consultation**

4.5.1. The proposal is classified as a major development within the hierarchy set out in The Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. Pre-application Consultation is a statutory requirement for all major developments. In accordance with the Regulations, Pre-Application Consultation (PAC) was undertaken and a PAC Report submitted with the planning application. The PAC Report provides an overview of the consultation programme, summarises feedback provided to the applicant during the PAC process, and explains how this has been incorporated into the final application. The report states that a number of changes were made to the proposal following the PAC process including, the addition of a potential connection between Balloch Road and the new parking proposed on Pier Road, seating areas and rubbish bins at Station Square and committing to maximising employment opportunities and training for local people.

#### **4.6. Environmental Impact Assessment (EIA)**

4.6.1. For the purposes of the Environmental Impact Assessment (Scotland) Regulations 2017, the National Park is identified as a 'Sensitive Area'. Tourism and Leisure development falls within Schedule 2 of The Town

and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (section 12 'Tourism and Leisure' (c) 'Holiday villages and hotel complexes outside urban areas and associated developments'). A formal screening and scoping opinion were requested and subsequently provided by the National Park Authority in July 2021. The screening opinion concluded that an Environmental Impact Assessment (EIA) was required.

- 4.6.2. An Environmental Impact Assessment (EIA) – including the original submission from May 2022, the February 2023 Addendum and June 2023 updates – accompanies the planning application. The Environment Impact Assessment Report (EIAR) reports the findings of the EIA. It outlines the methodology and assessment methods adopted, summarises the planning and policy context and includes a number of technical assessment chapters which document the aspects of the environment likely to be significantly affected by the proposed development. It comprises of Volume 1 - Main Report, Volume 2 - Appendices and Volume 3 - Non-Technical Summary (NTS). The EIAR supporting documents can be found at <https://eplanning.lochlomond-trossachs.org/OnlinePlanning/>
- 4.6.3. The technical assessments within the EIAR firstly identify predicted effects from the proposed development on a 'pre-mitigation' basis i.e. those effects predicted to arise in the absence of any additional mitigation or enhancement. It then identifies 'residual' effects which are the environmental effects that will remain after the incorporation of embedded mitigation (those measures that have been incorporated into the design of a development) and additional mitigation measures. Finally, it determines the significance of an effect. The two principal criteria for determining the degree of significance are the magnitude of change and the sensitivity of an identified receptor (an element of the environment which is affected by the development) to change. This approach adheres to established guidance on EIA development.

#### **4.7. Habitat Regulations Appraisal (HRA)**

- 4.7.1. Given the location of the site next to the River Leven and Loch Lomond, and the ecological connection between these water bodies and the River Endrick, the proposed development would (if approved) have a 'likely significant effect' (i.e. a significant effect cannot be ruled out) on the Endrick Water Special Area of Conservation (SAC). An SAC is also known as a European (Natura) site and is covered by the requirements of the Habitats Regulations 1994. The qualifying interests of this SAC are lamprey and salmon. Under the Habitat Regulations, The National Park Authority is required to carry out an appropriate assessment where

a proposal would have a likely significant effect on the European site. A planning authority must not grant planning permission (except where there are other imperative reasons of overriding public interest) unless they can ascertain – by means of the Appropriate Assessment – that it will not adversely affect the integrity of the Natura site. This process focuses on the qualifying interests of the Natura site and must consider any impacts on the conservation objectives of the site.

#### **4.8. Planning History**

- 4.8.1. Parts of the site, along with the adjacent development at Loch Lomond Shores, have a lengthy planning case history. These include the following more significant applications which is relevant background information:
- 4.8.2. Ref: LL2635: Erection of marina, hotel complex, commercial/tourist development, 287 dwellings (now Drumkinnon Gate housing estate) and associated works. Refused by Dumbarton District Council and subsequently approved on appeal by the Secretary of State in December 1994.
- 4.8.3. Ref: WP97/120: Outline approval (now called a PPiP application) for Tourism Development with multi user visitor attraction, hotel, footbridge over River Leven, re-alignment of loch shoreline, provision of infrastructure and landscaping and erection of residential development. Approved November 1998. Following approval of this consent a number of applications for reserved matters were submitted and approved in relation to the details of the buildings that exist on site today.
- 4.8.4. Note: Application WP97/120 referred to above was the outline approval (now PPiP) for the existing Loch Lomond Shores development. The application included a hotel adjacent to the River Leven (south of the Pierhead) however this part of the proposal, along with a proposed bridge across the River Leven, was never constructed. No further details of the bridge or hotel were submitted and the outline approval has long since expired.
- 4.8.5. Planning application ref: 2018/0133/PPP for permission in principle for a mixed-use tourism and leisure-led development, on a largely similar site to the current application, was withdrawn in September 2019 by the applicants and the Pre-determination Hearing and Meeting to determine the application was cancelled. The current application(submitted in May 2022) is a revised mixed-use tourism and leisure-led development proposal which removes the development proposed previously within

Drumkinnon Woods and which makes changes including reducing the scale of parameters for the hotel building proposed at the Pierhead.

## **5. Consultations and Representations**

### **5.1. Introduction**

- 5.1.1. This section brings together consultation responses from statutory and non-statutory consultees. It then summarises representations received to the application from organisations and groups, before listing the comments received from the wider public, separated out as points of objection, points of support and those neither supporting nor objecting to the proposal.

### **5.2. Responses to Consultations**

- 5.2.1. The following section provides a summary of the organisations consulted and key points within responses. The full responses are available on the National Park Authority's Public Access Website (<https://eplanning.lochlomond-trossachs.org/OnlinePlanning/>). It should be noted that consultations on the application were undertaken in relation to the original proposals, the revised proposals submitted in February 2023 and the subsequent supplementary information that followed. Each consultee's overall position and response is summarised below, arranged by statutory and non-statutory consultees in alphabetical order.

#### **Statutory Consultees**

- 5.2.2. The statutory consultees listed below are the authorities and bodies that the National Park Authority is required to consult in the circumstances specified by The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, and other legislation, prior to determination of the application. The following section provides a summary of the key points raised and the full responses are available on the National Park Authority's Public Access Website.

#### *Balloch and Haldane Community Council (B&HCC)*

- 5.2.3. Objects to the proposed development. An initial response received in September 2022 confirmed B&HCC's support in principle despite their concerns regarding the overall scale. Support was given by B&HCC in consideration of LDP policy and the Visitor Experience site allocation.
- 5.2.4. An updated response changing B&HCC's stance to one of objection was received in February 2024 following their disbanding and re-forming with

newly elected Councillors and Office Bearers. The newly formed B&HCC agreed to align its stance on the development with the results of a survey conducted by the previous Community Council, of which 74% of the community surveyed were opposed to the proposals. B&HCC highlight that an increasing majority of local people are not in support of this development.

5.2.5. The reasons given for B&HCC's objection are, in summary:

- The proposal fails to meet the statutory aims of the National Park;
- The proposal fails to comply with the Development Plan, specifically NPF4 policies 3, 6, 8, 13, 14, 20, 21, 22, 25, 26, 29, and 30;
- Scale of development;
- Impact on environment and biodiversity, loss of habitat for endangered and protected species in breach of Nature Conservation (Scotland) Act 2000;
- Adverse impact on the landscape within the National Park;
- Increased traffic impacts on the A82 and in/around Balloch during peak season and resulting increased carbon emissions;
- Loss of car parking for local people including at Balloch railway station;
- Impact on existing strained public services;
- Loss of public spaces and the impact on local greenspace used by the local community for informal recreational purposes, and adverse impacts on the health and wellbeing of the local community;
- Economic impact on existing local businesses;
- Existing flood risk exacerbated;
- Overdevelopment of Woodbank site, affecting visual amenity and setting of the listed building and also causing traffic safety issues on Old Luss Road;
- The application does not meet any of the objectives of the National Strategy for Economic Transformation (NSET); and
- The proposal is in breach of United Nations Sustainable Development Goals (SDGs).

5.2.6. Further representations were received from B&HCC objecting to any development at West Riverside where there is risk of flooding. They contend that the Woodbank site should not be developed as it does not comply with Policy 22 of NPF4 in terms of flood risk and they consider that the applicant should undertake a Flood Risk Assessment at the Woodbank site at this PPiP stage. They highlight existing flooding issues at Old Luss Road and concern that development at Woodbank would

exacerbate this to the detriment of existing land and property in the locality.

#### *Historic Environment Scotland (HES)*

- 5.2.7. No objection. HES welcome the redevelopment of Woodbank House and the retention of an open area of ground to the east of the House as this would preserve important views to and from its primary east elevation. With the revised proposals (reduction of 22 bothies/lodges within the grounds) HES remains of the view that this development would have an adverse impact on the historic setting of the House. However, they consider that the adverse impact would be mitigated by the significant beneficial impacts derived from the conservation of the fabric of the House and its ancillary structures.
- 5.2.8. Slipway and Engine House – HES state that the proposals would not result in such a significant impact on the setting as to warrant an objection but reiterate that consideration should be given to maintaining some woodland screening between the winch house and the new development, so that the winch house remains a visually prominent historic feature in views towards the building.
- 5.2.9. Balloch Castle Garden and Designed Landscape (GDL) and Earthwork – HES consider that the proposal does not raise issues of national significance for the Monument and Balloch Castle GDL that would warrant an objection.

#### *NatureScot*

- 5.2.10. No objection. NatureScot advise that there is a likely significant effect on the qualifying species of the Special Area of Conservation (SAC). The National Park Authority has carried out an Appropriate Assessment to ascertain if there will be an Adverse Effect on Site Integrity and has consulted with Nature Scot. NatureScot have reviewed this and provided further comment. The Appropriate Assessment can be found in Appendix 4.
- 5.2.11. NatureScot conclude that there will be no direct impact upon Boturich Woodland SSSI during the construction phase and that it is unlikely that the proposed development would lead to a sufficient increase of people visiting Boturich Woodland to result in any significant impact on this site.

#### *Scottish Environment Protection Agency (SEPA)*

- 5.2.12. Objection. SEPA's position regarding development in Zones A and B is one of objection. However, they advise that if the National Park Authority consider that one of the exceptions in NPF4 Policy 22 a) applies to the



site then some development in Zones A and B may be possible. SEPA has no objection to the development at the Pierhead or Woodbank House, subject to conditions and further detailed flood risk assessment at the detailed stage.

- 5.2.13. Following publication of National Planning Framework 4 (NPF4) in February 2023 which is part of the Development Plan, SEPA issued a holding objection in March 2023 requesting an updated Flood Risk Assessment incorporating higher allowances for climate change in the flood risk modelling.
- 5.2.14. SEPA's response of July 2023 maintains objection on the grounds of flood risk to proposed development at Riverside. SEPA requested the layout for Zones A and B to be modified to remove development from the flood risk area. They advised that they would review their response should the National Park Authority confirm an exception under NPF4 Policy 22 a) applies. If this exception applies, SEPA would expect additional work to be undertaken by the applicant with regards to the detailed design.
- 5.2.15. SEPA's final response of June 2024 notes that, as the National Park Authority has not confirmed that any exception under NPF4 Policy 22 a) applies, SEPA's position remains objection unless Zone A and B are modified to remove development from the flood risk area. However, if the National Park Authority considers that an exception does apply then further information would be needed to inform the number, scale and location of the proposed lodges. SEPA considers that it may be possible for some development to take place in these areas as certain mitigation is acceptable in the event an exception applies. However, this will depend on the outcome of the further flood risk work. Ultimately, implementation of development as set out in the Parameters Plan and indicative layouts submitted may not be feasible and modification to the proposal may be required. SEPA considers it is for the National Park Authority to determine whether such information should be provided at the outline (PPiP) or detailed planning stage. Should this information be deferred to the detailed planning stage, as proposed by the applicant, SEPA reserve the right to object at that stage should they consider further information is needed or the proposals to be contrary to national planning policy at that stage.

#### *Scottish Water*

- 5.2.16. No objection. Scottish Water will review capacity availability and advise the applicant accordingly once a formal connection application is submitted to them, following the grant of full planning permission. Early engagement with Scottish Water through the Pre-Development Enquiry

(PDE) process is recommended to further determine what will be required to serve this site once further detail on flow rates are known. The PDE, prior to any formal Technical Application being submitted, will allow full appraisal of the proposals by Scottish Water. The costs of any mitigation works to support the proposal will be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- 5.2.17. Scottish Water note that they have assets within the development site and advise that the applicant must identify any potential conflicts with these assets and contact the Asset Impact Team for an appraisal or to apply for a diversion. Any conflict identified may be subject to restrictions on proximity of construction. Scottish Water identify that the proposal falls within a drinking water catchment where a Scottish Water abstraction (designated as Drinking Water Protected Areas (DWPA)) is located. Loch Lomond supplies Balmore and Blairlinnans Water Treatment Works (WTW) and water quality and water quantity in the area must be protected.

#### *Transport Scotland*

- 5.2.18. No objection. The Director does not propose to advise against the granting of permission.

#### *West Dunbartonshire Council (WDC)*

- 5.2.19. Four responses have been received from the Council; three are officers' comments from technical service departments along with an overall Council response which was approved by the full Council's meeting on the 24<sup>th</sup> April 2024. This was informed by the technical service responses.
- 5.2.20. West Dunbartonshire Council neither object to nor support the proposed development. They ask that if the application is approved, the recommended works to the Ballochloan (A811/Luss Road/Old Luss Road) Roundabout are conditioned and undertaken.

#### *West Dunbartonshire Council (WDC) – Roads Authority*

- 5.2.21. The detail and information provided in the Transport Assessment and Travel Plan is acceptable. Evidence highlights that the proposed development will result in an increase in traffic flows, in particular around the Ballochloan (A811/Luss Road/Old Luss Road) Roundabout and that the impact will result in a deterioration of the junction performance of the Ballochloan Roundabout. WDC Roads require mitigation measures to be installed at this location to offset the increased traffic flow. It is recommended that the A811 (W) approach between Stoneymorgan



Roundabout and Ballochloan Roundabout is widened to allow for the creation of a 3.5m wide left hand slip lane and this could be achieved through the removal of the existing grassed verge. This is required to be conditioned as part of the planning application and is required to be constructed prior to operation of the development site. If these works are not conditioned the Council would object to the development.

- 5.2.22. Further details on how the travel initiatives will operate and be managed are to be provided at the detailed application stage. Parking provision has been calculated on the individual uses proposed and is in accordance with the National Roads Development Guide (NRDG). Exact parking quantum will be considered in line with West Dunbartonshire Council's parking standards for the hotel, water leisure and lodges at the detailed application stage. Sufficient EV charging points should be provided as well as disabled parking to NRDG standards and cycle parking throughout, with potential for E-bike charging points. Conditions are recommended to secure a Traffic Management Plan and full Travel Plan.

*West Dunbartonshire Council (WDC) – Environmental Health*

- 5.2.23. No objection subject to conditions requiring detailed information and assessment at the detailed application stage. This would include: a Contaminated Land Assessment, Remediation Scheme, Monitoring and Maintenance Scheme, Noise Impact Assessment, details of ventilation systems, noise attenuation details, Noise Control Method Statement (construction), Piling Method Statement, dust control scheme, external lighting scheme, grease trap details, Air Quality Impact Assessment, biomass boiler details and details for collection and storage of waste.

*West Dunbartonshire Council (WDC) – Flood Authority*

- 5.2.24. No objection. A detailed response cannot be provided with regards to flooding until the detailed design stage.

*Members of Parliament / Scottish Parliament and Councillors*

- 5.2.25. The Planning (Scotland) Act 2019 introduced the requirement for Councillors, Members of the Scottish Parliament (MSPs) and Members of the UK Parliament to be notified of major applications. Representations have been received from Cllr Jonathan McColl (objects), Jackie Baillie MSP (objects) and Ross Greer MSP (objects). The individual representations can be viewed on the Public Access

Website (<https://eplanning.lochlomond-trossachs.org/OnlinePlanning/>).

The key points raised are summarised below:

- Not against development per se but this is not the best development for this particular area;
- Spend in the wider local economy appears to be negligible and it has not been demonstrated to offer much by way of increased trade to local businesses;
- The scale of the development would place a significant burden on the A82 and parking and train travel is inadequate and unreliable;
- 'Overriding public interest' is needed to allow damage to ancient woodland - this development is not 'overwhelmingly in the public interest';
- Conflict of interest and public perception merits referral to Scottish Ministers for determination;
- Unprecedented public interest and objection;
- The Lomond Promise is welcomed and should be adhered to should this application be granted but scepticism over its legitimacy;
- The proposal conflicts with the LDP and NPF4 and there are no material considerations that justify departure from the Development Plan;
- The application is not in keeping with the National Park's primary objective of conserving and enhancing the natural and cultural heritage of the area;
- Inappropriate scale and density for the sensitive location;
- Concern regarding impact upon famous Loch Lomond landscape and impacts upon public access;
- Creation of new jobs is welcomed but concern these may be low paid and majority part-time or seasonal;
- Increased footfall to Balloch is welcome but the proposal will bring competition and economic risk for the local area and local businesses;
- Significant impacts on the local road network with increased traffic and increased CO2 emissions;
- Loss of car parking opposite the train station without suitable, easily accessible provision is unacceptable;
- Unacceptable ecological impacts including disturbance and loss of habitats and woodland (including ancient woodland), water pollution, intensification of use and associated pollution of woodland, disturbance to otters and pine marten;

- Environmental concerns – sewerage system capacity, noise pollution and construction impacts.
- Concerns regarding compliance with policy 22 a) of NPF4 in terms of flood risk;
- Lack of assessment of the health risks arising due to the intersection of contaminated land, flood risk and holiday accommodation; and
- Concerns regarding the quality of the planning and EIA submission (Inconsistencies, errors and omissions throughout).

### **Non-Statutory Consultees**

5.2.26. In addition, to statutory consultees, it is open to the National Park Authority to consult with other bodies regarding the application depending on the circumstances. The National Park Authority has consulted the following authorities/bodies who in their judgement – whilst not designated in law – are likely to have an interest in the proposed development. Only where a response was received are these noted below.

#### *Friends of Loch Lomond*

5.2.27. Conditionally supports the proposed development because of its long-term designation within the Local Development Plan (LDP) and supporting documents for tourism and leisure development and because Balloch is not currently realising its full potential as a sustainable tourist destination. They welcome improvements made since the previous scheme, including the reduction in height of the Pierhead building and the removal of housing at Woodbank. The group considers this an optimum, and possibly last, location on Loch Lomondside for a major tourist and leisure development with real opportunity for sustainable travel. They would encourage the development of a green travel and transport plan with the development and a planning condition to guarantee community use of the leisure facilities. The inclusion of indoor recreational activities is welcomed as this will help boost year-round occupancy and employment. The amount of public space retained throughout the site, and the improved network of paths is welcomed. The monorail will address ambitions to improve connectivity. The civic amenity space with mixed-use buildings at Station Square will enhance the appeal and vitality of the village centre. They support the proposal due to the anticipated job creation and economic spin-off. Woodbank

House is on the Buildings at Risk Register and this application brings opportunity for investment and sympathetic redevelopment.

*Loch Lomond Association*

- 5.2.28. Neither objects nor supports. If approved at this stage, Loch Lomond Association would provide further comment on the detailed proposals. They welcome development on the designated area of land in principle, but the proposal would add considerably to the traffic management problems already experienced on the A82 and local area. More traffic would be off-putting to visitors and discourage public use of this part of the National Park. Density is a concern in terms of public services such as sewage and waste.

*Petroineos*

- 5.2.29. No objection. The proposed development is in close proximity to the Finnart high pressure oil pipeline (Finnart to Grangemouth). Should planning consent be granted the developer should fully consult Petroineos prior to construction to agree a method statement for works in close proximity to the pipeline. Petroineos should be notified of any temporary or permanent facilities to be installed within the pipeline wayleave.

*Scottish Forestry*

- 5.2.30. Scottish Government policy is opposed to the permanent removal of woodland for the purposes of conversion to another land use. The proposed development will have a direct impact on forestry interests including sites of ancient character, semi-natural woodland, individual trees and scrubland. Woodland removal is only supported where there are significant and clearly defined additional public benefits. Scottish Forestry welcome recommendations for woodland enhancement, and where permanent removal of woodland is proposed they welcome compensatory planting to effect net gain. Scottish Forestry encourage the production of woodland management plans for the residual area of ancient woodland and for each character area. If consented, a compensatory planting plan is required, complying with UK Forestry Standard. This must detail the exact area of deforestation and the area for new planting must be under developer ownership or third-party lease. An appointed suitably qualified clerk of works must monitor the establishment of compensatory planting.

*West of Scotland Archaeology Service (WoSAS)*

- 5.2.31. WoSAS have advised that the application site lies within an area of high archaeological sensitivity including both prehistoric and medieval sites and buried remains are a possibility. WoSAS agree with the submitted archaeological report and its recommendations for mitigation and advise that the application area be subject to an archaeological evaluation carried out by professional archaeologists retained by the developer ahead of the construction. This ensures that any remains discovered can be identified, excavated, recorded and published. Historic building recording will also be required as a first stage for Woodbank House prior to any alterations taking place.

### **5.3. Summary of Representations Received from other Organisations or Groups**

- 5.3.1. The following organisations and groups submitted comments to be considered. These are listed in alphabetical order.

#### *Alexandria Community Council*

- 5.3.2. Supports on the basis of the following ambitions: inward investment of around 40million to the community, training and employment of local people to be paid real Living Wage and no zero hour contracts, a commitment that Lomond Banks will work with local businesses, community engagement to ensure pride of place, protection and maintenance of Drumkinnon Woods, an eco-friendly approach to construction, materials and buildings, and commitment to tackling parking and traffic issues within the National Park and local community.

#### *Badenoch and Strathspey Conservation Group*

- 5.3.3. Objects. The Group considers that the proposal is inconsistent with Scotland's National Park legislation and is not in accordance with any of the 4 aims of the National Park. The proposed development would have significant negative effects upon the existing exceptionally high landscape quality and biodiversity. The Endrick Water SAC could be significantly adversely affected. They are of the opinion that the proposal fails to promote sustainable use of the natural resources of the area and it would undermine rather than promote public understanding and enjoyment of the special qualities of the Park. The proposal does not represent sustainable social or economic development. Overall, the proposal is not befitting of its place within the National Park.

#### *Bonhill and Dalmonach Community Council*

- 5.3.4. Objects. The Community Council supports in principle the redevelopment of the Woodbank House site as this would add to the

amenity of the area without affecting access to the Loch. However, the following reasons for objection outweigh their support:

- The proposals exclude and impact public access to a well-used area of park land;
- Scale of development is too large for Balloch;
- The proposals do not reflect the wider landscape;
- The removal of legacy trees and woodland areas is contrary to policies 3a, 3b 4 and 6 of NPF4;
- Concerns regarding water supply and drainage capacity to serve the development;
- Concerns that the local road network cannot accommodate the traffic generated by the development in addition to existing traffic; and
- Lack of affordable housing.

#### *Dunbartonshire Chamber of Commerce*

- 5.3.5. Supports. The Chamber of Commerce recognises the economic and social benefits that this inward investment will deliver to the area. The proposed development at West Riverside closely aligns with original Scottish Enterprise plans for tourist development and improving connectivity between Loch Lomond Shores and Balloch. This also aligns with outputs of the 2016 Balloch Charette. The Chamber of Commerce is supportive of these plans which will create jobs, support skills development and employability for local communities, many of which are within areas of high levels of deprivation in Scotland. There are significant opportunities for the local supply chain and secondary spend may be maximised through the promotion of local business.

#### *Helensburgh and District Access Trust (HADAT)*

- 5.3.6. Supports. The proposed development is an opportunity to improve the visitor experience of The Three Lochs Way. The southern terminus of this popular walking route is the Balloch visitor information office and the first section of the route is within the development site. The proposal will encourage access to the countryside by helping to promote and improve The Three Lochs Way and John Muir Trail, by including signage and street furniture at the terminus – which aligns with HADAT's aims. Public access will be improved and maintained throughout the development site and with Loch Lomond Shores. Existing wildlife and habitat areas including woodland along the river banks and shore line will be improved and maintained, some of which is currently neglected. The development

would increase viability of the Maid of the Loch which has unexploited mass transport potential.

*Kemble Business Park LLP (owners of part of the Loch Lomond Shores mall)*

5.3.7. The Business Park raises the following concerns in relation to the proposals, specifically with regards to parking management and transport strategy:

- Concerns that there is insufficient parking within the development site and this may result in reliance on parking outwith the site at Loch Lomond Shores and the overspill parking would put the viable operation and future expansion of Loch Lomond Shores at risk.
- Concerns that parking standards have been calculated based on individual components of the proposed development and do not account for existing visitors parking for recreation such as walking, picnics or water sports.
- Shortage of car parking for staff where public transport cannot be relied upon for shift work etc.
- The multi-user public realm area identified on the parameters plan for temporary visitor attraction and small-scale kiosks such as cafes appears to encroach into land used for servicing and as a play area and public realm for Loch Lomond Shores.
- Concern over the lack of improvements to the road network and surrounding junctions to accommodate the proposed development.
- Loss of ancient woodland, contrary to national and local development plan policy.

*Kilmaronock Community Council (KCC)*

5.3.8. Objects. KCC objects primarily due to the loss of public amenity space at Station Square which provides a short, easy and well-lit walk from Balloch train station platform which is valued by residents within the Kilmaronock community. This conflicts with the site's Visitor Experience *and Transport* designation. Alternative train station parking sites are too far from the station, are not accessible and are unsustainable and unsafe. They request that, if minded to grant, a condition should ensure that a sufficient and justifiable number of parking spaces is retained for local rail users on this specific site. Balloch is an essential hub for the Kilmaronock community and KCC contend that the proposal will adversely affect the area economically in terms of Council resources.



KCC consider that they should be a Statutory Consultee in this process due to the impacts of the proposed development on their community.

*Loch Lomond and The Trossachs National Park Authority (Estates)*

- 5.3.9. The following response is made by Loch Lomond and The Trossachs National Park Authority in its capacity as an adjacent land owner/site manager. The National Park Authority occupies land immediately adjacent to the proposed development at Duncan Mills Memorial Slipway and an area known at the Gateway Orientation Area. The proposed Monorail would need to be of sufficient height and width where it crosses the access road to the Duncan Mills Memorial Slipway car parks so access is not impeded. The development will require adequate provision for both guests and their vessels because there is insufficient space to park boats and trailers, other than when using the water, in the National Park Authority's car parks. The proposal must not impact on existing trailer parking bays. The National Park Authority in its capacity as landowner/manager of neighbouring land asks for appropriate conditions to be placed on any planning permission granted to ensure that the development does not cause detriment to the existing uses of the land and property occupied and managed by the National Park Authority.

*Loch Lomond Steamship Company*

- 5.3.10. Supports. The new accommodation and facilities will benefit Balloch and the wider area in terms of increased economic activity and employment both on site and throughout the extended supply chain. The proposed development will provide an enhanced visitor experience alongside existing complementary tourist and leisure including PS Maid of the Loch. They support the reinstatement of the link between the pierhead and Balloch centre as this will be accessible to all and reduce reliance on car travel. They welcome the improved pedestrian connection between Loch Lomond Shores, Balloch centre and the pierhead as this will increase footfall to all. They consider the improved signage and retained public access on the Three Lochs Way and John Muir Way as important. They recognise the proposal is an opportunity to enhance Balloch as the gateway to the National Park and beyond. The proposal aligns with their ambition to return the PS Maid of the Loch to paddle steam cruising on Loch Lomond.

*National Trust for Scotland*

- 5.3.11. Objects. National Trust for Scotland supports the reuse of Woodbank House, a Grade A listed building, and the retention of as much of historic



building fabric as possible. However, the National Trust for Scotland objects overall on the following grounds:

- Concerns that the proposal will result in direct loss and potential damage to a significant area of ancient woodland across the site;
- The scale of development and resulting pressures on local labour market, increase in traffic, pressure on roads, risks to viability of existing tourism businesses in Balloch and general disruption to existing landscape and scenery;
- The proposal could better incorporate the community aspirations stated in the 2016 Balloch Charrette, particularly with regards to the West Riverside walkway and pedestrian connections.

### *Ramblers Scotland*

5.3.12. Objects, for the following reasons:

- Areas of the development site are outwith the sites allocated for Visitor Experience within the LDP.
- Concerns regarding the scale of development. The reduction of 22 lodges and 20 parking spaces with revised proposals is noted but Ramblers Scotland's concerns regarding scale are upheld. The proposal is contrary to NPF4 Policy 29 b).
- Impact on climate emissions resulting from increased vehicle journeys and congestion and lack of radical change and incentive required to facilitate the modal shift to sustainable transport.
- Concerns relating to impacts on public access throughout the development site. There should be more informal public access and permeability throughout the site.
- Concerns that the proposal is contrary to Scottish access legislation (e.g. no pedal cycles on woodland/grassland and dogs to be kept on leads).
- Concerns over lack of integration of the local community with the development, and few benefits for local people.
- Impacts upon existing woodland, including ancient woodland. Concerns the development will encroach upon Drumkinnon Woods in the future.

### *Scottish Campaign for National Parks (SCNP)*

5.3.13. Objects. In principle, SCNP are supportive of regeneration and large-scale tourist development in this location, the gateway to the National Park. However, SCNP object because they believe the development is not of a character and standard appropriate to the role of a National Park as a model of sustainable development. They are concerned about the

scale and intensity of the development, the car parking and transport assumptions by the developer, and failure to capitalise on existing public transport networks in Balloch.

#### *Woodland Trust for Scotland*

- 5.3.14. Objects on the grounds of likely deterioration of the ecological condition and loss to two areas of ancient woodland. The removal of woodland is contrary to the Control of Woodland Removal Policy. This development contravenes both national and local planning policy designed to protect ancient woodland. The following concerns are highlighted:
- Impacts on adjacent ancient woodland from the close proximity of the proposed lodges at Woodbank House, including deterioration and long-term changes in species composition and valuable habitat.
  - Direct loss of ancient woodland at the boathouse which is sited within an area of Long Established woodland of Plantation Origin (LEPO) woodland.
  - Associated impacts of intensification of recreational activity which can result in disturbance of breeding birds, vegetation damage and litter etc; fragmentation as a result of the separation of adjacent semi-natural habitats; noise, light and dust pollution; long term threat from removal of trees resulting from safety concerns; adverse hydrological impacts from the introduction of hard-standing affecting the quality and quantity of surface and ground water; introduction of non-native plants.
  - The Woodland Trust recommends a buffer zone of at least 15 metres between the LEPO woodland edge and the proposed lodges, in order to prevent adverse disturbance impacts and ensure avoidance of root damage.

#### **5.4. Summary of Representations From Wider Public**

- 5.4.1. At the time of concluding this report the National Park Authority has received a total of 174,946 representations to this planning application. Representations were received through the following processes:
- Individual (unique) representation sent via the Public Access Website, email or letter direct to the National Park Authority (908 representations);
  - Via the Scottish Green Party website which set up an online campaign called “SAVE LOCH LOMOND - OBJECT TO FLAMINGO LAND 2.0” (174,038 representations).

- 5.4.2. E-mails received through the campaign's website were formed from a template letter prepared by the campaign contained in a website form (Appendix 5) with the option to edit and add individual comments. Included in the email is the individual's postcode and email address. These e-mails were all received via a Scottish Green Party e-mail address so all National Park Authority communications regarding these representations have been sent to the Scottish Green Party acting as representative.
- 5.4.3. A breakdown of the number of representations received through each process (at the time of concluding this report) is outlined on the following table (accurate as of 12pm Friday 30<sup>th</sup> August 2024).

Table 1 - Summary of Representations

<b>Summary of Representations</b>	<b>No. of Objections</b>	<b>No. of Support</b>	<b>No. neither objecting or supporting</b>
Individual letters/e-mails sent direct to National Park Authority	834	69	5
E-mails received via the Scottish Green Party campaign	174,038		
Total	<b>174,872</b>	<b>69</b>	5
<b>Total Representations</b>	<b>174,946</b>		

- 5.4.4. The full content of the representations is available to view on The National Park Authority's Public Access Website <https://eplanning.lochlomond-trossachs.org/OnlinePlanning/> (enter the reference number '2022/0157/PPP').

## 5.5. Summary of Objections to Application

- 5.5.1. The points of objection within individual representations are summarised below and have been grouped together under topic headings for ease.
- 5.5.2. Policy and Legislation:
- Not in accordance with LLTNP vision statement nor the National Parks Act.
  - The proposal presents a conflict between the first National Park aim and the fourth National Park aim, meaning the authority must give greater weight to the first aim – the "Sandford Principle;"
  - Contrary to Overarching Policies 1 and 2 of the LDP;
  - The overall site goes beyond the sites VE1 and VE4 designated in the National Park's local plan for 'Visitor Experience;'
  - Contrary to Visitor Experience Policy 2 of the LDP;
  - Contrary to Natural Environment Policies 1 and 2 of the LDP;

- Contrary to sustainable and active travel policies of the LDP;
- Contrary to Transport Policy 2 of the LDP;
- Contrary to Open Space Policy 2 of the LDP;
- Zone B is in breach of Policy 22 of NPF4;
- The proposal does not align with the visions of the Balloch Charette.

#### 5.5.3. Traffic and Transport:

- Impact of increased traffic within local road network;
- Road safety issues due to congestion within Balloch;
- Impact of increased traffic upon the A82 which is critical for regional connectivity;
- In the summer months traffic queues are extensive travelling South at the Stoney-mollan Roundabout and travelling North at the Dunglass Roundabout;
- The A82 has an extensive accident record and the proposal would exacerbate this;
- Emergency access impeded by proposed increased traffic and accidents on the A82;
- Road traffic and safety impacts upon wider road network e.g. residential areas of Dumbarton with increased and diverted traffic;
- The developer's agreement with Transport Scotland to contribute only £115,000 towards re-alignment of the Stoney-mollan roundabout is insufficient;
- A monorail does not encourage active travel;
- The existing rail service to Balloch is poor – overcrowding, cancellation, anti-social behaviour – and would be worsened with proposed development;
- No consideration given to the impacts upon roads during the construction phases – existing pothole problem will be worsened;
- The applicant's Transport Assessment is inadequate (e.g. focusses on 2 junctions and surveys for a limited period of 2 days);
- The roads around Loch Lomond are already busy, in a poor condition and unsafe for cyclists. The proposal does not encourage safe, sustainable travel or improve active travel options;
- There is not enough car parking to accommodate the proposed development;
- Impact of indiscriminate parking on Tullichewan Road next to Balloch Station, Old Luss Road, Craiglomond Gardens;
- Discrepancies in the plans and lack of car parking proposed for Woodbank;

- Objection to additional car parking at the Woodbank site, when bothies and lodges have been removed;
- People will not use public transport to get to Balloch;
- There is a lack of public transport beyond Balloch. People will want to see more of Loch Lomond and the National Park and so will bring their cars anyway;
- Increase in traffic on Old Luss Road which is used to access Cameron House, Queen of the Loch and Lomond Woods Holiday Park will be dangerous for residents' access to properties;
- Loss of car parking opposite train station (informal park and ride). Boat owners using the River Leven will not have anywhere to park;
- Replacement parking for the station parking would not be effective as people will not walk any distance and the surrounding roads (including Fisherwood Road) would be targeted for parking;
- There is not enough room in the National Park trailer park to accommodate parking for waterpark visitors; and
- Parking restrictions and fees will make it difficult for locals to access shops.

#### 5.5.4. Design and Landscape:

- The overall scale of the development is too large. Overdevelopment will overwhelm the village;
- The development does not fit with the character of the National Park and the design is not bespoke;
- Significant long and short-distance visual impact;
- The applicant's Visual Assessment is limited – there is no identification of buildings or views which would show overdevelopment and where woodland will be lost;
- Scale of the hotel is too large in the setting of the Maid of the Loch, and will ruin views from the loch, and block views of the loch;
- Overshadowing and overdevelopment of Drumkinnon Bay and the shorefront by the proposed hotel;
- Cumulative adverse impact of development of this scale on the landscape around Drumkinnon Bay and shorefront;
- Visual impact of staff accommodation, maintenance and service yards between Riverside and Woodbank areas;
- Lack of clarity of revised location of staff accommodation and service areas;
- The brewery building is an extremely large and imposing industrial complex, with a maximum height of 13m and occupying 1200 sqm which would be out of place on the banks of Loch Lomond;

- Overcrowding and overdevelopment of Woodbank House and grounds;
- A monorail belongs in Disneyland – it will be unsightly, out of character and unsympathetic to the location;
- This is urbanisation of a rural area;
- The peninsula at the north end of Drumkinnon Bay is quiet and secluded – the incursion of development there is inappropriate;
- The development would not enhance Loch Lomond's natural beauty;
- Too many tourists will spoil the peace and tranquillity.

#### 5.5.5. Climate:

- The increase in car journeys this development would generate is contrary to Scotland's statutory climate change targets;
- This development does not respond to the climate emergency;
- The proposal will include a loss of habitat that acts as a carbon sink;
- The development does not make sustainable use of the area's natural resources;
- Carbon effects from construction;
- The proposed buildings are not sustainable;
- The proposal will generate a lot of waste;
- No carbon/emissions assessment has been conducted.

#### 5.5.6. Ecology:

- This development is not the solution to the nature emergency;
- The proposal does not protect nor enhance natural heritage;
- Significant threat to salmon in the River Leven by pollution, and consequent risk to salmon in Endrick Water SAC;
- Woodland on the AWI and woodland classed as LEPO at risk of felling and other damage. Loss of ancient woodland and associated habitats;
- Impacts on red squirrels, bats, badgers, barn owls, and powan;
- Objection to Drumkinnon Woods being used for any part of the development due to very recent new sightings of fallow deer, woodpeckers, and increase in small birds and native Scottish bluebells;
- No guarantee Drumkinnon Woods will not be developed in future;
- There is no need to 'manage' Drumkinnon woods, it is already being managed and no action is required;
- Buildings will reduce woodland flora/fauna and increased footfall will disturb wildlife and wildflowers;

- Artificial lighting will disrupt dark areas and ecology;
- The increase in the use of the loch will deter the population of sea eagles and ospreys.

#### 5.5.7. Public Access:

- The proposal involves the privatisation of public, natural space;
- The National Park is not for sale - public land should not be sold for profit;
- The development would impede pedestrian access to the loch via Riverside;
- Loss of the only flat area of open space (Riverside) enjoyed by mobility impaired;
- Development affects the right to roam and access rights for dog walking and horse riding;
- Lack of consideration and provision for disabled people e.g. through street furniture and signage;
- Loss of public, disabled and vehicle access to Drumkinnon Bay;
- Loss of public space impacts on the health and wellbeing of the local community;
- Safe cycling routes would not be fully available post development;
- Public access to the pierhead will be obstructed during construction;
- Deprived families in West Dunbartonshire could not afford to pay for access;
- Boat owners mooring their boats on the river will be unable to pay increased fees to the developer. Local boat clubs will be priced out. There is no guarantee that boat owners would have continued use or access to the pontoons;
- Boat users on the Leven will have to access through holiday chalets with hazardous substances (petrol etc) which is a health and safety hazard.

#### 5.5.8. Amenity:

- Excessive noise and disturbance from traffic;
- Noise disturbance from jet skis on the loch will be exacerbated;
- Noise and disturbance from general operation of proposed development including: micro-brewery, restaurant and bins area, water park and hotel;
- Noise and disturbance from construction;
- Overshadowing, light pollution, loss of daylight and overlooking into properties on Balloch Road and Lower Stoneymollen Road;



- Increase in antisocial behaviour and not enough police to deal with the increased numbers of people;
- Increase in litter and not enough bins;
- Lack of public toilets in Balloch to accommodate increase in visitors;
- Enough pubs in the area already. Craft brewery/pub would promote alcoholism and is not a family attraction;
- Enough swimming pools locally and they are bad for the environment;
- Loss of amenity space and change in character of area currently used for dog walking and picnics;
- The site is part of the Central Scotland Green Network which should restore nature at scale, act as an exemplar of green infrastructure in placemaking, provide benefits for communities and support a wellbeing economy;
- Lack of focus on healthy living and activities.

#### 5.5.9. Economic:

- The jobs created would be low paid and seasonal;
- It would not bring enough jobs to the area;
- Insufficient information provided on the types of jobs created;
- No guarantee that they will employ Scottish contractors for construction;
- Including Loch Lomond Brewery will create unfair competition to the other craft brewers in the area;
- Offers nothing for the socially and economically disadvantaged;
- Over-commercialisation of Balloch;
- Existing local hospitality sector staff shortage. This could make it an unsustainable investment;
- Existing local businesses would suffer due to competition;
- There is not enough hospitality or retail infrastructure to support the development;
- The inclusion of on-site staff accommodation suggests recruitment will not be local;
- A new leisure pool will impact on the viability of other local leisure services;
- Huge costs to the Council to alter the infrastructure in the local area;
- There are already empty units at Loch Lomond Shores and in Balloch requiring investment;



- 800 additional accommodation bedspaces will create competition and damage existing hospitality businesses; and
- Concern that only Lomond Banks will benefit. Local business partnerships required to secure wider economic benefit.

#### 5.5.10. Drainage and Infrastructure:

- Additional pressure on local water quality;
- Increased likelihood of sewer overflow during periods of heavy rain e.g. in vicinity of Sweeney's Cruises;
- Existing sewers cannot accommodate the proposed increased demand;
- Insufficient water supply;
- Waterpark run off will cause pollution of the loch;
- Concerns regarding land contamination at the infilled former railway yard;
- The flood assessment of Unnamed Watercourse 2 at Woodbank House is flawed;
- Existing drainage issues caused by blockage of culverts regularly cause flooding of Old Luss Road and residents' gardens and concern regarding Scottish Water's "no objection" to the proposal despite awareness of these drainage issues;
- The proposed SUDS at Woodbank House are inappropriate as the discharge into unnamed watercourse 2 is through land outwith applicant's ownership and will exacerbate an existing flooding problem;
- Woodbank and Riverside have been treated differently regarding flood risk assessment;
- Lack of health facilities and capacity including a shortage of GPs and lack of accident and emergency services at the Vale of Leven Hospital;
- Local services will be put under huge pressure e.g. the Loch Lomond rescue boat. The developer should supply a safety/rescue boat on the loch to meet demand from increase in visitors.

#### 5.5.11. Built Heritage:

- The restoration of Woodbank would be unviable;
- The proposed development at Woodbank is too dense and does not respect the setting of the listed building;
- The proposal is not sympathetic to the siting, design, scale, form, density and materials of the listed building, including ancillary buildings;

- Disruption to oblique views and formal approach to the listed building;
- The historical landscape and townscape context is not respected;
- Lack of information on phasing and financial plan.

#### 5.5.12. Planning Process and Procedure:

- LLTNP should not be involved in this process. The application should be referred to Scottish Ministers;
- Concerns that the process has been abused due to the variation and addition of information throughout;
- Notice of application not published widely enough;
- Lack of community input, at odds with 2015 Community Empowerment Act;
- Lack of consultation with disability groups;
- Plans on show at LLTNP HQ are not to scale so unable to make an informed decision.

#### 5.5.13. Land and Ownership:

- The development of the land should follow a community-owned model - parts of the proposal could be developed by the Balloch community;
- This proposal would be better located elsewhere/ on a brownfield site;
- The land should be a campsite instead;
- There are enough, chalets, hotels, caravan parks and private areas on the loch side already;
- Land ownership discrepancies regarding the burn by Lower Stonymollan Road;
- While land may be allocated according to land-ownership boundaries, that does not mean that all the land within those boundaries should be developed;
- Because Scottish Enterprise has signed an exclusivity agreement with Flamingo Land to develop the entire site, should not mean that the entire site should be developed;
- Scottish Enterprise is an organisation which excludes people and communities from its considerations – there is a lack of transparency.
- The Council cannot afford to maintain the area just now so will not be able to afford to maintain the new development.

#### 5.5.14. Miscellaneous:

- The exclusivity agreement between Scottish Enterprise and Flamingo Land is undemocratic;

- Approving the development will set an undesirable precedent;
- The proposal will create an 'infection hub' for covid;
- Dislike and distrust of the applicant/developer;
- People will not want to visit a private, fenced off hotel development;
- Loch Lomond will lose its identity to Flamingo Land.

#### Website / social media campaign generated responses

- 5.5.15. The responses generated via the Scottish Green's Party campaign, "*SAVE LOCH LOMOND - OBJECT TO FLAMINGO LAND 2.0*" have been captured in the objections summarised above. The key points relate to the scale and density of development, impact upon transport and climate change, and the restriction of leisure space and access. A copy of the standard letter template can be found in Appendix 5.

### **5.6. Summary of Support for Application**

- 5.6.1. The points of support within individual representations are summarised below and have been grouped together under topic headings for ease.

5.6.2. Policy and Legislation:

- The site is allocated in the LDP for tourism and leisure.
- The site has been identified for tourism and leisure in successive plans since the 1980s (e.g. Loch Lomond Local (Subject) Plan for Tourism, Recreation and Conservation) and 1949 (Clyde Valley Regional Plan).
- The development would fulfil the vision of the Balloch Charrette;

5.6.3. Economy:

- The National Park and community needs development and investment like this to thrive;
- Significant investment of around £40 million;
- Large scale development usually brings investment in local infrastructure;
- Employment opportunities in an area with high levels of unemployment, during construction and operation;
- Significant spin-off benefits and secondary spending within the local economy;
- The proposal promises local jobs that meet and exceed the Scottish Living Wage, no zero hour contracts and opportunities for career progression;
- The Lomond Promise is welcomed;
- Subsequent supply chain opportunities;

- Overall, economically beneficial to an area of unprecedented poverty.

#### 5.6.4. Sustainable Development:

- The proposal will attract and sustain vital tourism, supporting recovery from the pandemic;
- Benefit to existing businesses at Loch Lomond Shores with increased footfall, addressing empty units and lack of activity after 6pm;
- It will encourage longer-stay visitors;
- Potential to make Balloch a holiday destination rather than a drive-through;
- Industrial history of the site is a greater risk than development of eco-lodges;
- Makes use of wasteland / underused/ brownfield land in Balloch;
- Gives neglected land a purpose and will deter anti-social behaviour;
- The proposal is sensitive and in keeping with the area;
- The scale and density of development ensures the development is economically viable;
- The development will enhance the visitor experience of the National Park and offer a bespoke and high quality product;
- Amenities will benefit local people and visitors – leisure, health and wellbeing and sports facilities;
- The proposal would fill a gap in the market in Scotland;
- The budget accommodation will fill a gap in the market (following closure of the hostel at Arden);
- The provision of interpretation facilities will help fill the void left by the closure of the National Park Gateway; and
- The relocation and expansion of Loch Lomond Brewery Company to this more accessible/visible location is welcomed.

#### 5.6.5. Access:

- Concerns about local access to the site have been addressed;
- Improvements to signage and street furniture and promotion of the Three Lochs Way and John Muir Way, will enhance the visitor experience;
- The proposal will provide a more attractive stopping point for walkers;
- Refurbishment of the Tourist Information building is welcomed;
- The monorail will enable visitors of all abilities to travel to the Pier and Loch Lomond Shores without the necessity of arriving by car;

- The monorail will encourage visitors to Balloch from Loch Lomond Shores;
- The proposal will enhance a currently unattractive and unwelcoming West Riverside/Pier Road corridor for both visitors and residents;
- It will encourage use of areas not readily visited by the public, enhancing and maintaining overgrown areas.

5.6.6. Infrastructure:

- Reducing daily traffic pressures by encouraging visitors to stay longer;
- The monorail will enhance the connection between Balloch, the pier and Loch Lomond Shores;
- The local road network can cope with the small amount of additional traffic proposed;
- Supports a modal change to sustainable transport due to its unique location with a direct rail link to Glasgow.
- Resulting increased tax receipts will be sufficient to maintain the infrastructure required to grow the local economy;
- There is no evidence of flooding across the site after heavy rain and storms.

5.6.7. Natural Heritage:

- Alterations have been made so the ancient woodland is now preserved;
- Key views of the loch are protected;
- Loch Lomond is 22.6 miles long and the development will not impact the experience of the entire loch;
- Support given for reuse and redevelopment of Woodbank House.

5.6.8. Other Matters:

- The number of representations received may not accurately reflect public opinion;
- The “Save Loch Lomond” petition is disingenuous as it suggests that all 22.6 miles is at risk from “Flamingo Land”;
- Previous development at Drumkinnon Bay had a positive effect on Balloch;
- The EIA demonstrates that there will not be an adverse environmental impact;
- The site is small-scale in relation to the remaining National Park area;

- It is the only area in the National Park where such development would be appropriate – there is no better alternative site on Loch Lomond.

## **5.7. Summary of representations neither supporting nor objecting to the proposal**

5.7.1. The following matters were raised:

- Supportive of investment and jobs in the area;
- No need for a micro-brewery as there is already one in the area;
- Breweries odours do not contribute to a good environment;
- Increased traffic in the area to be considered;
- Concerns regarding traffic control and parking adjacent to the train station;
- Junction between Tullichewan Road and Lomond Road is not well designed and could cause safety issues with increased traffic and congestion.

## **6. Policy Context**

### **6.1. Introduction**

6.1.1. This section of the report outlines the provisions of the Development Plan and other planning policy advice and guidance that is relevant in the determination of the application.

6.1.2. Section 25 of the Town and Country Planning Act (Scotland) 1997 requires decisions to be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The development plan comprises the Local Development Plan, adopted 2016 (hereafter referred to as the “LDP”) and associated statutory supplementary guidance and the National Planning Framework 4 (hereafter referred to as “NPF4”), adopted 2023.

6.1.3. NPF4 was approved by the Scottish Parliament on 11 January 2023 and was adopted and published by the Scottish Ministers on 13 February 2023 and from that date it has become part of the Development Plan for decision making. NPF4 contains 33 development management policies



and in the event of an incompatibility between NPF4 and the National Park Authority's LDP, NPF4 must take priority.

- 6.1.4. Material considerations include non-statutory plans, guidance and policies of the National Park, Scottish Government and other organisations.
- 6.1.5. Scottish Government's Planning circular 3/2022: Development Management Procedures refers to the following approach in deciding a planning application:
- Identify any provisions of the Development Plan which are relevant to the decision;
  - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
  - Consider whether or not the proposal accords with the Development Plan;
  - Identify and consider relevant material considerations for and against the proposal; and
  - Assess whether these considerations warrant a departure from the development plan.
- 6.1.6. The range of considerations which might be considered 'material' in planning terms is very wide but should be determined in the context of the case. Material considerations should relate to the development and use of the land, should serve or be related to the purpose of planning and relate to the application under consideration. The National Park Authority as the decision maker must decide what considerations it considers are material to the determination of the application. With regard to this PPIP application material considerations may include, but are not limited to, The National Park aims under the 2000 Act, The National Park Partnership Plan, non-statutory advice and guidance, the views of statutory and other consultees and representations expressed on relevant planning matters. It is for the National Park Authority to assess the weight to be attached to each material consideration and whether these support or weigh against the application and the extent to which they may justify a departure from the Development Plan. Examples of potential material considerations are outlined at Section 6.3. The list is not exhaustive and there are potentially a number of other

reference sources or documents that may also be material depending on the circumstances. These are referenced in the report as relevant.

6.1.7. In addition to the statutory duties outlined in paragraph 6.1.5 there are a number of other statutory duties placed on the National Park Authority as Planning Authority. These are summarised as follows:

- The National Parks (Scotland) Act 2000 requires the National Park Authority, in exercising their functions, to have regard to The National Park Plan (which in this case is The National Park Partnership Plan).
- The National Parks (Scotland) Act 2000 requires planning authorities, in exercising their functions, to act with a view to accomplishing the four aims of the National Park (see paragraph 6.3.2 and 6.3.3). If in relation to any matter it appears to the authority that there is conflict between first aim and the other National Park aims, the authority must give greater weight to the first aim.
- Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty of the planning authority in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- The Town and Country Planning (Scotland) Act 1997 places a duty on the planning authority to ensure, whenever it is appropriate, that in granting planning permission for any development, adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.
- The Equality Act 2010 requires equality to be considered in all the functions of public authorities, including decision-making. The related Equality Impact Assessment duty applies to the policies and procedures of the National Park Authority in carrying out its statutory function – in this case to determine the planning application.

## 6.2. Development Plan

### National Planning Framework 4 (NPF4)

6.2.1. NPF4 is the fourth National Planning Framework for Scotland. It sets out the Scottish Government's 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 key 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 6 - Forestry, woodland and trees
- 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 21 - Play, recreation and sport
- Policy 22 - Flood risk and water management
- Policy 23 - Health and Safety
- Policy 25 - Community wealth building
- Policy 27 - City, town, local and commercial centres
- Policy 29 - Rural development
- Policy 30 – Tourism

6.2.2. Full details of these policies and background can be viewed at: <https://www.gov.scot/publications/national-planning-framework-4/documents/>

#### Local Development Plan (LDP)

6.2.3. The National Park Local Development Plan (LDP) 2017-2021 was Adopted in 2016 following extensive consultation and subsequent examination of unresolved representations by a Reporter (appointed by Scottish Ministers). It sets out a spatial strategy for how development can make the National Park a great place to live, invest, visit and experience. The LDP outlines the vision for how the National Park should change over the 20 years from its adoption, 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. Therefore the key policies in the assessment in Section 8 of this report are those within NPF4 but for completeness LDP policies are also referenced where particularly relevant.

### Supplementary Guidance

- 6.2.4. 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
  - Developer Contributions
- 6.2.5. Full details of these policies can be viewed at: <http://www.lochlomond-trossachs.org/planning/planning-guidance/local-development-plan/>

### **6.3. Material Considerations**

- 6.3.1. Guidance on what constitutes a material consideration is outlined within Paragraph 6.1.6 above.

### National Park Aims

- 6.3.2. 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:
- 1) to conserve and enhance the natural and cultural heritage of the area;
  - 2) to promote sustainable use of the natural resources of the area;
  - 3) to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public; and
  - 4) to promote sustainable economic and social development of the area's communities.
- 6.3.3. Section 9 of the Act then states that these aims should be achieved collectively. However, if in relation to any matter it appears to the National Park Authority that there is a conflict between the first aim and the other National Park aims, greater weight must be given to the conservation and enhancement of the natural and cultural heritage of the area (the first aim). This is known as the 'Sandford Principle'.

### National Park Partnership Plan (2024-2029)

- 6.3.4. All planning decisions within The National Park require to be guided by the The National Park Plan (known as The National Park Partnership Plan) in order to ensure that they are consistent with the National Park's statutory aims. The National Park Partnership Plan (NPPP) sets out the National Park Authority's policy for managing the National Park and

working with other partners and stakeholders with a view to ensuring that the National Park aims are collectively achieved in a co-ordinated way.

- 6.3.5. By 2045 the NPPP aims to deliver nine outcomes by focussing on 27 objectives which are listed under three themes: Restoring Nature, Creating a Low Carbon Place and Designing a Greener Way of Living. The following outcomes and objectives (and their associated statements of policy) are relevant to this proposal:

- Section 3.1: Transitioning to a Greener Economy - 2045 Outcome: A greener and more diverse rural economy. Objectives: 'Increase sustainable tourism', 'Support low carbon businesses' and 'Grow green and nature-based jobs and skills'.
- Section 3.3: Developing and Investing in the National Park - 2045 Outcome: A responsive approach to new development. Objectives: 'Deliver strategic development needs', 'Adapt to climate change and restore nature' and 'Make the best use of land and assets'.

#### Planning Guidance

- 6.3.6. The following National Park, non-statutory, planning guidance is a material consideration:
- Visitor Experience – revised 2022 (this guidance refers to Visitor Experience as 'tourism development' that includes tourist related accommodation, facilities and infrastructure).

#### Other Material Considerations

##### *Local Place Plans*

- 6.3.7. Local Place Plans were introduced with the Planning (Scotland) Act 2019. The Act contains a new right for communities to produce their own plans. Local Place Plans contain the community's proposals for the development and use of land, and provide a new opportunity for communities to feed into the planning system with ideas and proposals. Local Place Plans will be used to inform the next LDP. Balloch & Haldane Community Council has expressed its intent to prepare a Local Place Plan, however this has not yet commenced at the time of writing this report. The Balloch & Haldane Community Action Plan 2014-2019 is therefore the most up-to-date expression of the community's interests for the local area. It is noted that the Community Council, as outlined earlier, has made a representation in objection to the application.

##### *Balloch Charrette 2016*

- 6.3.8. In 2016 a design charette was run (involving the local community, the National Park Authority, West Dunbartonshire Council and Scottish

Enterprise) to identify improvements and to shape the future of Balloch. The Charrette Report pulls together the outcome of this process and sets out a series of indicative proposals and recommendations. A number of key projects were identified:

- New riverside walkway connecting village centre, Balloch Pier and Loch Lomond Shores;
- Develop West Riverside site for tourism;
- New 'Station Square' arrival point and public realm improvements;
- Collaborative review of pier area;
- Improved orientation/signage;
- Woodbank House - renovate and re-use historic A-listed building, with sensitive new 'enabling' development in grounds to generate funding for renovation.
- Integrate new/improved pedestrian/cycle routes with local path network, National Cycle Network, River Leven towpath, John Muir Way, Three Lochs Way and via Loch Lomond Shores to Cameron House;
- Parking strategy within Balloch to maximise parking availability.

- 6.3.9. It is acknowledged that the Balloch Charrette and Report is now approximately 8 years old and may not represent the community's current aspirations for Balloch. Nonetheless, there is no more recent strategy to update this, and many of the aspirations identified are yet to be fulfilled.

*The Special Landscape Qualities of the Loch Lomond and the Trossachs National Park (2010)*

- 6.3.10. This report, produced by Scottish Natural Heritage (now NatureScot) in partnership with the National Park Authority, lists the landscape qualities which are generic across the Park and the specific qualities for the four landscape areas of Argyll Forest, Loch Lomond, Breadalbane and the Trossachs. Loch Lomond is the relevant area for this proposal. The Special Landscape Qualities specific to this area are: 'Immensity of loch and landscape', 'Two lochs in one', 'A multitude of beautiful islands', 'Distinctive mountain groups', 'Ben Lomond, widely known, popularly frequented', 'Banks of broadleaved woodland' and 'Peaceful side glens'.

*Scottish Government's Policy on Control of Woodland Removal: Implementation Guidance (2019)*

- 6.3.11. This document provides policy direction and advice for decisions on woodland removal in Scotland. There is a strong presumption in favour of protecting Scotland's woodland resources. This provides clarity on the



role for planning to secure a consistent implementation of Scottish Government's policy.

## **7. Summary of Supporting Information**

- 7.1.1. The planning application was accompanied by an Environmental Impact Assessment Report (EIAR), EIAR Addendum and a number of supporting documents. A brief summary of all supporting documents is contained within Appendix 6 of this report and full copies can be accessed on the Public Access Website: <https://eplanning.lochlomond-trossachs.org/OnlinePlanning/>.
- 7.1.2. As part of their supporting information, the applicant has submitted a Unilateral Voluntary Undertaking (UVU) – the ‘Lomond Promise’ – which, at the time of concluding this report, is a draft (unsigned) proposed legal document (or contract). This outlines wide ranging commitments (undertakings) by the applicant including, but not limited to, employment and training, supporting local businesses and supply chains, managing anti-social behaviour, woodland management (including future protection and management of Drumkinnon Woods), undertaking to further traffic assessment and parking and travel-related management actions and a commitment to ‘net-zero’ by 2035. These intentions are acknowledged by the National Park Authority, however the onus would be on the applicant to fulfil its stated undertakings. The UVU is a material consideration although the weight to be attached to it is a matter for the National Park Authority. It is considered that only limited weight can be attached to the draft UVU. The UVU is not binding and enforceable through planning legislation (although it is potentially capable of forming a contractually enforceable commitment once signed). Elements of the UVU are capable of being incorporated into, and controlled, by planning conditions and/or planning obligations. Should Members decide to approve the application then further consideration to these matters will require to be given.
- 7.1.3. The ‘Lomond Promise’ UVU can be accessed on the Public Access Website: <https://eplanning.lochlomond-trossachs.org/OnlinePlanning/> .

## **8. Planning Assessment**

### **8.1. Introduction**

- 8.1.1. This section of the report assesses the proposals against the Development Plan (NPF4 and the LDP) and all other material considerations as summarised above. The LDP is considered in general

conformity with NPF4 and so as the more recent, and to avoid repetition, the assessment focuses on the policies NPF4.

- 8.1.2. Members are reminded this application for Planning Permission in Principle (PPiP) is seeking to establish the acceptability of the principle of the proposed uses and parameters, not a detailed scheme. However, additional indicative detail has been submitted with this application to meet the requirements of the EIA Regulations, and to provide an indication of the future development that may ultimately make up the proposed uses. The National Park Authority's assessment therefore takes account of the indicative details that have been provided by the applicant in addition to the particular (maximum) development parameters that they have set (see Section 4.4).
- 8.1.3. The Planning Assessment has been carried out by a Senior Development Management Planning Officer of the National Park Authority, with support and final approval from the Director of Place. This assessment has been informed by advice received by both external consultees and internal advisors. The advice received from external consultees is summarised within Section 5 of the Report. Internal specialist advice received, including from the National Park Authority's Conservation and Natural Environment Specialists on Trees and Woodlands, Landscape, Ecology and Built Heritage, has aided and informed the Officer's assessment on these specific topic areas. Where relevant, reference to their advice is highlighted within the assessment sections of the report.
- 8.1.4. A significant number of representations have been submitted in relation to this application. These are summarised in Section 5.3 to 5.7 of this report and have been considered within the Officer's assessment. The assessment takes account of issues raised that are 'material' to the consideration of this application, although generally, individual representations are not referenced. Several 'non-material' matters have also been raised by a significant number of individuals, and these are addressed within the 'Other Matters' section of this report (Section 8.14).
- 8.1.5. This planning application covers a large site which is varied in relation to its character and land use. The assessment that follows covers a wide range of issues under the following topic headings:
  - Principle of Development
  - Flood Risk & Drainage
  - Trees and Woodland
  - Ecology
  - Biodiversity
  - Traffic and Transport

- Sustainable Design and Climate
- Landscape & Visual Impact
- Built Heritage
- Recreation and Access
- Socio-Economic
- Residential Amenity and Other Environmental Effects, and
- Other Matters.

8.1.6. Each of the assessment topic sections listed above will be set out in the following order:

- The key determining considerations – these are bulleted at the beginning of each section;
- An introduction and contextual information as well as key points noted in representations;
- A summary of the key NPF4 policies;
- A summary of the applicant's assessment;
- The National Park Authority's planning assessment; and
- Conclusions.

## 8.2. Principle of Development

### *Key Considerations*

- Are the principle of the proposed development uses acceptable in terms of LDP land use allocations, development strategy and Vision?

### Background

- 8.2.1. The LDP sets out the spatial strategy and framework to steer new development and investment in the National Park. Balloch is identified in the LDP as an area within the National Park where there are strategic tourism opportunities. It is referred to as the southern gateway to the National Park, attracting high numbers of tourists with easy access from Glasgow. The LDP identifies two main areas for 'Visitor Experience' types of land use and development at Balloch: West Riverside (VE1) and Woodbank House (VE4). It also identifies land around the Old Station Building (MU1) as a Placemaking Priority area where improvements to public realm via mixed used development for visitor experience and transport-type uses will be supported.
- 8.2.2. The LDP map extracts for Balloch showing the areas covered by the VE1, VE4 and MU1 allocations are contained within Appendix 7 along with a map showing the allocations relative to the application site boundary. These maps should be read alongside Table 2 below which

provides further explanation about which parts of the proposed development site are allocated for specific uses and what key site considerations are identified for each within the LDP. Table 2 also notes which parts of the site are not covered by any site allocation but that are located within the 'town' boundary of Balloch.

**Table 2 – LDP Site Allocations and Development Zones**

<b>Site and zone as identified on Parameters Plan</b>	<b>Site Allocation</b>	<b>Key Considerations as identified on LDP Site Maps (as icons)</b>
Station Square (Zone A)	MU1 – Mixed use of Visitor Experience and Transport VE1 – Visitor Experience Note: The southernmost part of the proposed car park to the west of Pier Road is outwith the site allocation.	Active Travel Plan, Place-Making Priority, Access, Flood Risk Assessment & Lochshore Protection
Riverfront (Zone B)	VE1 – Visitor Experience  The woodland edge along the west side of Pier Road is included within the VE1 – Visitor Experience site allocation.	Lochshore Protection, Archaeology, Land Contamination, Access, Flood Risk, Woodland, Natura designation, Sustainable Drainage System (SUDS), Drainage, Linkages to be provided, Open Space, Active Travel Plan & Transport Assessment
Pierhead (Zone C)	VE1 – Visitor Experience <i>Note: The area between the existing Loch Lomond Shores retail development and the southern edge of Drumkinnon Bay is outwith the site allocation.</i>	As Above
Boathouse (Zone D)	This site is within a wider area of woodland to the north of Loch Lomond Shores car park and extending to the edge of Loch Lomond that is identified as Open Space. Open Space Policy 2 applies.	N/A
Woodbank (Zone E)	VE4 – Visitor Experience <i>Note: The proposal does not include development on the western area of the allocated site adjacent to the A82.</i>	Historic Environment, Drainage, Archaeology, Access, Woodland, Flood Risk, Landscape Assessment, Design Document

- 8.2.3. The purpose of the allocations within the LDP is to establish the principle that a particular development type or land use can be located within a particular area. The intention is to provide some certainty to developers and residents about which sites can be developed in the future and for what purpose. In determining planning applications, whilst greater weight is given to those uses that are compatible with a site allocation, assessment of the proposal against the key site considerations and all relevant policies with the LDP is necessary, and critical, in confirming compliance with the LDP.
- 8.2.4. In addition, it is relevant to note that, although it remains in force as part of the Development Plan, the LDP was adopted 7 years ago in 2016. The more recent publication of NPF4 in February 2023 introduces a set of six spatial principles and new policies to guide LDP policy and decision making. The principles are not site specific and do not alter the LDP's spatial strategy in terms of its land use allocations. However the principles and policies contained within NPF4 are material in considering the approach to implementation of the LDP's spatial strategy, given the LDP is not specific in terms of the type or amount of development it envisages will come forward on the allocated sites. For instance there is specific policy on tourism development set out in NPF4 (Policy 30) which focuses on supporting tourism development on allocated sites but balancing this with community, environmental and economic considerations. Careful consideration therefore has to be given to site specific considerations and the appropriateness and suitability of the proposed scale and siting of development in relation to the site characteristics and constraints identified in the LDP (as noted in Table 2) for the allocated sites.
- 8.2.5. The principle of the proposed land uses in the locations proposed is considered in this section whilst the assessment of the proposal in relation to the overarching policies and the more subject-based policies of the Development Plan is considered in more detail under the separate topic headings that follow. With regards to representations, the main objections concern development proposed outside of the allocated areas, specifically the Boathouse (Zone D) which is designated as Open Space and in the woodlands in Zone D ('Area 10') which is not allocated in the LDP, although development of this area is no longer proposed.

### **National Park Authority's Assessment of the Principle of Development**

#### *Principle of proposed Visitor Experience uses (VE1 and VE4)*

- 8.2.6. The majority of the application site, including all of Woodbank (Zone E) and the vast majority of Riverside (Zone B) and the Pierhead (Zone C)



areas are identified within the LDP as being suitable for visitor experience uses under allocations VE1 and VE4. Within these locations, the proposed tourism and leisure uses align with the land use allocations and types of development supported in the associated Visitor Experience Planning Guidance and are therefore supported under Visitor Experience Policy 1 of the LDP. This support is subject to acceptability and compliance with regards to the site specific constraints and requirements noted in Table 2 above, including but not limited to, in the case of VE1 (Riverside and Pierhead) its sensitive river frontage, woodland and flood risk and for VE4 (Woodbank), impact on the historic environment and on trees and woodlands. These matters are assessed in the topic-based sections that follow.

*Principle of Development within Mixed Use Area (MU1)*

- 8.2.7. Station Square is allocated as a site for mixed use where Visitor Experience policies (assessed above) and Transport policies apply. It is also identified as a Placemaking Priority. A mono-rail to improve connectivity between Station Square and the Pierhead is proposed. In terms of Placemaking, Overarching Policies require development to provide a positive sense of place and complement local distinctiveness. This could be assessed at any detailed stage however the Design Statement submitted with the application outlines design principles that would be consistent with a Placemaking approach. In summary, the proposals would comply with the policy requirements relating to the mixed use area at Station Square.

*Principle of Development outwith LDP allocations.*

- 8.2.8. There are areas of the site proposed for development that are not included within the LDP allocations, namely two small areas; one at the Pierhead (Zone C) (south of Drumkinnon Tower) which is proposed for public space with temporary visitor attractions. The other comprises the southern part of the woodland between the rear of the properties on Pier Road and Drumkinnon Gate housing estate (adjacent to Zone B). This area is proposed for car parking in association with proposed development at Station Square. Although these areas are not specifically allocated, Visitor Experience Policy 1 supports the principle of new tourism development located within towns. Therefore, given that the 'non-allocated' areas are within the 'town' boundary of Balloch, the principle of tourism development can be supported subject to a favourable assessment against the overarching policies and relevant

subject based policies within the Development Plan. These matters are assessed in the sections that follow under key topic headings.

#### *Principle of development within identified Open Space*

- 8.2.9. A boathouse (Zone D) is proposed at the eastern end of the woodland to the north of Loch Lomond Shores car park and extending to the edge of Loch Lomond. This woodland is identified as open space within the LDP and Open Space Policy 2 therefore applies. The intent of Open Space Policy 2 is to prevent development that would undermine the function or value of the designated open spaces. Designated open space areas vary in their character and function but are typically green spaces (formal or informal) that have amenity, biodiversity, cultural and/or recreational value that are within or adjacent to settlements. This particular open space designation includes ancient woodland, several footpaths as well as a wall sculpture near the shoreline and formalised recreational and other tourist activities (including Tree Zone and the Bird of Prey Centre). It is proposed to erect a boathouse for storage and water-based recreation purposes within this open space area.
- 8.2.10. The area proposed for the boathouse has some local amenity value as naturalised lochshore at the head of Drumkinnon Bay and as part of the wider woodland. However, the proposed boathouse would support and encourage water recreation which is a purpose that would complement the already established recreational function of this open space designation. It is recognised, also, that a boathouse historically stood on this site and the concrete slipway is still in situ. Facilitating recreational access to the water aligns with the vision and tourism strategy for Balloch and the site lies within the settlement boundary of Balloch. Development is proposed on only a fraction of the wider open space designation and the scale of development would be relatively minor. The principle of a boathouse in this location is not therefore considered contrary to Open Space Policy 2 and can be accepted subject to compliance with other relevant Development Plan policies.

#### Conclusions on the Principle of Development

- 8.2.11. The proposed development for tourism-related uses aligns with the LDP's Visitor Experience and Mixed-Use allocations, It is therefore supported by both the LDP's spatial strategy and NPF4 Policy 30 a) which is supportive of tourism development on sites specifically identified for this purpose in the LDP. Where development is proposed outside of the allocated sites, the principle is considered acceptable under Visitor Experience Policy 1 (subject to compliance with other relevant

Development Plan policies) because these locations are within the town boundary.

- 8.2.12. Notwithstanding the policy support for the principle of the tourism uses, there are a wide range of Development Plan policy requirements, as set out within the overarching and other subject based policies within the LDP and in NPF4, that require to be met and these are assessed in detail below.

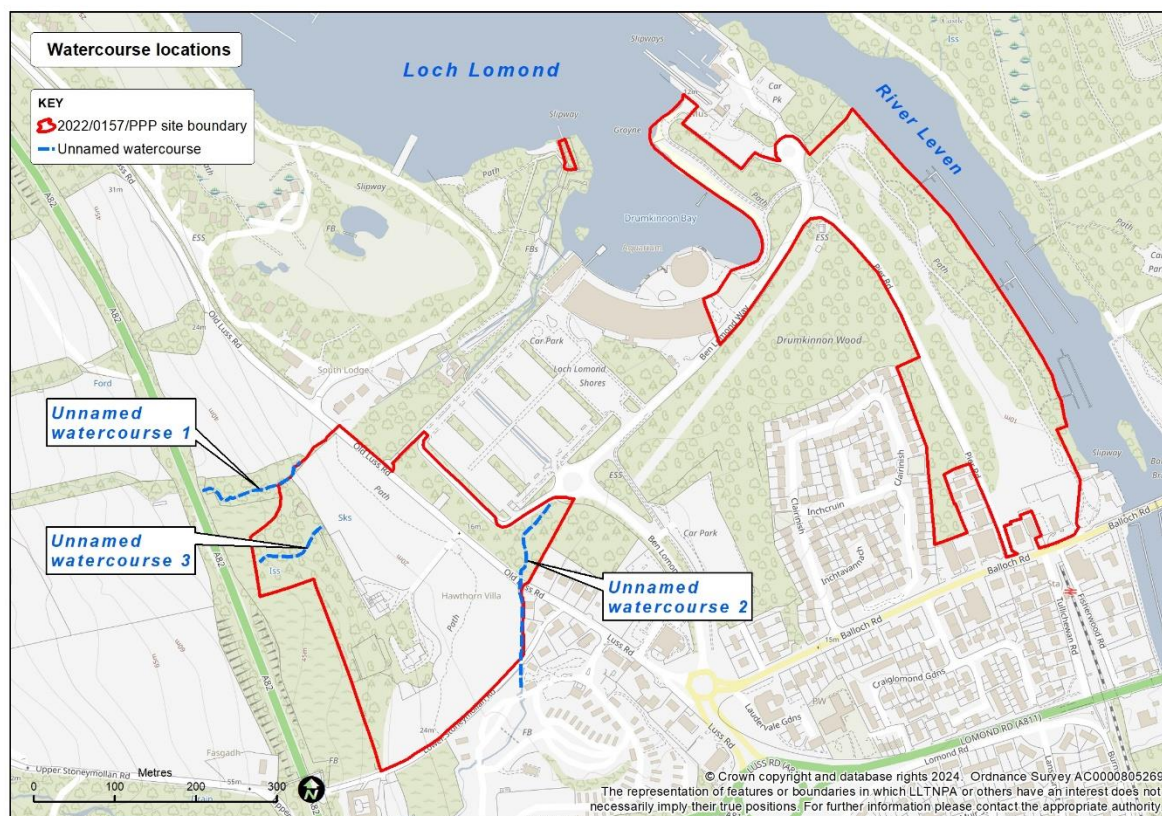
### 8.3. Flood Risk and Drainage

#### *Key Considerations*

- Flood risk is a matter of first principle. Is the proposed development affected by flood risk and if so, can development be made acceptable through mitigation?
- Would the proposed development increase the risk of flooding elsewhere?
- Can potential effects on the water environment be adequately controlled?
- Can the development be adequately serviced by existing or upgraded drainage infrastructure?

#### Introduction

- 8.3.1. Consideration has been given to the likely effects in relation to the water environment. This includes flood risk, both risk to the development and the impacts of the development on surrounding property, and drainage (including surface and foul water drainage), pollution prevention and environmental management during construction and operation.
- 8.3.2. With regards to flood risk, key areas of the site requiring consideration are the Riverfront (Zone B), Station Square (Zone A), both located in close proximity to the River Leven, and the Pierhead (Zone C) which is located adjacent to both the River Leven and Loch Lomond. Three small watercourses are located within the site at Woodbank (Zone E) (Figure 5).



**Figure 5 - Watercourse Locations**

- 8.3.3. Although the site is allocated as a tourism opportunity, this allocation pre-dates NPF4 and its stipulation that flood risk in settlements must make an appropriate allowance for climate change.
- 8.3.4. Flood maps produced by SEPA show areas of flood risk with and without the effects of climate change. The areas of medium and high likelihood of flood risk are those where a flood is likely to occur in on average once in every two hundred years (1:200) (i.e. has a 0.5% chance of happening in any one year). The flood maps indicate that much of the West Riverside area adjacent to the River Leven (Zone B and part of Zone A) as well as parts of the Pierhead (Zone C) adjacent to Loch Lomond and the proposed boathouse as part of Zone D are at a medium or high risk of fluvial (river) flooding. Within the Woodbank House area (Zone E), medium and high risk of flooding (surface water) is indicated along the length of the Unnamed Watercourse 2 (see Figure 5 above).
- 8.3.5. The applicant has undertaken a Flood Risk Assessment (FRA) (which can be found in Volume 2 of the EIAR Appendix 10.2 Part 1 of 3). This provides a detailed assessment of the risk of flooding (the 1:200-year event plus an allowance for the impacts of climate change) across the application site. The FRA also considers the proposed surface water and foul water drainage proposals and mitigation of pollution effects on

the water environment. An updated FRA was submitted in June 2023 at the request of SEPA and further supplementary information on flood risk followed in the form of three 'Information Notes'.

- 8.3.6. Representations highlight concern about proposed development in an area of flood risk at Riverside and SEPA maintain a qualified objection to this aspect. Some representations, including from Balloch and Haldane Community Council, have highlighted existing flooding issues at Old Luss Road related to surface water from Unnamed Watercourse 2. There are concerns that the development and the proposed discharge of surface water into this watercourse would exacerbate these problems and that an FRA should be undertaken for this area before any planning permission is granted. Representations also raise concerns about pollution of the water environment (Loch Lomond and the River Leven) resulting from the development. Representations also highlight the inadequacy of sewer capacity to accommodate the proposed development citing sewage overspill in times of heavy rainfall.
- 8.3.7. The assessment below is presented in two parts. The first part deals with matters of flood risk including a summary of the applicant's assessment followed by the National Park Authority's assessment of flood risk from fluvial sources (rivers and lochs). This is followed by drainage matters, including management of surface water and associated environmental considerations and foul drainage.

#### Policy Background

- 8.3.8. NPF4 Policy 22 (Flood Risk and Water Management) is the principal planning policy. The stated policy intent is to "strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding".
- 8.3.9. Policy 22 a) contains exceptions for development within flood risk areas where development can be supported. It states:
- "Development proposals at risk of flooding or in a flood risk area will only be supported if they are for:*
- i. essential infrastructure where the location is required for operational reasons;
  - ii. water compatible uses;
  - iii. redevelopment of an existing building or site for an equal or less vulnerable use; or.
  - iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice."



In such cases, it will be demonstrated by the applicant that:

- all risks of flooding are understood and addressed;
- there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes;
- the development remains safe and operational during floods;
- flood resistant and resilient materials and construction methods are used; and
- future adaptations can be made to accommodate the effects of climate change.

Additionally, for development proposals meeting criteria part iv), where flood risk is managed at the site rather than avoided these will also require:

- the first occupied/utilised floor, and the underside of the development if relevant, to be above the flood risk level and have an additional allowance for freeboard; and
- that the proposal does not create an island of development and that safe access/ egress can be achieved”.

8.3.10. Policy 22 c) states “*Development proposals will:*

- i. not increase the risk of surface water flooding to others, or itself be at risk.
- ii. manage all rain and surface water through sustainable urban drainage systems (SUDS) ...”

Summary of Applicant's Assessment of Flood Risk

8.3.11. A Flood Risk Assessment (FRA) has been submitted in support of the application which was updated in June 2023 to take account of SEPA's requirements to incorporate increased allowances for climate change following NPF4.

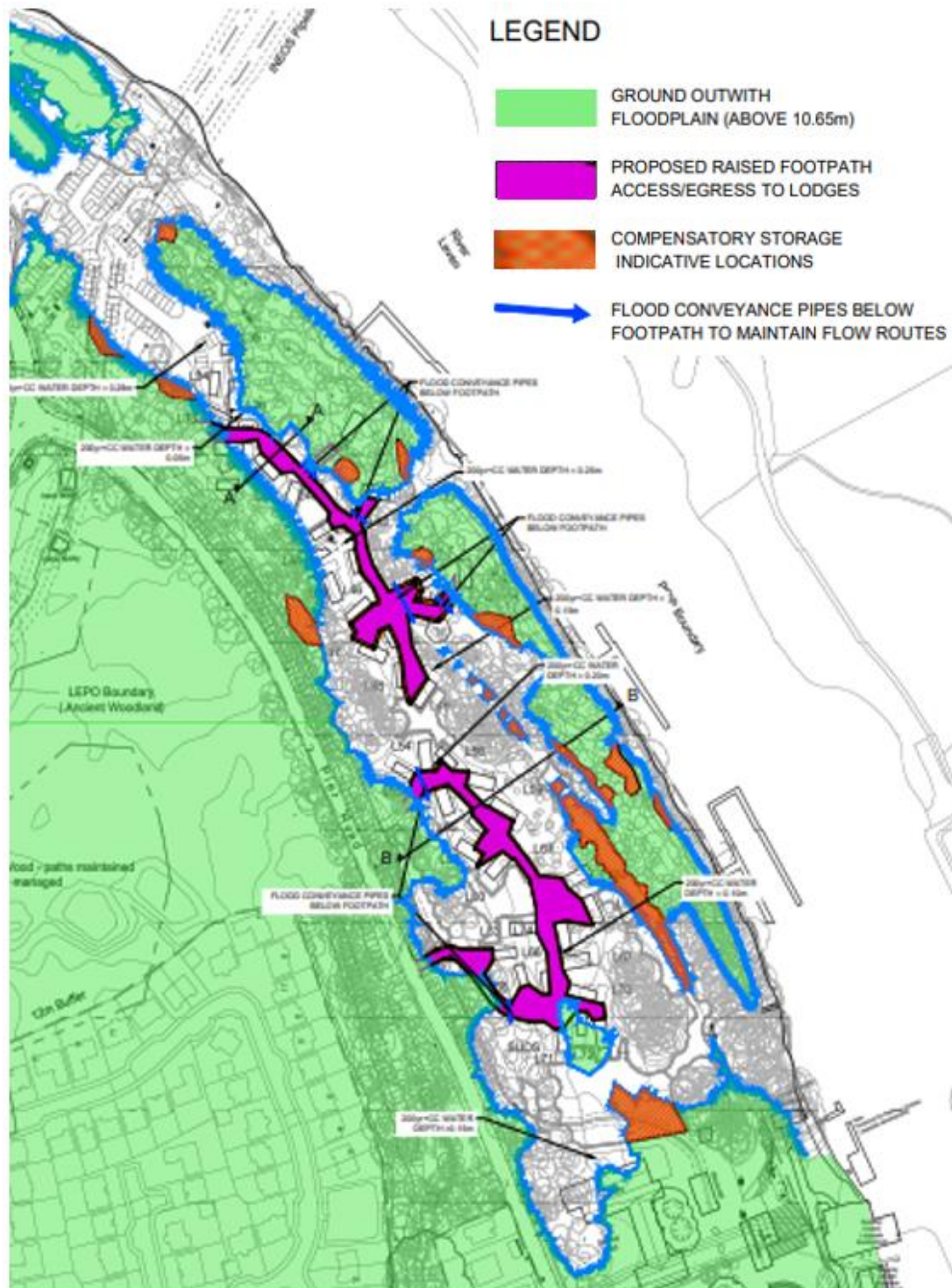
8.3.12. The FRA indicates the majority of Zone B is within the 1 in 200-year (+climate change) flood risk area and would be inundated in a flood event to a depth varying up to approximately 200mm. This area is proposed for 42 lodges and the monorail along with parking and connecting footpaths. The FRA indicates that the flooding within this area extends into part of the northern area of Zone A which is indicatively earmarked for a craft brewery building. The Pierhead (Zone C) is affected by the flood extents but the buildings (apart hotel, indoor water park, monorail terminal and visitor hub) are proposed to be located within the area of elevated ground outside of the flood risk area.

8.3.13. In addition to the updated FRA, the applicant has submitted three 'Information Notes' in response to advice received from SEPA. The



Information Notes principally concern Zone B (inclusive of the small part of Zone A) where development is proposed within the flood extents. Their purpose is to provide clarity in relation to technical information and relevant policy interpretation to help inform SEPA's and the National Park Authority's assessment of flood risk in relation to the proposals for this area.

- 8.3.14. The Appendix to the Information Note dated December 2023 shows the flood extents (Figure 6). The arrangement of lodges, parking and buildings in the background to Figure 6 is indicative with the flood extent overlaid to demonstrate how a detailed design could respond.
- 8.3.15. The Information Note dated September 2023 sets out the applicant's case that flood risk in the Riverside area (Zone B incorporating the affected corner of Zone A) can be managed on site rather than avoided and that this area benefits from exception a) iv. of NPF4 Policy 22 (i.e. it involves redevelopment of a previously used site in a built-up area that is allocated for development in the LDP). Under this exception, the applicant maintains that development within the flood risk area can be considered acceptable in principle and the proposal is capable of demonstrating full compliance with each of the requirements of Policy 22 a) (bulleted criteria at 8.3.9) and relevant SEPA advice through detailed design. The detailed design measures that the applicant proposes to adopt to meet these criteria are set out in the Information Note dated December 2023.



8.3.16. The measures would include raised paths (purple) connecting the lodges to higher ground providing safe access and egress. Finished floor levels would be elevated above the flood level. Flood conveyance pipes would permit the flow of water through the raised paths and compensatory storage (orange) would balance any required land raising or building

footprint ensuring there would be no loss of storage volume in the functional floodplain.

- 8.3.17. The Information Note dated April 2024 highlights that the application is for Planning in Principle and what is currently submitted (in terms of the layout detail and measures in Figure 6) is purely indicative. It also confirms the applicant's view that updated modelling to account for proposed land-raising is a task for the detailed design stage of the planning process when the number, scale, and location of the lodges, monorail and associated development is fixed. It is standard practice that, should the application be approved, detailed design will need to be submitted in a further application which SEPA will be consulted on.
- 8.3.18. In relation to Zone E, the FRA notes the existing surface water flows from Unnamed Watercourse 2 run along the southern/southeastern boundary and accumulate in a low point in the grassed fields adjacent to Old Luss Road. The assessment notes that the downstream culverts have adequate capacity to convey the flows but there is a risk of blockage. Overspill routes, when there is blockages, are identified as away from the development site into the gardens of the adjacent residential property on Luss Road. Regardless, the FRA recommends maintaining a 5m buffer from the edge of the watercourse to ensure that no part of the proposed development footprint will be at medium – high likelihood of flood risk. The placement of a 'trash screen' at the culvert inlet is also recommended to minimise material entering the culvert.

### **National Park Authority's Assessment of Flood Risk**

- 8.3.19. The National Park Authority's assessment of flood risk and drainage has considered the applicant's position and information they have submitted, relevant planning policies (summarised above) as well as technical flood advice from SEPA, West Dunbartonshire Council and concerns raised in representations.
- Key consideration: Is the proposed development affected by flood risk and if so, can development be made acceptable through mitigation?

### ***Zones A and B (West Riverside and Station Square)***

- 8.3.20. The principal matter for consideration is the acceptability of the proposed development within the flood risk areas at Zones A and B recognising that the application is for Planning Permission in Principle. Development proposed in these areas includes accommodation (i.e. lodges) (Zone B) and the craft brewery, budget hotel and restaurant at Station Square

(Zone A) (although, as drawn indicatively, only the craft brewery (in part) would be affected)).

- 8.3.21. SEPA advice is that NPF4 Policy 22 promotes a precautionary approach to flooding by avoiding development in flood risk areas as a first principle. In relation to both Zones A and B at West Riverside, SEPA's responses of July 2023 and of June 2024 request modification to remove proposed development from the flood risk area. The response also acknowledges that there are exceptions within Policy 22 that can support development in areas of flood risk provided all of the defined criteria are met. The extent of flood inundation shown in the applicant's modelling is widespread throughout Zone B affecting most of the area 3a identified for development on the Parameter's Plan. Avoidance is not therefore possible within the parameters of the proposal as submitted. Zone A is affected only in part, however the full extent of flood risk in this Zone remains unconfirmed in the absence of the additional flood modelling work requested by SEPA (see 8.3.43 below).
- 8.3.22. The applicant has not modified the proposals and so SEPA's position is therefore objection unless one of the four exceptions of NPF4 Policy 22 a) applies. Whether exceptions are applicable is solely a matter for the National Park Authority, as Planning Authority, rather than SEPA, to determine. SEPA advise that if the National Park Authority determines an exception does apply, then some development in Zones A and B may be possible, however, this will depend on the outcome of further flood risk work.
- 8.3.23. Exceptions i. to iii. of Policy 22 a) are not applicable however the applicant has outlined their case that exception iv. applies and the proposal therefore complies with the Policy. The National Park Authority does not agree that exception iv. applies.
- 8.3.24. Policy 22 a) and exception iv. reads as follows: "a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for: [...] iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice".
- 8.3.25. The exception requires consideration of the following questions:
- Is the proposal 'redevelopment' of a 'previously used site'?
  - Is the site in a 'built up area'?
  - Has the LDP identified a need to bring the site into 'positive use'?
  - Do the proposals demonstrate that long term safety and resilience can be secured?

- 8.3.26. In order to benefit from the exception, all of the above criteria need to be met.
- 8.3.27. A summary of the applicant's position followed by the National Park Authority's consideration of these questions is set out below.

Is the proposal 'redevelopment' of a 'previously used' site?

- 8.3.28. In their Information Note, the applicant has not considered the meaning or interpretation of the term 'redevelopment'. It is important to observe the difference between "development" and "redevelopment". The National Park Authority considers that the proposed development of Zone B and the flood-affected area is not 'redevelopment' because this area not currently developed and there is a notable absence of buildings, structures or extensive areas of hard surfacing to 'redevelop'. The southern part of Zone A has existing development including a car park and the tourist information office; however, the northern part of Zone A is not developed at present so development here would also not be 'redevelopment'.
- 8.3.29. As regards the term 'previously used', the applicant's case is that the site (incorporating both Zones A and B) is 'previously used' or 'previously developed' because of its former development and use as railway sidings for the 125 years prior to 1986. They also note the underground INEOs oil pipeline which bisects the north of the Zone B east to west and made ground throughout the site (some with heavy metal contaminants), predominantly associated with the former railway sidings.
- 8.3.30. The term, 'previously used' is not defined anywhere within NPF4 and outside of Policy 22 this term only appears once in text referencing Policy 9 (Brownfield, vacant and derelict land and empty buildings) where it explains "...*Policy 9 makes better use of previously used land and buildings...*". The term 'previously developed' is not defined in NPF4 either but does feature in the glossary in definitions of 'vacant land', 'derelict land' and 'brownfield land'. None of these terms would be used to accurately describe the site in planning terms.
- 8.3.31. Whilst the National Park Authority acknowledges that the site (Zone B and flood affected area of Zone A) were 'previously' used at a point in time, it can no longer reasonably be considered 'previously used' or 'previously developed' considering the meaning and definitions associated with that term in NPF4 (i.e. brownfield, derelict, and vacant). This conclusion is supported by the fact that the site is not identified or described in these terms in the LDP nor the National Park's Vacant and Derelict Land Surveys. In this case the land is re-naturalised woodland



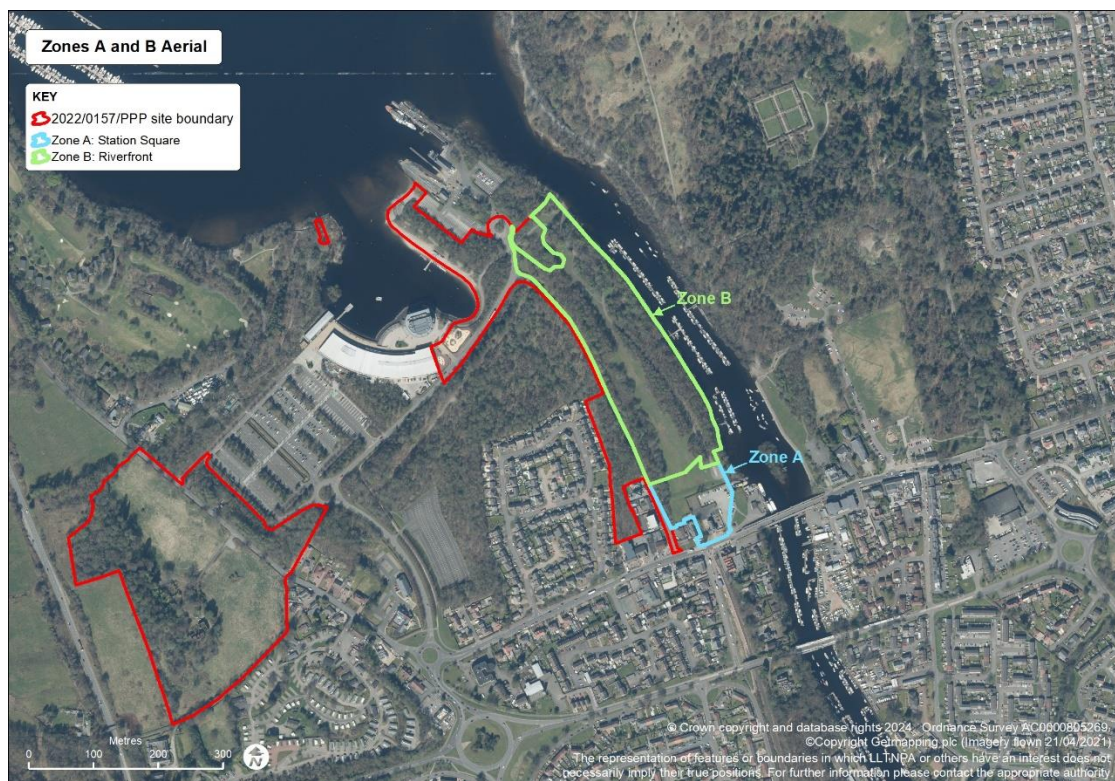
and maintained open green space with no above-ground signs remaining of its former use which ceased some 38 years ago.

Is the site in a 'built up area'?

- 8.3.32. The applicant has referenced SEPA's Planning Information Note 4 (July 2018) which provides guidance on when SEPA would and would not regard a site as being located within a built-up area. Following this guidance, the applicant contends that the site can be regarded as being in a built-up area because it accords with the two stated criteria: i) the site is entirely located within the settlement boundary of a village, town or city; and ii) the adjoining land uses are predominantly developed in nature i.e. most of its boundary is adjacent to existing development.
- 8.3.33. The applicant's case is that the site is wholly within the LDP settlement boundary for Balloch and is bounded by development to the north by Loch Lomond Shores, to the west by Drumkinnon Gate, to the south by the existing tourist information office building, Sweeney's Cruises and Balloch Station and to the east by the River Leven which bisects the town of Balloch.
- 8.3.34. In their Planning Information Note, SEPA recognises that each site presents a unique set of circumstances that will need to be considered together with the views of the planning authority. SEPA also advise in their consultation that compliance with the exceptions is for the National Park Authority to judge.
- 8.3.35. The National Park Authority has considered what is meant by 'built-up area' and has had regard also to SEPA's Planning Information Note. This note also advises that a site in a settlement boundary would not be within a built-up area if it *"is located on the periphery of the settlement and is predominantly or completely surrounded by undeveloped land."*

NPF4 does not define 'built-up area'. Dictionary definitions<sup>1</sup> refer to a 'built up area' as one *"where there are a lot of buildings"*.

- 8.3.36. The site (taken to comprise Zones A and B) occupies a location at the northern edge of Balloch within the settlement boundary (Figure 7).



**Figure 7 - Aerial of Zones B and A**

- 8.3.37. Zone A contains existing development (car parking and tourist information office) and is broadly contiguous with other buildings on Balloch and Pier Road to the south and west and Sweenies boat yard to the east. However, the majority of Zone B (the known flood affected area east of Pier Road) is adjacent to land that is predominantly undeveloped as can be seen in Figure 7. The immediate surroundings lack the distinct building density and character of a 'built-up' area that is settled in nature. This is also reflected in the experience of walking around and through the site which does not provide any distinct sense of being surrounded or among buildings.
- 8.3.38. Although within the defined limits of the town of Balloch, it is considered that Zone B is not within a "built-up area" for the purposes of applying the exception because most of its boundary is not adjacent to existing development and the boundaries are not 'built up'. Zone A may be considered within a built-up area on account of its location adjacent to

<sup>1</sup> Cambridge online Dictionary



Balloch Road and existing buildings in close proximity to three of its boundaries.

Has the LDP identified a need to bring the site into 'positive use'?

- 8.3.39. The applicant highlights that the site has been allocated for development in the previous two LDPs for visitor experience uses and that the proposals are fully compliant with the allocation. They state that Visitor Experience Policies 1 and 2 recognise that high quality, authentic visitor experiences are a critical part of the LDP vision with the LDP further acknowledging that tourism provides the major source of income and employment within the National Park and is vital to the local economy.
- 8.3.40. The National Park Authority has considered the allocation, its background and its intent and are of the view is that inclusion of this site within the LDP did not arise from any 'need to bring the site back into positive use'. The allocation reflects the continuation of a long-standing desire and opportunity for development to contribute to enhancing a strategic link between Balloch Station and the Pierhead/Loch Lomond Shores. The accompanying text on page 53 states: "*...Loch Lomond Shores is an exceptional retail and visitor attraction within the National Park and the links from the train station will be improved.*" The allocation was carried forward in recognition of the contribution the site could make principally towards placemaking and tourism objectives for Balloch and related socio-economic aims. The LDP clearly envisaged some enhancement to the site's vitality, active travel and transport function, however, there is a clear difference between the identification of an 'opportunity' as opposed to a development that is 'needed' particularly where in these circumstances the site is already fulfilling a positive public recreation and amenity function. Furthermore, the allocation is not development-type specific and does not seek nor necessarily require tourist accommodation in this location to achieve its aims. The annotated FRA symbol in the LDP makes clear that any development proposals would be subject to assessment of flood risk.
- 8.3.41. It is considered that the exception is not simply intended for 'allocated sites'. If that were the case, it would suffice to state "where the site has been allocated for development in the LDP". The inclusion of the wording 'bring the site into positive use' within the exception wording strongly implies that exception sites would be those that have no beneficial or positive use and are allocated to support development that is essential to stimulate intervention. The intent of the allocation was not in any way related to addressing the site's historic legacy or reflective of any overriding need for affirmative action to return it to a useable state or improve its condition. The site currently functions as useable public

amenity space and woodlands, as it has done for some significant time, and is not disused, derelict, brownfield or otherwise in need of intervention to bring it into positive use.

Do the proposals demonstrate that long term safety and resilience can be secured in accordance with relevant SEPA advice?

- 8.3.42. The applicant's view is that the principle of development in the flood area is acceptable because exception a) iv. applies. They contend that safety and resilience can be secured through detailed design, incorporating a variety of measures that SEPA would accept, through subsequent detailed applications for approval under a planning permission in principle. The applicant has provided information on the types of solutions possible which SEPA has reviewed. What the applicant is looking to establish is whether the principle of the proposal at this stage of the planning process is considered acceptable in terms of NPF4 and capable of meeting SEPA's technical guidance. Without a further flood risk assessment (excluding the effects of the raised embankment), and potentially significant adjustments to the proposed development, it is not possible to determine at this time whether the proposed development is capable of meeting SEPA's technical guidance and that is why SEPA are reserving their position to potentially object should the issue of flood risk be a matter for subsequent approval after planning permission in principle has been granted.
- 8.3.43. In consideration of safety and resilience, the National Park Authority is reliant on advice from SEPA. The following is an extract from SEPA's June 2024 consultation response:

*"As the Planning Authority have not confirmed their view that any exception applies at this time, our position, as per our advice dated 28 July 2023 (Ref. 9660), remains that the Zone A and B layout be modified to remove development from the flood risk area. However, if the Planning Authority consider that an exception applies then as per our advice dated 05 April 2024 (Ref. PCS-20000778) further information would be needed to inform the number, scale and location of the proposed lodges. SEPA consider that it may be possible for some development to take place in these areas as certain mitigation is acceptable in the event of the site being considered to be an exception. However, this will depend on the outcome of the further flood risk work. Development to the parameters and indicative layouts outlined in the planning submission may not be fully deliverable. It is possible further modification and alteration to the site designs would be required. In summary, we would expect the following work to be undertaken:*

- *Updated flood risk modelling which removes the riverside embankment and assesses potential blockage of any conveyance structures through the raised paths;*
- *Review of the proposed raised path design to include a 600mm freeboard; and*
- *Amendment of the compensatory storage strategy reflecting the above supported by information to demonstrate there is no reduction in floodplain capacity or increased risk for others.*

*We consider it to be for the Planning Authority as to whether such information should be provided at the outline or detailed planning stage. Should this be addressed at the detailed planning stage, as proposed by [the applicant] in their [Information Note] dated 11 April 2024, we reserve the right to object at that stage should we consider further information to be required or the proposals to be contrary to national planning policy at that time.”*

- 8.3.44. As the National Park Authority’s view is that the first part of exception a) iv. does not apply as explained above, the question of whether the proposals comply with the second part of the exception to ‘demonstrate that long term safety and resilience can be secured’ is, to some extent, irrelevant. Nevertheless, the National Park Authority has given this consideration for completeness, in order that Board Members have this information.
- 8.3.45. The applicant’s view is that this part of the assessment can be deferred to the detailed design stage because the application is for PPiP, the principle of development within the flood areas is acceptable and the application sets out the proposed measures that can be adopted at the detailed design to ensure development achieves long-term safety and resilience. The National Park Authority does not agree that the issue of flood risk - which is a matter of fundamental planning principle under NPF4 Policy 22 - should be deferred and be left for a subsequent flood risk assessment.
- 8.3.46. The applicant has indicated, and SEPA has accepted, that there are measures that can, in theory, address the flood constraints to enable some development to take place in these areas. However, further flood modelling to confirm the extent of flood risk to Zones B and A (removing the effect of the raised embankment alongside the River Leven) followed by detailed layout proposals for each of the 42 lodges and monorail is needed to demonstrate it is possible to develop the site as proposed to SEPA’s satisfaction. This has not been done and so long-term safety and resilience has not been demonstrated. It is also not known at this

stage whether it ultimately ‘can’ be demonstrated for the entirety of the development applied for.

- 8.3.47. It is therefore concluded that there is no certainty nor demonstration that the development applied for in principle, and as set out in the Parameters Plan, can secure long-term safety and resilience as required under exception iv. The application therefore fails this part of exception iv.

*Conclusions on the application of exception iv.*

- 8.3.48. Notwithstanding its historic use as railway sidings prior to 1986, the site lacks any present-day development and cannot reasonably be said to be a “redevelopment” proposal. The site has naturalised over time and its present character cannot now be described as “previously used” or “previously developed” or “brownfield” land and nor has it ever been referred to as such in any document published by the National Park Authority. The present LDP allocation was predicated on the opportunity for appropriate development that would strengthen and enhance the link between Balloch Station and Lomond shores rather than an intervention specifically aimed at ‘bringing the site into positive use’. Furthermore, as the LDP precedes NPF4, the allocation does not reflect the more recent emphasis requiring a greater balance in socio-economic considerations and climate and resilience including flood avoidance as a first principle. The weight to be attached to the site’s LDP status and the benefit that can be derived from it under the exception is therefore diminished. It also has not been demonstrated that long term safety and resilience can be secured and that it can be so within the assessed parameters of the PPiP proposal as described.
- 8.3.49. Taking account of all the above, it is concluded that the site does not qualify as an exception site under Policy 22 a iv. of NPF4 and it does not therefore benefit from the exceptions for development in an area of flood risk. Strengthening resilience to flood risk by promoting avoidance is a first principle of NPF4. As the applicant is not willing to modify the proposal to remove vulnerable development from Zones B and the affected area of Zone A, SEPA’s position of objection also applies and the proposal is therefore contrary to NPF4 Policy 22 a).

*Woodbank (Zone E)*

- 8.3.50. SEPA advise that ‘avoidance should be upheld for areas at risk of flooding, including those caused by blockage of culverts/bridges’ (as in the case of Unnamed Watercourse 2). SEPA has recommended a planning condition requiring all development footprint in this Zone to be

demonstrably outwith the flood risk area and for the detailed layout to be subject to a detailed FRA.

- 8.3.51. Unlike Zone B which is inundated, the flood risk affects a relatively small area within Zone E and the location of lodges within the submission that are affected by this area is only indicative at the PPiP stage. Unlike Zone B, the developer is also not intent on pursuing development within the flood risk area within Zone B and avoidance (by maintaining a 5m buffer between any development and the flood extent) is possible and unlikely to require any fundamental alteration to the nature, character or overall quantum of development as indicated on the Parameters Plan (area 3d). On this basis, a planning condition for an FRA to accompany proposals at the detailed stage if permission was granted is a reasonable and proportionate way to ensure development footprint in this area remains outwith the flood risk area. With the safeguard of such a condition, the development in Zone E would not be at risk of flooding or risk diverting flood risk elsewhere.

*Pierhead (Zone C) and Boathouse (Zone D)*

- 8.3.52. The footprint of the proposed hotel and waterpark along with the proposed tourist hub and monorail terminal are all proposed on raised ground which lies above and outwith the flood extents. SEPA has recommended a condition requiring it be demonstrated that the detailed design of the Pierhead development is outwith the flood risk area.
- 8.3.53. The proposal for a building to operate water-based recreation activities and related equipment storage facility in Zone D is acceptable in principle because this is considered by SEPA to be a 'water compatible use' which has minimal risk in terms of flood safety and resilience.

Conclusions on Flood Risk

- 8.3.54. The application has been the subject of valid objection on flood risk grounds including concerns about siting development within flood risk areas and the potential impacts and risks to neighbouring property. Flood risk at Zones C, D and E (Pierhead, Boathouse and Woodbank House) has been assessed and it is considered that the development in these areas can be accommodated satisfactorily and in accordance with Planning Policy. This is subject to appropriate conditions to ensure the footprint of the hotel and lodge buildings presented at the detailed stage remain outside the food risk areas so that they do not exacerbate flood risk elsewhere and so that they are not themselves at risk. The plans at this PPiP stage are illustrative and detailed development proposals would

require to be accompanied by appropriate FRA to SEPA's satisfaction to demonstrate that this is the case.

- 8.3.55. Zones A and B (Station Square and West Riverside) are within or affected by an extensive area of flood risk. The National Park Authority has considered whether exception iv. of NPF4 Policy 22 a) applies to these areas and has concluded that it does not for the reasons above. The proposed development in these Zones is therefore contrary to NPF4 Policy 22 a) and LDP Overarching Policies 1 and 2 and Natural Environment Policy 13.

#### Summary of Applicant's Assessment of Drainage

- 8.3.56. Surface water from the development would be attenuated on site, treated and discharged back into the water environment using a variety of SUDs techniques. The FRA proposes measures to avoid, prevent and minimise likely significant effects of flooding on neighbouring development and the water environment, including (but not limited to):
- Permanent surface water drainage network incorporating SUDs to ensure sufficient levels of treatment and attenuation of surface water discharges from the site.
  - Finished floor levels of buildings are to be above the maximum flood level estimated for the 1 in 200-year + climate change event.
  - The use of construction phase Sustainable Drainage Systems (SUDs).
  - Routing of construction discharges through at least three levels of SUDs to ensure that water quality of high sensitivity receptors is not adversely affected.
  - Development and adherence to a Construction Environmental Management Plan (CEMP) containing a Pollution Prevention Plan (PPP), which will include monitoring of the site activities.
- 8.3.57. With the above mitigation measures in place, the FRA concludes that the proposed development would not result in any significant effects of flooding upon the development, neighbouring property or the water environment.
- 8.3.58. The foul and surface water from the development is proposed to be captured separately, with only foul drainage entering the wastewater network. The FRA notes that no records of flooding from sewers have been received from consultation undertaken for the assessment. As such it is considered that flood risk from sewer flooding is low. New wastewater infrastructure would be required to service the development. A new pumping station is likely to be needed to capture foul drainage from the Riverside and Pierhead areas and pump the wastewater to the



existing combined sewer network at Balloch Road. The intention would be for Scottish Water to adopt the new wastewater drainage infrastructure.

### **National Park Authority's Assessment of Drainage**

- Would the proposed development increase the risk of flooding elsewhere?
- Can potential effects on the water environment be adequately controlled?
- Can the development be adequately serviced by existing or upgraded drainage infrastructure?

- 8.3.59. The proposals for surface water drainage via Sustainable Urban Drainage Systems (SUDs) accords with NPF4 Policy 22 c) ii. and Natural Environment Policy 12. The detail of the SUDS system design would require to comply with SEPA requirements and ensure that the rate of any discharges of run-off water to receiving watercourses (in this case indicatively shown as being Unnamed Watercourse 2) is at an attenuated (controlled) rate so as not to increase the existing volume of water entering the channel that could exacerbate flood risk elsewhere. The culverts on this watercourse have adequate capacity. Addressing existing flooding issues related to unmaintained culverts and blockage downstream is the responsibility of WDC.
- 8.3.60. Neither SEPA nor WDC (the responsible authority for local flood matters) have raised any objection to the approach to managing surface water. WDC, who would be responsible for assessing the detailed drainage designs advise that they cannot give a definitive response until the detailed design stage, at which point they would be consulted on the detailed proposals and the accompanying FRA required by SEPA.
- 8.3.61. In relation to impacts on the water environment, appropriate conditions, and adherence to SEPA requirements can ensure that there are no significant effects on any areas of standing and running water (including those not expressly covered in this assessment). Impacts on Loch Lomond and the River Leven and by association, the Endrick Water SAC has been assessed through the Habitats Regulation Appraisal. This is considered in detail within Paragraphs 8.5.21 to 8.5.22 of this Report. The Appropriate Assessment (a copy of which is provided at Appendix 4) concludes that if the proposal is undertaken strictly in accordance with mitigation measures including implementation of a Construction Environmental Management Plan (CEMP) including pollution prevention



strategy and control of site operations and drainage, an adverse effect on the water environment and integrity of the SAC can be avoided.

- 8.3.62. The proposal to connect the foul drainage to the public waste-water network accords with Natural Environment Policy 12 of the LDP. SEPA has advised that they are aware of capacity constraints in the sewage network having received complaints in relation to sewer flooding by Balloch Road, and chokes on the main sewer between Balloch Road and Fisherwood Pumping Station.
- 8.3.63. Scottish Water is responsible for ensuring capacity is available for consented development and for managing problems caused by sewers either flooding or becoming restricted due to chokes or collapses. Scottish Water has raised no objection to the proposal and has confirmed that there is currently sufficient capacity for a foul only connection in the Ardoch Waste Water Treatment works. They have advised that further investigations may be required to determine what will be required to serve this site once further detail on flow rates are known. After full planning permission has been granted, Scottish Water will review the availability of capacity at that time and advise accordingly. Necessary works and associated costs are administered through a separate consenting process under the relevant Water Acts and associated regulations.

#### Conclusions on Drainage

- 8.3.64. The proposed development is considered compliant with the principles of the LDP and NPF4 in relation to management of surface and foul water drainage. Appropriate mitigation relating to site operations during the construction and operation phases will ensure that there will be no adverse effects on the water environment. There is currently capacity at the existing waste water works however Scottish Water will undertake further investigation into the adequacy of existing infrastructure to service the development once it has been consented at the detailed stage.
- 8.3.65. Overall, the proposals comply with Overarching Policies 1 and 2 and LDP Natural Environment policies 11, and 12 relating to the water environment, surface water and waste-water.

### **8.4. Trees and Woodland**

#### *Key Considerations*

- Will the development lead to loss of woodland?
- Will the development result in the loss or deterioration of ancient woodland (LEPO)?

- Is proposed woodland management and/or compensatory planting sufficient?

### Introduction

- 8.4.1. Impacts on the existing trees and woodland within the development site have been assessed in Chapter 6 of the EIAR. Woodland habitats are also considered in the Ecology chapter of the EIAR (Chapter 5).
- 8.4.2. Significant parts of the application site comprise areas of woodland including at the Pierhead and the tracts of woodland adjacent to the River Leven as well as on either side of Pier Road. Some of these woodlands are identified in the Ancient Woodland Inventory (AWI) which maps ancient woodland types based on their age and value. In Scotland, Ancient Woodland is defined as land that is currently wooded and has been continually wooded, at least since 1750. The AWI categories include both 'Ancient Woodland' which is semi-natural woodland and 'Long Established Woodlands of Plantation Origin' (LEPO) woodland which is plantation woodland identified from maps of 1750 or 1860 and continuously wooded since. Many LEPO woodlands have developed semi-natural characteristics, which may be as rich as semi-natural (non-plantation) 'Ancient Woodland'. The woodland at Woodbank and the proposed boathouse (Zone D) form part of wider tracts of LEPO woodland. (see Figure 8).



**Figure 8 - Ancient Woodland Inventory (Scotland)**

- 8.4.3. Many representations received in objection are concerned about general loss of existing trees and woodland and related impacts on wildlife and the landscape. Some specifically refer to proposed development within woodland considered to be ancient (Area 10). Others consider that the applicant's assessment of trees and woodland is flawed.
- 8.4.4. The amendments to the proposals submitted in February 2023 removed elements of the proposal from wooded areas including the proposed staff service area and parking in Zone D ('Area 10') and 17 woodland bothies from the woodland in the north of Woodbank (Zone E). These changes were accompanied by an EIAR Addendum containing a revised EIAR chapter for Trees and Woodland.

### Policy Background

- 8.4.5. NPF4 Policy specific to forestry, woodlands and trees is set out in Policy 6. The stated intent of the policy is to protect and expand forests, woodland and trees.
- 8.4.6. Policy 6 a) states *“Development proposals that enhance, expand and improve woodland and tree cover will be supported.”*
- 8.4.7. Policy 6 b) states *“Development proposals will not be supported where they will result in:*
- i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;*
  - ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;*
  - iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy.”*
- 8.4.8. Policy 6 c) states, *“Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered.”*
- 8.4.9. Policy 4 a) is also relevant where proposals would impact on the natural environment, including woodlands. This states, *“Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.”*

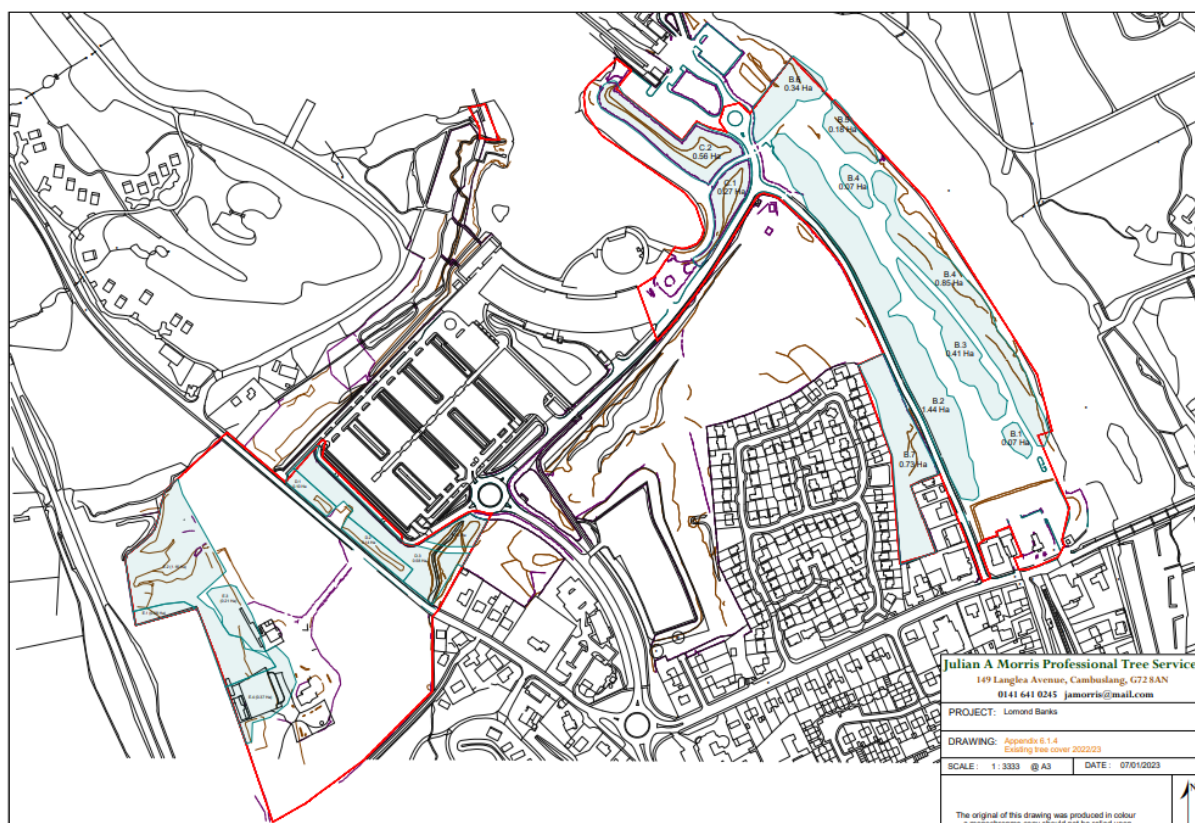
### Summary of Applicant's assessment of Impacts on Trees and Woodland

- 8.4.10. The survey work contained in Chapter 6 of the EIAR assesses the potential effects of proposals on the existing woodland. The assessment of woodland impacts has been undertaken with reference to resources including the National Forest Inventory (NFI), the Native Woodland Survey (NWS) and the Ancient Woodland Inventory (AWI). The assessment considers development impacts on woodlands, however it is not possible to assess the impact on individual trees or groups of trees at this PPiP stage of the planning process. The applicant's stated intention is to minimise loss of individual trees and tree groups and



protect retained trees through appropriate design and tree protection measures at the detailed stage.

- 8.4.11. Woodland is defined in the Government's Control of Woodland Removal Policy as land comprising at least 0.1ha under stands of trees with a canopy cover of at least 20%. Areas assessed by the applicant as comprising existing 'woodland' are identified in Figure 9 (areas shaded blue).



**Figure 9 - Applicant's Tree Cover Plan (EIAR Vol 2 Appendix 06.1)**

- 8.4.12. Table 3 below presents the applicant's summary of the potential impact of development on woodlands by area and the proposed mitigation.

**Table 3 - Applicant's summary of potential woodland impact by area (see Chapter 6 of the EIAR)**

<b>Receptor</b>	<b>Description</b>	<b>Potential Impact</b>	<b>Mitigation</b>
Pierhead, Visitor Hub Monorail Station, Hotel, and Indoor Water Park	This would necessitate the removal of two areas of woodland and partial removal of areas of tree cover to the east for car parking.	Removal of two areas of young or semi-mature plantation.	None
Riverside Parking Area (West of Pier Road)	This would necessitate the removal of the majority of a woodland area, but with retention and reinforcement of woodland strips adjacent to existing housing.	Permanent loss of low-medium quality semi mature trees.	Dense native tree and shrub planting in new buffer along adjacent residential properties.
Boathouse Area	A boathouse of c.95m2 for storage of equipment and operation of water-based activities is proposed. This would necessitate the removal of individual regenerating trees within an AWI area and subject to a Tree Preservation Order.	Minor loss of low quality semimature coppice style trees; minor contribution to loss of visual amenity on promontory; negligible loss of biodiversity legacy.	Selective screen planting around boathouse to accelerate return of visual amenity.
Woodland Lodges (Riverside Zone B and Woodbank Zone E)	Lodges with vehicular access and parking. The majority are proposed within open areas, within areas of sparse tree cover, and within areas of continuous or near-continuous tree cover Lodges are proposed within AWI areas only in the former walled garden and field area to the south.	Loss of scrubby trees in the walled garden area with negligible biodiversity legacy; loss of sparse tree cover to the south; minor recoverable damage to tree roots outwith Root Protection Areas; minor tree crown lifting to facilitate construction access.	Invasive non-native species eradication, progressive replacement of non-native tree and shrub species.
Renovation of Woodbank House	Trees in the immediate periphery, particularly to the north of the building and to the south of the ancillary buildings, is required for car parking and this would remove small parts of tree cover in an AWI area.	Minor loss of groups and trees of negligible biodiversity legacy on the periphery of woodland; minor recoverable damage to tree roots outwith Root Protection Areas; minor tree crown lifting to facilitate construction access.	Invasive non-native species eradication, progressive replacement of non-native tree and shrub species

8.4.13. The applicant notes that development is proposed within two areas identified in the Ancient Woodland Inventory (AWI) as provisionally being Long-Established woodlands of Plantation Origin (LEPO). These are the southern half of the Boathouse area within Zone D and the area at Woodbank to the immediate west and south of Woodbank House where lodges are proposed (excluding the walled garden) and the proposed car parking area on the north side of Woodbank House. Having assessed the tree cover and quality, the applicant considers that in the case of Woodbank, the AWI shape is approximate and wrongly placed suggesting historic tree cover to the south of Woodbank House where historic mapping counter-indicates no tree cover. The applicant's conclusion is that this area does not comprise woodland and that both this area and the Boathouse are of 'low quality' with reference to certain indicators of ancient woodland and are not confirmed LEPO woodlands. Therefore, the applicant's view is that development is acceptable provided compensatory planting is provided.

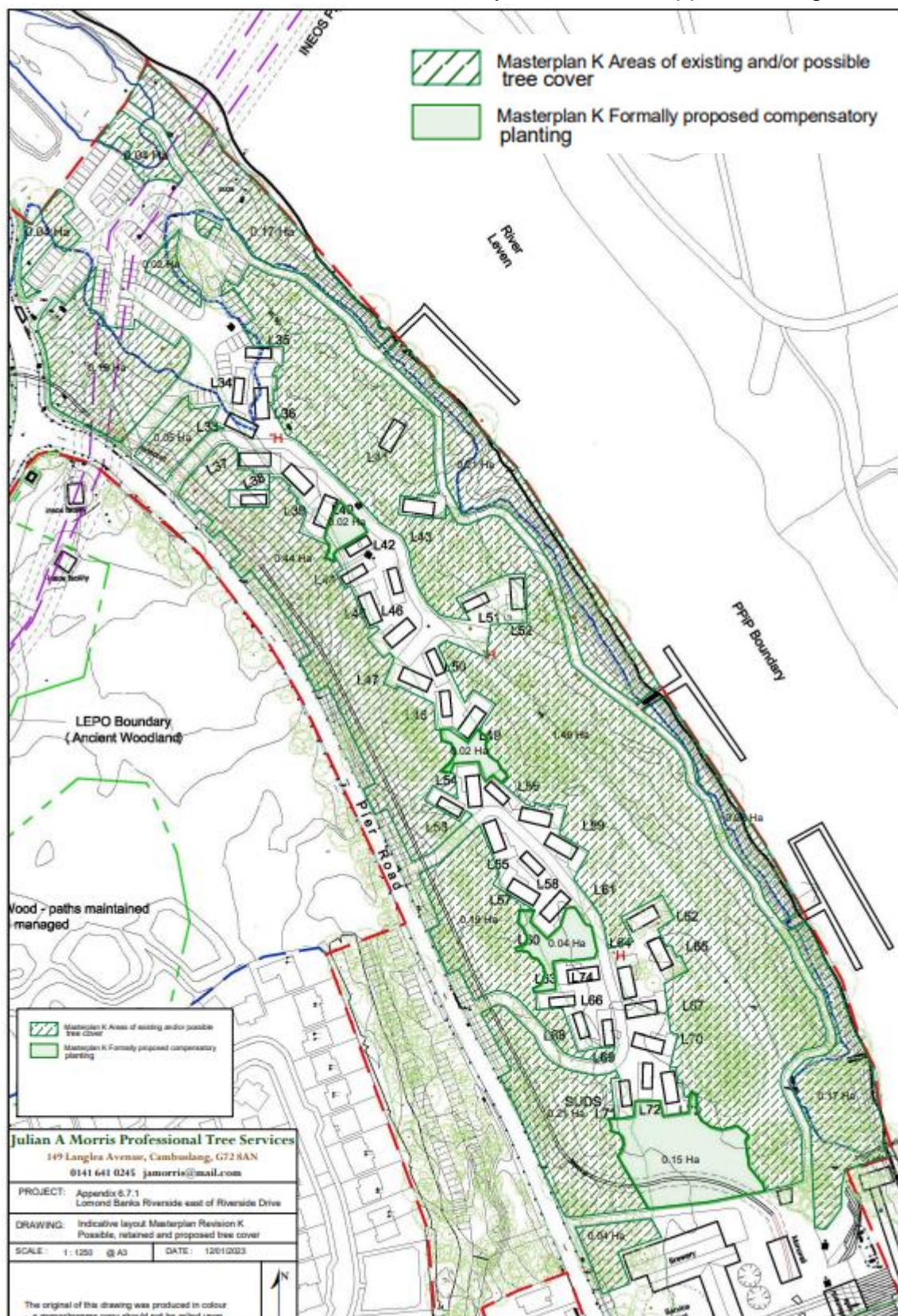
8.4.14. The proposed areas of retained woodland and/or new woodland planting are shown by the green shaded areas in the applicant's Figure 10. These correspond to the dark green (proposed 'Managed Woodland') areas on the Parameters Plan.



**Figure 10 - Retained and Replacement Woodland**



8.4.15. For the Riverside area, the applicant has undertaken their assessment on a more detailed illustrative layout – see the applicant's Figure 11.



**Figure 11 - Indicative Layout Masterplan (Revision K) 'Possible retained and proposed tree cover'**

8.4.16. Table 4 below presents the EIAR summary of the approximate scale of woodland loss and gain for each area.

**Table 4 - Scale of Woodland Removal and Compensatory Planting  
(extract from EIAR Chapter 06)**

	Area	Existing	Loss	Proposed/Possible	Gain	Net (Ha)
A	Station area	n/a		n/a		0
B	Riverside West of Pier Road	0.73		0.39		-0.34
B	Riverside East of Pier Road	3.26		3.57		+0.31
C	Pierhead		0.83		0.00	-0.83
D	Ben Lomond Way (West)		n/a		n/a	0
D	Boathouse		minimal		minimal	0
E	Woodbank		0.37		1.64	+1.27
	<b>TOTAL</b>					<b>+0.41</b>

8.4.17. The applicant states that tree felling is only proposed in an area of low value immature woodland at the Pierhead area, to accommodate the proposed hotel and waterpark development and that outwith this area there is no significant felling proposed at West Riverside or at Woodbank. Additional planting including compensatory planting, in lieu of the Pierhead is proposed and the applicant predicts the impact at Woodbank would be net beneficial as a result of sensitive placement of development within the woodland and clearance of invasive and non-native species, new native planting and removal of lesser quality trees as part of a Woodland Management Plan. The Woodland Management Plan is stated to result in better quality, more accessible and more resilient woodland in the long term and thereby improve overall collective biodiversity of the woodland.

8.4.18. Overall, the applicant has submitted that the direct loss of woodland would be approximately 1.06ha. With proposed compensatory planting, overall, the woodland net gain is stated to be 0.41ha, therefore demonstrating in the applicant's view, that the development has the spatial capacity to result in no net loss of woodland and a net gain on the existing woodland.

8.4.19. As regards ancient woodlands, the applicant's assessment is that there would be no loss of LEPO woodland within the site. As outlined at 8.4.13, although there are areas within the site that fall within the Ancient Woodland Inventory (AWI) designation (at the Boathouse and at Woodbank), the applicant considers that the AWI boundary is not definitive and can only be used as a provisional guide to the location of ancient woodland. Their assessment is that there are no other characteristics that merit the identification of these areas as confirmed LEPO. The applicant therefore concludes that the presumption against

ancient woodland removal ought to be disapplied and development in these areas accepted subject to compensation planting.

- 8.4.20. Although not within the application red line boundary the applicant has confirmed their intention to commit to a Woodland Management Plan (WMP) - as land they would control - to ensure the ancient (LEPO) woodland comprising Drumkinnon Wood is maintained, enhanced and accessible to all. This WMP is proposed to be submitted at the detailed stage.

### **National Park Authority's Assessment of Impacts on Trees and Woodland**

- 8.4.21. This section considers impacts on ancient woodland, woodland loss and compensation planting across the development. The proposed development has been assessed by the National Park Authority's Trees and Woodlands and Ecological Advisers whose comments are incorporated into this section.

#### *Overview of woodland removal*

- 8.4.22. The following presents a review of the amount of woodland that would be removed from each of the proposals development Zones.

#### *Pierhead*

- 8.4.23. At the Pierhead (Zone C) two areas of woodland (combined 0.83ha) would be removed. Both areas comprise younger plantation woodland. These woodlands were established within the last 25 years and whilst they have some amenity value, their age and composition means they are of relatively limited value in ecological terms. Control of Woodland Removal Policy provides some flexibility for removal of younger plantations such as these that are less than 25 years old.

#### *Riverside*

- 8.4.24. The woodlands at Riverside are established (likely at least 40 years old). The ecology chapter of the EIAR recognises these woods as 'younger in structure' but 'still significant at the National Park level of importance. Woodland removal can be justified subject to compensatory planting.
- 8.4.25. In Section 4 of this report it is explained that the assessment of the proposal is based on the 'maximum parameters' set out in the Parameters Plan. However, the applicant's assessment for this area is not based on the retained and proposed managed woodland areas shown on the Parameters Plan (and in Figure 10) but on a more detailed Indicative Masterplan (Figure 11 above). The applicant relies on this more detailed indicative layout to seek to demonstrate that it will



potentially be possible to retain a large proportion of the existing woodland plus achieve a substantial proportion of the overall net gain in woodland cover within area 3a on the Parameters Plan at the detailed stage.

- 8.4.26. Although clarity around woodland loss was requested, woodland removal figures are not provided for this area in the applicant's which concerns itself only with the balance (i.e. 'no net loss'). It is therefore difficult to assess the likely amount of existing woodland that would be directly removed (i.e. felled/cleared) prior to replanting, although it is expected that clearance will be needed to accommodate the proposed car parking for the Pierhead and that removal at the west of Pier Road would be greater than the residual 'net' loss figure indicated which incorporates replanting. It is also reasonable to assume that permanent clearance will be needed for the construction and operation of the monorail (loss that does not appear to be accounted for in Figure 11) and there is also no information on the potential impact of the proposed land raising and compensatory flood storage.
- 8.4.27. Taking account of the above, total woodland removal/clearance at Riverside (prior to replacement planting), principally to accommodate car parking and the monorail, would cover a notable area. It is recognised that the applicant has sought to indicate the overall position for Riverside after what, in effect, is a restructure of the areas' woodland, however it is not possible to conclude on the acceptability of the woodland removal and, equally, have confidence in the achievement of the net figures stated based on the information presented. While felling or clearance can be justified, it is also reasonable to expect transparency and clarity on the amount to be cleared and the justification.

#### Boathouse

- 8.4.28. For the Boathouse area the applicant states 'minimal' loss (i.e. restricted to individual trees). However, woodland removal/clearance in this area can be assumed to be at least equal to the site area (0.04 ha) which equates to the area taken up by a 95sqm building footprint with a 5m buffer around it for access and construction. This does not include any additional permanent loss associated with provision of improved pedestrian or a vehicular access if required. Woodland removal at the Boathouse area is not sufficiently identified or addressed.

#### Woodbank

- 8.4.29. The applicant's assessment (table 4) identifies that 0.37ha of existing lowland mixed deciduous woodland would be lost. However, there is an additional area of woodland to the south of the walled garden where lodges are proposed that applicant considers is not 'woodland' but

'individual trees and tree groups'. This area is partially within the AWI designation and includes c.0.35ha of land that is proposed to be developed. This area has not been included in the applicant's assessment of existing tree cover nor therefore in their assessment of woodland loss and gain. This is illustrated in Figure 12 below which compares the applicant's assessment of existing woodland cover (Figure 9) with an aerial image of the woodlands at Woodbank.



**Figure 12 - Comparison of applicant's assessment of woodland cover (blue shaded area) and aerial imagery.**

- 8.4.30. The National Park Authority's view is that the rationale for disregarding this area as 'woodland' is not justified and that the woodland loss at Woodbank House is therefore understated (and the net gain consequently overstated). This is now considered further in terms of Ancient Woodland.

#### *Ancient Woodland Considerations – Woodbank House and the Boathouse*

- 8.4.31. The applicant has sought to minimise impacts on ancient woodland by amending the proposals to remove 17 bothies from the ancient woodland at Woodbank and the staff service area (Area 10 in Zone D) from the scheme. However, as noted earlier there remain two areas of woodland within the PPIp boundary that are identified on the Ancient Woodland Inventory (AWI) as 'long-established woodland of plantation origin' (LEPO) into which proposed development would encroach. These are the southern portion of the Boathouse site (Zone D) and the woodland around Woodbank House (Zone E). For Woodbank specifically, this comprises the area south of the walled garden where woodland lodges are proposed and the proposed car parking area

between the house and the stables (see the brown shaded area and area 3b in Zone E on the Parameters Plan at Appendix 3 – the AWI boundary is shown by the light blue dashed line).

- 8.4.32. The National Park Authority's Tree and Woodland advisor and Ecologist consider that it is important to recognise that areas of LEPO woodland that have subsequently been replanted with non-native species or those areas that have gone through periods without tree cover can still retain ancient woodland characteristics such as ground flora. Considering the findings of the Ecology chapter of the EIAR, coupled with on-site observations by the National Park Authority's Ecologist, it is considered that the applicant's conclusions that these areas are not LEPO is not sufficiently evidenced. Although the character of the woodlands at these locations is different to the wider tracts of ancient woodland of which they form part, these areas are also potential candidates for woodland restoration. Adopting a precautionary principle, it should be assumed that these areas are both woodland, and LEPO woodland, for the purposes of assessment.
- 8.4.33. The Scottish Government's Policy on the Control of Woodland Removal (which is referenced in both NPF4 Policy 6 c) and LDP Policy Natural Environment Policy 8) has a strong presumption against removal of ancient woodland (including LEPO woodland) unless it would achieve significant and clearly defined additional public benefits. Where woodland is removed it is subject to compensatory planting.
- 8.4.34. The restoration of the A-listed Woodbank House is considered to be a significant public benefit that could justify encroachment of development into the woodland that surrounds the buildings. The loss of a comparatively small area of LEPO woodland south of the walled garden also needs to be considered with the LDP allocation for development at this site, principally to assist in the restoration of Woodbank House and its outbuildings. This is expanded upon in the section on Built Heritage (see Section 8.10).
- 8.4.35. Although these areas of LEPO at Woodbank and the Boathouse would be lost, they are also acknowledged to be small and different in their character to the wider extents of LEPO woodland adjacent due to a variety of influences do not therefore represent the highest value of LEPO woodland found within the site. Therefore, on balance, it is considered that encroachment of development into these areas can be accepted subject to restrictions on footprint and tree removal as necessary at any future detailed stage should permission be approved along with appropriate compensation planting.



### *Overview of Compensatory Planting (CP)*

- 8.4.36. NPF4, the LDP and the Scottish Government's Policy on control of woodland removal states that removal is only permitted, subject to compensation planting. The purpose of compensation planting is to secure, through new woodland on site (replanting) or off site (on appropriate sites elsewhere), at least the equivalent woodland-related net public benefit embodied in the woodland to be removed. In the absence of stated figures for woodland removal (prior to replanting), the National Park Authority's Tree and Woodland Advisor has made an indicative calculation that the area of woodland removal/clearance that requires to be compensated would be a minimum of c. 3.2ha. The applicant's figure for woodland removal that requires to be compensated is 1.06ha. The National Park Authority calculates that of the 3.2ha identified for removal, c. 0.4ha is LEPO and c. 1.97ha is woodland that is older than 25 years (with the younger woodlands at Pierhead being 0.83ha).
- 8.4.37. Annex 5 of the Policy on control of woodland removal sets out a framework to calculate the area of compensation planting (CP) although it states that decisions on woodland removal and any CP are ultimately for planning authorities. The policy stops short of defining a ratio or other quantitative measure for the extent of suitable compensatory planting for woodland types and there is no official guidance elsewhere. However the policy is clear that for certain categories of woodland (i.e. ancient woodland/LEPO and woodlands in designated areas, which include National Parks) the CP area must exceed the area of woodland removed to compensate for the loss of environmental value.
- 8.4.38. The EIAR Ecology chapter confirms that the loss of c 0.36ha of ancient woodland is not possible to mitigate entirely and also that there is a residual significant adverse effect for broadleaved woodland (after mitigation, enhancement and proposed compensation planting). New compensation planting is generally of comparatively limited biodiversity value in the short to medium term compared to established woodland. The proposed retained, replaced and compensatory areas of woodland, notably at Riverside, would be fragmented by the development within them (footpaths, monorail, car parking etc) and subject to greater disturbance. Areas available for compensation planting that would not suffer these effects is limited.
- 8.4.39. The applicant's assessment inherently assumes that a 1:1 replacement ratio for replacing all woodland removed is sufficient. However, for the reasons explained above, the National Park Authority considers that a higher ratio of replacement planting should be applied, both to LEPO

cognisant of its value and also to established woodlands (older than 25 years).

- 8.4.40. The applicant has stated they can achieve a net woodland gain of 0.41ha. However, as already discussed, this figure is heavily reliant on conservative assumptions for woodland loss at Riverside and does not take into account additional, unmitigated woodland loss that the National Park Authority has indicatively identified, including at Woodbank and the Boathouse. When adjusted for these, the stated net gain, in fact, becomes a net loss of c. 0.94ha. To account for this and to achieve an appropriate level of compensation planting, the scheme would need to accommodate a greater amount of new woodland than has been demonstrated is possible at this PPIp stage. It is not clear whether a sufficient net gain could be achieved at the detailed stage within the site constraints given the scale of development proposed.
- 8.4.41. It is acknowledged that the applicant has offered a Woodland Management Plan for Drumkinnon Woods as part of the Lomond Promise and this could be controlled potentially by planning condition or obligation. However, the delivery of woodland management for existing ancient woodland, although desirable, cannot be used to off-set nor compensate for woodland loss (including LEPO woodland) on the application site.

#### Conclusions on Trees and Woodland

- 8.4.42. The applicant's general approach has sought to avoid development in ancient woodland, as is evident through the exclusion of Drumkinnon Woods and amendments through the course of the present application to remove 17 bothies from the ancient woodland at woodbank and the staff and service area from woodlands adjacent to Drumkinnon Woods (Area 10). Woodland Management Plans are also proposed. It is also acknowledged that the applicant values the woodland setting for the proposals and that the stated approach would be to minimise loss of individual trees at the detailed stage. Mitigation for woodland removal, including compensatory planting, can be acceptable in certain circumstances. However, whilst the plans are illustrative there must be a reasonable degree of certainty that the likely effects on trees and woodland, and proposed mitigation is acceptable and policy compliant at this PPIp stage.
- 8.4.43. The applicant's assessment states that it will be possible to achieve development with no 'net loss' of woodland overall (0.41ha net gain in cover indicated above). The National Park Authority has reviewed the information that has been provided to justify this position and concluded that the basis for the net gain figure is not clearly demonstrated. The National Park Authority's assessment indicates additional woodland loss,

including the monorail corridor and the areas at the Boathouse and at Woodbank. Taking into account these adjustments, the stated net gain overall, in fact becomes a 0.94ha net loss.

- 8.4.44. Whilst in some circumstances, the loss of the small areas of LEPO woodland can be accepted (such as the significant public benefits arising from conservation of Woodbank House), both the amount and value of woodland removed requires to be reflected in the compensation planting. Overall, appropriate compensation planting has not been adequately demonstrated and the National Park Authority is not satisfied that there is sufficient scope to accommodate adequate compensation planting at the detailed stage without irreconcilable conflict with the development parameters set by the applicant. The proposed enhancement and management of existing woodlands would not adequately compensate for the scale of woodland removal - a conclusion that is supported by the EIAR Ecology assessment (see paragraph 8.5.46).
- 8.4.45. The intent of NPF4 Policy 6 is to protect and expand forests, woodland and trees. The National Park Partnership Plan aims to expand woodland cover in the National Park and fully adopt and deliver on the principles of NPF4 by ensuring that new development in the National Park takes a net gain approach to protecting and restoring nature on and around development sites. The National Park Authority is not satisfied that the scale of the proposal for which PPIp is sought, can deliver an appropriate level of compensation planting within the parameters set to compensate for the likely quantum and value of woodland lost to development. The proposal would therefore likely result in a reduction in both the extent and quality of woodland in the longer term and is therefore contrary to NPF4 Policies 4 a) and 6 c) and LDP Policy NEP8 and to the objectives of the National Park Partnership Plan.

## 8.5. Ecology

### *Key Considerations*

- Will the development have a significant effect on the Endrick Water Special Area of Conservation?
- Will the development have an adverse impact on any protected species?
- Will the development have an adverse impact on any other species and habitats?

### Introduction

- 8.5.1. In addition to trees and woodland, the Environmental Impact Assessment Report(EIAR) considers impacts on other ecological interests in relation to habitats (on the land, water and vegetation) and

species, including European Sites and protected species. Consideration is given to interests on site and to defined distances from the site boundary as appropriate. The EIAR details the ecological studies undertaken by the applicants and presents the results of the Ecological Impact Assessment.

- 8.5.2. The Endrick Water SAC, designated for its populations of Atlantic salmon, brook and river lamprey flows into Loch Lomond upstream of the development site (some 8 km to the north east) and therefore has an ecological connection to the site as these species use the River Leven for migrating to and from the Clyde. Part of the River Leven Corridor Local Nature Conservation Site (LNCS) sits partially within and adjacent to the development site along its eastern boundary. The Boturich Woodlands Site of Special Scientific Interest (SSSI) is located 1.3 km to the north. The site includes areas of woodland including mixed broadleaved woodland at Riverside (Zone B) and woodland identified in the Ancient Woodland Inventory (AWI) at Woodbank (Zone E) and the Boathouse (Zone D) which have been discussed in the previous chapter.
- 8.5.3. A significant number of representations have been received in relation to impacts of the development on species and habitats. Specific concerns have been raised regarding the loss of wildlife habitats including trees and woodland and impacts on the animals that inhabit them. Concerns have also been raised about development impacts on important fish species inhabiting Loch Lomond and the River Leven.

#### Policy Background

- 8.5.4. Policies of relevance to the assessment of ecology in NPF4 include Policy 3 (Biodiversity) and Policy 4 (Natural Places). The intent of Policy 3 is to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. Compliance with Policy 3 is considered in Section 8.6 (Biodiversity) which draws together the conclusions from this section and Section 8.4 (Trees and Woodland).
- 8.5.5. NPF4 Policy 4 (natural Places) intends to restore and enhance natural assets making the best use of nature-based solutions. Intended outcomes include that natural places are protected and restored and that natural assets are managed in a sustainable way that maintains and grows their essential benefits and services.
- 8.5.6. Policy 4 a) states:  
*“Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.”*

8.5.7. Policy 4 b) states:

*“Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an “appropriate assessment” of the implications for the conservation objectives.”*

8.5.8. Policy 4 e) states:

*“The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.*

8.5.9. Policy 4 f) states:

*“Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.”*

#### Summary of Applicant's Assessment of Ecology

8.5.10. An EIAR has been submitted in support of the proposal. This has been informed by a Technical Report (Appendix 5.1 of the EIAR) which provides further details of the surveys that were undertaken at the site between May 2021 and February 2022. An update survey was undertaken in October 2023 which confirmed that the findings of the earlier assessment work remained valid.

8.5.11. Findings identified several designated ecological features including Boturich Woodlands Site of Special Scientific Interest (SSSI) 1.3km to the north and the Endrick Water Special Area of Conservation (SAC). Although 8km to the north, the qualifying interests of the SAC are linked to the development site through connectivity with Loch Lomond and the River Leven. Ten non-statutory Local Nature Conservation Sites were located within 2km of the site and a number of areas listed on the Ancient Woodland inventory (AWI) are present. The field survey identified a number of ecological features across the site, including a variety of habitats (mixed scrub, tree lines, mixed broad-leaved woodland, and surface standing waters) and fauna such as otters, badger (both unlikely to be resident), red squirrels (residency status not

conclusively known although there have been sightings recorded), bats and breeding birds.

8.5.12. Potential direct and indirect effects include:

- Direct loss of habitat through land take for construction of built features and associated infrastructure;
- Direct loss or harm of species through felling and other construction activities.
- Changes to the existing hydrology that could lead to detrimental changes in quality or availability of surface waters;
- Increased pollution risk associated with accidental spillage of fuels, oils, and increases in silt laden run-off and dust emission;
- Disturbance effects to faunal species.

8.5.13. The EIAR report states that the majority of the direct habitat loss will be mixed broad-leaved woodland (11.4% or 1.06ha (a figure which the National Park Authority assumes incorporates the stated figure of 0.36ha of ancient woodland habitat) and abandoned pasture (11.9% or 1.10ha). Smaller losses are anticipated for surface standing waters, and mixed scrub and there will be additional impacts associated with fragmentation and/or disturbance of retained habitat. Clearance of INNS (0.27ha of dense bamboo, 1.2ha of rhododendron, 0.16ha of cherry laurel and 2.5ha of hybrid/Spanish bluebell is assessed as a positive effect.

8.5.14. A package of both embedded and further mitigation measures is proposed to avoid, prevent, and minimise the likely negative significant effects on these habitats. Embedded mitigation includes avoidance of identified ecological features during the design process (i.e. minimising tree removals), and the implementation of standard best practice mitigation during construction through a Construction Environmental Management Plan (CEMP) overseen by an Ecological Clerk of Works (ECoW) to ensure compliance. The proposed mitigation is highlighted below.

*Ancient Woodland Mitigation*

8.5.15. To protect and enhance Ancient Woodland the following measures are proposed:

- Work areas to be tightly contained to avoid unnecessary encroachment into ecologically sensitive areas, including the fencing off and clear signage.
- A formal Ancient Woodland Restoration Plan for the Ancient Woodland within Zone E (Woodbank) including a formal eradication programme for INNS, (clearance of 0.27 ha of dense bamboo, 1.2 ha of stands of rhododendron, and 0.16 ha of cherry laurel)



- Method statements for clearing ground flora, safe storage and translocation of scraped soil and seed bank and off-site disposal of INNS soil.
- Longer-term management of the Ancient Woodland via a Landscape and Biodiversity Management Plan.

#### *River Endrick SAC and River Leven Mitigation*

8.5.16. With respect to the River Endrick SAC, the following construction phase mitigation will be implemented:

- Adherence to general good practice measures for working in and near to watercourses and waterbodies
- A pollution prevention plan will be included in the CEMP, appropriate storage of fuels and other chemicals, and wash-out facilities for vehicles and machinery; and,
- If construction work is carried out during the hours of darkness, machinery and floodlights will be directed away from the River Leven.

#### *Other Habitat and Species Mitigation*

8.5.17. Further ecological surveys would be undertaken at the detailed design stage (prior to construction) for habitats, invasive non-native species, badger, otter, red squirrel, bats and nesting birds. Specific mitigation includes:

- Retained areas of pasture within Zone E (Woodbank) diversified through the application of an appropriate native meadow seed mix and managed as a traditional meadow (managed via the Landscape and Biodiversity Management Plan).
- Compensatory tree planting using native tree species,
- Introduction of appropriate ground flora in areas of semi-natural woodland lacking in regeneration trees;
- Removal of INNS and INNS contaminated soils (non-native bluebells)
- Appropriate licences sought where protected species are identified during pre-construction surveys;
- Construction of a bespoke Bat House within the ground of Woodbank House (Zone E) to replace roosting opportunities which will be lost as a result of the restoration and conversion of the buildings
- A tree-mounted bat box for each tree with bat roost suitability which will be affected directly or indirectly by the development

- Vegetation clearance to avoid bird nesting seasons and 50 tree mounted bird nest boxes will be installed in addition to integrated boxes within new buildings
- Design and installation of a wildlife-friendly night lighting scheme, in particular for bats.
- Implementation of a 10mph speed limit on all new access roads throughout the site;
- Dogs to be kept on leads throughout the site;
- No pedal cycles to be used within woodland and grassland habitat areas; and
- Clear signage of permitted pedestrian footpaths, with appropriately located environmental interpretation boards.

8.5.18. Assuming full compliance with the embedded mitigation and enhancements described above, significant residual ecological effects associated with the proposed development will be limited to impacts on ancient woodland and mixed broad-leaved woodland habitats. These adverse effects are concluded as 'significant at site level'. This is because compensatory planting is unlikely to provide compensation for the loss of ancient woodland, due to the definition of this habitat type being dependent on continuity of woodland cover, and that the planting of trees will take decades if not centuries to replicate the habitats lost to the Proposed Development. This will be ameliorated in part through translocation of the woodland floor wherever INNS have not historically been present, and the clearance of INNS from the woodland areas, but there will remain a residual adverse impact significant at the Site level for Ancient Woodland. Similarly, for mix broad-leaved woodland, the introduction of built features throughout this habitat will inevitably alter its functioning and extent, but the compensation and enhancement measures will reduce residual impacts to being significant at the site level.

8.5.19. A shadow Habitats Regulations Assessment has also been prepared, which following the implementation of appropriate avoidance and mitigation measures, concludes that there will be no significant effects on the Endrick Water SAC as a result of the proposed development.

### **National Park Authority's Assessment of Ecology**

8.5.20. The National Park Authority is satisfied that the relevant level of ecological survey and assessment has been undertaken to comply with assessment requirements highlighted in NPF4 policies 4 b) and 4 f).

### *Designated Sites*

- 8.5.21. Under the Habitat Regulations, the National Park Authority is required to carry out an Appropriate Assessment where a proposal is likely to have a significant effect on a European designated site. This is contained within Appendix 4. Planning authorities must not approve a development unless they can ascertain, by means of the Appropriate Assessment, that it will not adversely affect the integrity of the site. This process focuses on the qualifying interests of the site and must consider any impacts on its conservation objectives. The Appropriate Assessment has been prepared in consultation with NatureScot who agree with the assessment and its conclusions.
- 8.5.22. Endrick Water SAC – The appropriate assessment identifies mitigation measures that will need to be put in place to avoid an adverse effect on the integrity of the SAC and its populations of Atlantic salmon, brook and river lamprey. The following mitigation measures, to be secured via planning conditions attached to any planning permission granted, would ensure that there is no adverse effect on the integrity of the site:
- A Construction Environmental Management Plan (CEMP) overseen by an Ecological Clerk of Works (ECoW) to include:
  - Full details of piling works and confirmation that no piling works will take place during the peak salmon migratory period of October to May inclusive.
  - A Pollution Prevention Plan detailing measures that will be implemented to protect the water quality of the River Leven and Loch Lomond during construction works.
  - A lighting plan to ensure no external lighting from the development or construction lighting spills onto Loch Lomond or the River Leven.
  - Site drainage/surface water drainage to be fully compliant with SEPA's Controlled Activity Regulations.
  - Foul drainage to be connected to the public sewerage system.
- 8.5.23. Endrick Water Site of Special Scientific Interest (SSSI) – The river lamprey notified interest of the SSSI may also be affected by this development, but any impacts would be fully addressed by the above mitigation for the Endrick Water SAC. The other notified interests of the SSSI will not be impacted by the proposal due to the lack of connectivity between the application site and these interests due to the separation distance between the proposal and the SSSI.
- 8.5.24. Boturich Woodlands SSSI – There will be no direct or indirect impacts on the upland mixed ash woodland and wet woodland interests of the SSSI due to the separation distance between the proposal and the SSSI.

## *Protected Species*

### **Bats**

- 8.5.25. A considerable amount of survey work for bats has been undertaken in support of the proposal. This includes Preliminary Roost Assessments (PRA) of buildings and trees, activity surveys of buildings, hibernation surveys, walked transects and static monitoring.
- 8.5.26. Bats in Buildings: A maximum of six bat roosts (pipistrelle bats) were identified within the existing buildings at the site. Due to survey limitations, it was not possible to discount the presence of hibernation roosts within these buildings. The proposed redevelopment/conversion of Woodbank House and ancillary buildings will result in the destruction of the identified roosts and a licence will be required from NatureScot prior to any works affecting these roosts can proceed.
- 8.5.27. Bats in Trees: The EIAR confirms that 87 trees displayed bat roost suitability and that at least 47 of these fall within the footprint of the proposed development. Although the detailed design of the proposal has yet to be finalised, the EIAR predicts that 17 trees with bat roost suitability will need to be felled (5 with high suitability, 7 with moderate and 5 with low suitability). Indirect construction disturbance will affect a further 30 trees within 20m of the development (4 with high suitability, 13 with moderate and 13 trees with low suitability). The majority (60%) of the affected trees are situated within Zone E (Woodbank).
- 8.5.28. Foraging and Commuting Bats: The site is well used by a range of bat species. Intense foraging behaviour was recorded along existing dark corridors in the Riverside, Pierhead and Boathouse areas. Bats were also observed foraging along the woodland edges and tree canopies at Woodbank. Changes to artificial night lighting across the application site will introduce barriers for the bats that currently use dark areas to move freely across the site. This is particularly relevant to the lighting of roads, walkways, parking areas and new buildings.
- 8.5.29. The EIAR proposes to mitigate effects on bats by:
- Construction of a bespoke Bat House within the grounds of Woodbank House (Zone E) to replace roosting opportunities which will be lost through the restoration and conversion of the buildings.
  - Minimising the number of trees with bat roost suitability directly or indirectly affected by the proposal through detailed design. For those trees that cannot be avoided licences will be obtained from NatureScot supported by Species Protection Plans detailing proposed mitigation and compensation measures.
  - A tree-mounted box will be provided for each tree with bat roost suitability that will be directly or indirectly affected by the proposal.

- 8.5.30. The National Park's ecological advisor supports the mitigation outlined but notes that further bat surveys will be required once detailed plans have been prepared and the extent of tree felling or works to trees with bat roost suitability is known. A lighting plan will also be required to prevent impacts of artificial lighting on foraging and commuting bats in presently dark areas. Survey may also be needed prior to refurbishment of the Tourist Information building when the detail of these works is known.

#### Red Squirrels

- 8.5.31. An initial walkover survey of the woodland within the study area was undertaken in July 2021 followed by walked transects in January/February 2022. The surveys were undertaken in line with NatureScot best practice guidance at a time of year when foliage cover was at its lowest. Two squirrel feeder boxes and camera traps were also placed within Woodbank Woodland in January/February 2022.
- 8.5.32. Two red squirrels were observed moving through a strip of larch trees in the narrow band of woodland between Old Luss Road and the Loch Lomond Shores car park. No other sightings of red squirrels were recorded during subsequent transects. In addition three new red squirrel records were identified during the 2023 desk study. This is notable as there are no previous red squirrel records for the application site.
- 8.5.33. Given the number of grey squirrel sightings compared with red squirrel sightings, it is likely that the majority of squirrel dreys identified on the site are used by grey squirrels. However, further survey work would be required to confirm whether this is the case. The EIAR adopts a precautionary approach, in line with NatureScot guidance, and all dreys are treated as red squirrel dreys until it can be demonstrated beyond reasonable doubt that the drey is only used by grey squirrels. The National Park's Ecologist is satisfied with the proposed mitigation for red squirrels which includes development avoiding trees with dreys wherever practicable during detailed design, further pre-construction survey and best practice during construction.

#### Otters, Badgers, Pine Marten, Beavers and Water Vole

- 8.5.34. No signs of otter activity were recorded during the survey. Although suitable foraging and commuting habitat was recorded on the watercourses at Woodbank and potential features for otter resting sites were recorded on the western bank of the River Leven, the site was judged overall to provide suboptimal habitat for otters due to level of

human disturbance in the area. This includes the higher quality habitat identified along the River Leven where a number of boats are moored.

- 8.5.35. Although no badger setts were identified during the survey, signs of badger foraging activity were noted in the northwest of the site (Woodbank) along with some suitable habitat for sett creation. The majority of woodland at the site was judged to be unsuitable for sett creation due to the high levels of disturbance from humans and dogs.
- 8.5.36. No signs of pine marten were recorded within the application site or wider study area during this survey work. Although some potentially suitable habitat was identified in the west of the application site, disturbance from people and dogs was considered to reduce the general suitability of the site for pine marten.
- 8.5.37. Although no evidence of beaver activity was recorded during the various surveys carried out at the site, there were a number of sightings of a beaver on the River Leven in 2019 and two licensed releases of beavers at RSPB Loch Lomond in 2022 and 2023. It is possible that beavers could colonise the area in future.
- 8.5.38. No evidence of water vole activity was recorded during this survey and limited suitable habitat was identified so no further assessment or mitigation is therefore required for this species.
- 8.5.39. The National Park Authority's Ecologist is content that a combination of further pre-construction survey and good practice construction methods combined with a Visitor Management Plan to manage access and minimise impacts on sensitive habitats and species would be sufficient to ensure there would be no significant effects on otters, badgers, pine marten and beavers as a result of the development.

## Birds

- 8.5.40. A total of 34 species were confirmed or suspected of breeding within the site. Although the survey recorded some scarcer passerines such as wood warbler and redstart, most of the species breeding were common and typical of woodland and garden habitats. There was a single sighting of a barn owl hunting at Woodbank and, although there are potential nesting locations within the survey areas (e.g. old buildings and mature trees with cavities), no evidence of breeding was recorded.
- 8.5.41. Generally, the survey area held relatively low numbers of aquatic wintering birds and most species recorded were mainly common and widespread.
- 8.5.42. Mitigation for breeding birds is proposed including that any works with the potential to disturb nesting birds will be avoided during the nesting bird season. All potential nesting bird habitat will be pre-checked by the Ecological Clerk of Works (ECoW) in advance of any construction



activities. The National Park Authority's Ecologist is content that no additional measures are required in respect of overwintering birds.

#### Woodland Habitats

- 8.5.43. The woodland incorporating the southern part of the Boathouse (Zone D) and the woodland around Woodbank House is identified as Long Established Plantation Origin (LEPO) woodland in the Ancient Woodland Inventory. The Ecology Technical Report found that the Boathouse area contains early successional scrub woodland, and that the longer-established woodland ran along its southern boundary. The northern part of the LEPO at Woodbank is considered the highest quality in terms of structure and ground flora which contains sizeable mature oaks and several ancient woodland indicator species. Further south the woodland becomes more open and affected by Invasive Non-Native Species (INNS) however the Ecology report highlights mixed broad-leaved woodland to the north of Woodbank House and to the south of the walled garden, the latter area containing continuous dominant native bluebells (an ancient woodland indicator species) (Appendix 5.2 and Figure 3.2 of the EIAR). This extent of woodland around Woodbank House is not recognised in the Tree and Woodland chapter (EIAR Appendix 6.1.4).
- 8.5.44. In its conclusions on Trees and Woodlands, the EIAR states that due to mapping discrepancies in the Ancient Woodland Inventory (AWI), the true area of ancient woodland affected is less than as mapped, and the development has sought to avoid ancient woodland wherever possible. Nevertheless, Table 5-16 in the Ecology chapter concludes there would be direct loss of 0.36ha of ancient woodland. It notes that compensatory planting is required for 0.36ha of ancient woodland (but acknowledges that this will not technically compensate for the loss of ancient woodland habitat) and 1.06ha of mixed broadleaved woodland. Overall, the assessment concludes there would be an significant adverse effect at the site level for both ancient woodland and mixed broad-leaved woodland after implementation of the proposed mitigation and enhancement measures. This contradicts the conclusions of the Trees and Woodland chapter of the EIAR which does not recognise loss of ancient woodland.
- 8.5.45. The National Park Authority's Ecologist and Tree and Woodland advisors note the apparent inconsistency in the applicant's assessment of the woodlands south of the walled garden at Woodbank House and at the Boathouse in the respective EIAR chapters.. Their advice is that these consider that these areas should be classified as woodland (and thus also recognised as woodland loss) for the purposes of assessment. These areas are closely associated with adjacent LEPO and whilst their

past and present characteristics differ from the adjoining areas of highest quality LEPO woodland (of which these woodlands form part) they nevertheless have restorative potential in ecological terms and should therefore be treated as LEPO woodlands for the purposes of assessment. These combined areas of LEPO are relatively small (approximately 0.4ha as measured by the National Park Authority).

- 8.5.46. Taking a precautionary approach, the National Park Authority's assessment has sought to rely on the conclusions of the EIAR Ecological chapter (rather than the Tree and woodlands chapter) in terms of loss of ancient woodland habitat and the resulting significance of effects on woodland – which in this case is adverse at the site level after mitigation (including proposed compensation planting and enhancement measures) for both ancient woodland and mixed broadleaved woodland.

#### Grassland and other Habitats

- 8.5.47. Impacts on grassland (and the loss of abandoned pasture and amenity grassland to buildings and compensation tree planting) can be appropriately mitigated by species enhancement of retained areas and management as meadow through the proposed Landscape and Biodiversity Management Plan. There are no significant effects identified in relation to this or any of the other habitat types.

#### Conclusions on Ecology

- 8.5.48. The required 'Appropriate Assessment' has been carried out and concludes that, subject to appropriate mitigation, no adverse impacts on the salmon and lamprey, that are the qualifying interests of the Endrick Water SAC will arise provided specific mitigation measures are secured (through conditions).
- 8.5.49. The survey work undertaken by the applicants states that there was no evidence of protected species residing within the site other than bats, although several protected species are likely to use the site for foraging and suitable habitats are present for the majority of species assessed. Measures are proposed to guard against harm during construction, and it is also proposed to provide roost and nesting opportunities within the site for roosting bats and breeding birds. Foraging habitats for squirrels and bats and nesting birds will be enhanced through soft landscaping.
- 8.5.50. Representations received in objection to this application highlight significant concern over the risk to wildlife from the proposed development. This has been considered carefully. However appropriate mitigation, including sensitive design at the detailed stage (for example avoiding loss of trees with high roost suitability), and construction best

practice could ensure that there would be no adverse impacts on protected species.

- 8.5.51. It is therefore concluded that the proposal, at this PPiP stage, is capable of compliance with NPF4 Natural Places policies 4 b) and 4 f) and LDP Natural Environment Policies 2, 4, 5 and 11 as regards protected species, European designated sites and species associated with the water environment.
- 8.5.52. Removal of INNS through an Ancient Woodland Restoration Plan and measures to reduce human disturbance in retained woodland areas will help to minimise impacts on the woodland habitats. These actions are acknowledged. However, because of direct loss, the effects on ancient woodland and mixed broadleaved woodland would be adverse at the site level, even after proposed mitigation and compensation and enhancement measures are implemented. The loss of woodland habitat (and appropriate compensation) and compliance with policies seeking to protect and enhance woodland habitat is a matter for the assessment of trees and woodland (see previous section).

## 8.6. Biodiversity

### *Key Considerations*

- Will significant biodiversity enhancements be provided, in addition to any proposed mitigation?
- Will the proposal conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention?

### Introduction

- 8.6.1. The preceding two chapters have considered the natural heritage of the application site, both in terms of woodlands and their ecological value and the site ecology including its habitats and protected species. This section draws together the conclusions of this assessment to consider the overarching policies of NPF4 and the LDP in relation to biodiversity.

### Policy Background

- 8.6.2. NPF4 has introduced a greater emphasis on nature and biodiversity alongside economic and social considerations with the introduction of Policies 1 and 3. The intent of these policies sets a new context for applications for development with greater weight than previously now afforded to nature in the balance of considerations.
- 8.6.3. The stated intent of Policy 1 (Tackling the climate and nature crisis) is to encourage nature positive places that, promote and facilitate

development that addresses the global climate emergency and nature crisis.

8.6.4. Policy 1 states:

*“When considering all development proposals significant weight will be given to the global climate and nature crises”.*

8.6.5. The stated intent of Policy 3 (Biodiversity) is to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.

8.6.6. Policy 3 a) states:

*“Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible”.*

8.6.7. Policy 3 b) states:

*“Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:*

- i) the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;*
- ii) wherever feasible, nature-based solutions have been integrated and made best use of;*
- iii) an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;*
- iv) significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and*

v) *local community benefits of the biodiversity and/or nature networks have been considered.*

8.6.8. Intended outcomes of NPF4 Policy 4 (Natural Places) are that natural places are protected and restored and that natural assets are managed in a sustainable way that maintains and grows their essential benefits and services.

8.6.9. Policy 4 a) states:  
*“Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.”*

8.6.10. Policy 4 e) states:  
*“The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.”*

#### Summary of Applicant's Assessment of Biodiversity

8.6.11. The applicant's assessment of the site biodiversity is principally contained in the EIAR chapters for Ecology and Trees and Woodland. A summary of the applicant's assessment of these chapters and their findings has been included in the sections above.

8.6.12. The submitted Planning Statement contains an assessment of the proposal against the relevant policies of NPF4. Compliance with Policy 3 of NPF4 highlights the relevant EIAR chapters for Trees and Woodland and Ecology, noting that only trees of local provenance will be planted on site which will add to the biodiversity value of the area and that a landscape and planting strategy will be developed at the detailed design stage to present more detail of proposed enhancement measures. It also notes that further ecology surveys will likely be required at the detailed design stage and that specified mitigation will be delivered for protected species in advance of construction and that there would be no significant effects on Natura 2000 sites (sites protected under the European Commission's Habitats and Birds Directives).

8.6.13. The assessment against LDP Natural Environment Policy 6 'Enhancing Biodiversity' similarly highlights the above and in addition, proposes a Biodiversity Management Plan which it states will also be submitted to present the detailed enhancement measures to be undertaken.

8.6.14. A Woodland Management Plan would also be put in place to conserve, improve and enhance existing woodland and its biodiversity. The

applicant's Design and Access Statement provides some greater detail on the proposed content which would include:

- Enhanced tree planting along the River Leven with species typical of a wet woodland and encourage a greater mix of native trees within the canopy.
- Management of non-native species
- Enhancing habitats for wildlife and biodiversity mitigation such as bird boxes and bug houses.
- Additional planting of native species to further enrich tree planting throughout the existing mature plantation woodland,
- Introduce native species of shrubs and ground cover to create layers and varied structure through the woodland.
- Retain large, mature good quality tree species of significance

8.6.15. The Design and Access Statement confirms an intention to minimise tree loss to retain the woodland setting as far as is feasible to provide spaces with woodland character within which to set development.

#### **National Park Authority's Assessment of Biodiversity**

8.6.16. NPF4 Policy 1 prioritises the climate and nature crises in all decisions. It sets out to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis. NPF4 Policy 3 plays a critical role in ensuring that development will secure positive effects for biodiversity. NPF4 Policy 3(b) requires that, *“Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used.”*

8.6.17. The 'Scottish Government Draft Planning Guidance: Biodiversity' confirms that it will be for the applicant to demonstrate the ways in which biodiversity will be left in a 'demonstrably better state' than before intervention. Whilst a Scottish biodiversity metric is currently under development, NPF4 does not specify a particular assessment approach or methodology, only that best practice assessment methods should be utilised. The draft Biodiversity guidance confirms that the assessment may be qualitative or quantitative and where relevant, align with existing statutory and other assessment requirements. The absence of a universally adopted Scottish metric should not be used to frustrate or



delay decision making in the meantime and a flexible approach will be required.

- 8.6.18. The applicant has not expressly considered NPF4 Policy 3 b) in its submissions which is a notable omission given the proposal is for a major EIA development to which this policy directly applies. The submission also does not include any metric or other evidence to quantify or demonstrate that there would be a net gain in biodiversity following development.
- 8.6.19. The applicant's assessment relies on the stated net gain in woodland cover (0.41ha). Other enhancements (after mitigation and compensation) noted in the Ecology EIAR chapter are:
- Clearance of INNS
  - Native tree and understory planting through an Ancient Woodland Restoration Plan, for retained areas of woodland
  - Native wildflower seeding and management of retained pasture
  - Underplanting and landscape planting of tree species known to be preferential for red squirrel, foraging bats and nesting birds.
- 8.6.20. The above measures are noted and are acknowledged. However, they would not deliver a net positive significant residual effect according to the assessment conclusions at Table 5-16 of Chapter 5 of the EIAR. The balance of effects would either be 'no significant effect' or 'adverse at the site level'.
- 8.6.21. NPF4 Policy 3 b) requires proposals for major EIA development to *"demonstrate how they have met all of the following criteria"*:
- i. *the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;*
  - ii. *wherever feasible, nature-based solutions have been integrated and made best use of;*
  - iii. *an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;*
  - iv. *significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and*

*v. local community benefits of the biodiversity and/or nature networks have been considered.”*

- 8.6.22. Criterion ii. is considered to be satisfied. Criteria v. is satisfied in so far as the areas of woodland removal predominantly involve woodlands which are fenced and to which there is either no, or otherwise limited scope for public access at present.
- 8.6.23. In relation to i. it is considered that the applicant's Ecology and Tree and Woodland submissions present alternative professional understandings and approaches to identifying and assessing existing site characteristics as regards the ancient woodlands and the associated presence of irreplaceable habitats and their value. As a result, the development design and scale parameters are incompatible with the requirement to comply with these Development Plan policies. The quantum and adverse effects of woodland removal have not been demonstrably mitigated by appropriate and adequate compensation planting prior to identifying enhancements and criterion iii. is not therefore satisfied.
- 8.6.24. Criteria iv. is not satisfied as there are no demonstrably significant biodiversity enhancements, strengthening of nature networks or habitat connectivity delivered within or beyond the site. On the contrary, the proposal would result in a reduction in woodland cover and also result in woodland fragmentation which has not been appropriately addressed or mitigated. For proposals for major or EIA development this policy sets a high bar for delivery for nature requiring enhancement (a net gain), which may necessarily require action beyond the site boundary if the scale of development prevents an appropriate level of delivery within the confines and constraints of the site itself. Although the applicant has sought to maximise the opportunities available within the site, what is achievable given the scale of the development proposed and the extent of existing woodland and habitats of value, is naturally limited. Policy 3 b) of NPF4 and the greater emphasis on nature and biodiversity points to a more ambitious approach where required to support the scale of development proposed, or otherwise a reduction in scale, to allow genuine enhancement to be delivered on site. Neither option has been considered or explored.

#### Conclusions on Biodiversity

- 8.6.25. NPF4 has placed greater emphasis on nature and biodiversity and sets clear requirements for biodiversity enhancements in association with major and EIA development proposals. This is reflected in the National Park Partnership Plan that fully adopts the principles of the NPF4 in seeking to ensure that new development in the National Park takes a net

gain approach to protecting and restoring nature on and around development sites.

- 8.6.26. The development will result in loss of woodland, including some areas of LEPO woodland, with an uncertain and insufficient degree of compensation. Whilst the proposal includes various enhancement measures and commitments to improve existing retained woodlands, these do not fully mitigate the residual adverse effects of the development at the scale proposed and therefore the proposal fails to satisfy the NPF4 requirement to deliver significant biodiversity enhancement. It has not been demonstrated that the proposal will leave the site biodiversity and nature networks in a demonstrably better state than without intervention. The proposal is therefore contrary to NPF4 Policy 3 b), LDP Natural Environment Policy 6 and the National Park Partnership Plan.

## 8.7. Traffic and Transport

### *Key Considerations*

- Would the proposed development result in adverse traffic issues on the local road network within Balloch and on the A82?
- Would the proposed development result in traffic issues within Balloch that would adversely impact upon the amenity of residents and visitors?
- Does the development promote access by sustainable and low carbon modes of transport?

### Introduction

- 8.7.1. The site would be accessed via the existing local and strategic road network that serves Balloch. Strategic routes include the A82 Trunk Road (located on the western peripheral extent of Balloch) and the A811 (Stirling Road). Balloch Road and Drymen Road constitute the main east-west access road through the village for local-access purposes. The proposed development would be accessed from existing junctions on the local road network (including Pier Road, Ben Lomond Way and Old Luss Road) as indicated on the Parameters Plan (Appendix 3).
- 8.7.2. A Transport Assessment accompanies the application as part of the EIAR. This assessed traffic movements in August and September 2017 and November 2021 at several junctions within Balloch during both weekday morning and evening traffic peaks and a weekend (Saturday) peak. This assessment was followed by further survey and assessment for two key junctions (A82/A811 Stoneymollen roundabout and the Ben Lomond Way/Old Luss Road/Balloch Road roundabout) in the Scottish school holiday period (August 2023). The findings are submitted within

the Summer Traffic Assessment 2023 (Technical Note) and the Transport Technical Note dated 23 February 2024.

- 8.7.3. A total of 372 vehicle parking spaces are proposed in association with the proposed uses. These would be distributed across the Zones with 133 spaces located within Zone E (Woodbank House) and 239 split between the Pierhead (103 spaces) and Riverside/Station Square (136 spaces). The parking areas are shaded in brown on the Parameters Plan. The submitted Parking & Signage Strategy outlines how parking and guest arrivals would be managed including approach signage and on-site traffic attendants to minimise impacts during busy periods.
- 8.7.4. Key pedestrian and cycle routes through the site include the National Cycle Network (NCN) Route 7, West Loch Lomond Cycle Way and the John Muir Way. Regarding public transport, Balloch is served by Balloch Railway Station (located across the road from the proposals at Station Square) and a number of bus routes.
- 8.7.5. Measures are outlined to encourage staff and visitors to travel by sustainable modes of transport including improvements to existing footpath and cycle links and a Travel Plan and co-ordinator to oversee a range of potential pedestrian, cycle, public transport and car-sharing initiatives for example making available active travel information, cycle hire and electric buggies to transport guests and their luggage.
- 8.7.6. A significant number of the representations received have raised concerns regarding the impact of additional traffic. Principally these concern exacerbation of existing issues on the local roads within Balloch and on the A82 which experiences congestion coinciding with good weather and local events in the peak summer tourist season. There are general concerns about the related impacts of traffic on pedestrian safety and residential amenity including indiscriminate parking. Specific concerns have also been raised regarding the seasonality of the applicant's original traffic surveys, inaccurate and inadequate parking provision, issues with capacity for boat trailer and future Maid of the Loch visitor parking at the Pierhead and the loss of existing parking at Station Square for rail commuters. These issues are addressed within this section of the report.

### Policy Background

- 8.7.7. The principal policy within NPF4 is Policy 13 (Sustainable Transport). Policy 13 b) states, "Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:
  - i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;

- ii. Will be accessible by public transport, ideally supporting the use of existing services;
  - iii. Integrate transport modes;
  - iv. Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
  - v. Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
  - vi. Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;
  - vii. Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
  - viii. Adequately mitigate any impact on local public access routes.”
- 8.7.8. Policy 13 d) states *“Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.”*
- 8.7.9. Policy 13 e) states *“Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people”.*
- 8.7.10. Policy 13 f) states *“Development proposals for significant travel generating uses [...] will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. [...]”*
- 8.7.11. Policy 30 b) (Tourism) is also relevant. This states “Proposals for tourism related development will take into account:
- ii. Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors; [...]
  - iv. Opportunities for sustainable travel and appropriate management of parking and traffic generation; [...]
  - vi. Opportunities to provide access to the natural environment.”

### Summary of Applicant's Assessment of Traffic and Transport Impacts

#### *Traffic*

- 8.7.12. The assessment of the likely significant transport effects has been undertaken using established methodologies and has focused on examining the capacity of relevant local transport infrastructure to accommodate the development. The scope and approach to the Transport Assessment contained within the EIAR was agreed with West

Dunbartonshire Council's (WDC's) Roads Authority. The traffic survey periods for the development were weekday peak (am and pm) and Saturday peak (pm) in neutral (non-holiday season) months. Eight junctions were surveyed in September 2017 and three junctions in August 2017 (summer season) with further survey of two junctions undertaken in November 2021 to verify the 2017 data. The assessment concludes that the increase in traffic would result in impacts on some junctions close to the site in the weekend peak but that there is plenty of spare capacity at these junctions to accommodate the increase in flows and no remedial junction measures are required.

- 8.7.13. The additional Summer Assessment carried out in August 2023 considers the impacts at two key junctions - the A82/A811 Stonymollen roundabout and the "Ballochloan" (Ben Lomond Way/Old Luss Road/Balloch Road) roundabout. In comparison to the 2017 August surveys, this summer survey showed less traffic would pass through the two junctions in both the weekday morning peak hour and Saturday peak hour, but higher flows would occur in the weekday evening peak for both junctions. The assessment concludes that, despite this increase, the Stonymollen and the Ballochloan roundabouts would both continue to operate within capacity with the addition of development traffic.
- 8.7.14. At the request of WDC Roads and Transportation Service, additional assessment is presented in the Transport Technical Note dated 23 February 2024 based on revised trip rates (alternative assumptions for peak hour arrivals and departures) and 'lane simulation' modelling of the approach to the Ballochloan roundabout. This shows the development would generate a total of 92 two-way trips (arrivals and departures) during a weekday morning peak and 165 two-way trips during a weekday evening peak hour. In addition, the proposed development is forecast to generate a total of 248 two-way trips during a Saturday peak. This translates to:
- Between 1% and 5% increase in traffic on the north and south arms of the Stonymollen roundabout, with a maximum increase of 10% on the A811 arm on the Saturday. However, the roundabout remains operating well within capacity.
  - A maximum increase of 10% on the A811 west arm of the Ballochloan roundabout during a Saturday peak hour (in summer) but for the most part would be between 4% and 8% increase, which will not have a material impact on the capacity or operation of the junction.



8.7.15. Overall, the results of this additional traffic assessment were considered to demonstrate that:

- The proposed development would have a minimal traffic impact on the operation of the Stonymollan roundabout junction during a neutral month of September and a peak summer month of August.
- The Ballochloan roundabout junction will continue to operate within capacity during a weekday morning and Saturday peak hour.
- The Ballochloan roundabout junction will exceed its current capacity during peak summer weekday evening peak hour even without the addition of the proposed development traffic. With the addition of development traffic, it has been demonstrated that although the queue will increase on the A811(w) arm of the roundabout, at no point will the queue extend back onto the Stonymollan roundabout.

8.7.16. The effects of the development on the surrounding local and strategic road network, are not anticipated to result in substantial adverse effects and remediation and mitigation is not required to improve the capacity at local or strategic road junctions.

8.7.17. The assessment of the potential effects of the uplift in traffic volume on other road users, including pedestrians and cyclists results in a minor-negligible effect on most roads although Old Luss Road and Ben Lomond Way would experience greater volumes (moderate to major adverse respectively). These effects are addressed by dedicated pedestrian and cycle routes within the site linking to existing safe routes in the surroundings as well as additional lighting and enhanced pedestrian crossings where required. All construction traffic to and from the site will be controlled by a routing agreement which will ensure the correct road hierarchy is used and will prevent the use of residential roads by such vehicles, therefore resulting in a temporary slight adverse impact on road users, pedestrians and cyclists during this phase. In conjunction with the Travel Plan measures, ongoing monitoring and active parking management, the overall transport effects of the development is assessed as minor to moderate beneficial.

#### *Active Travel and Parking*

8.7.18. A monorail is incorporated into the development proposals to provide connectivity between Balloch Rail Station/Station Square and the Pierhead/Loch Lomond Shores. The Transport Assessment proposes outline Travel Plan measures to encourage travel by sustainable modes of transport. These include a Travel Plan Co-ordinator to oversee a range of potential pedestrian, cycle, public transport and car-sharing initiatives. The Parking & Signage Strategy and the Active & Sustainable Travel Technical Note propose actions to encourage staff

and visitors to adopt active and sustainable travel (for example provision of active travel leaflets and rail ticketing information, electric buggies and cycle hire) as well as parking management and improvements to existing footpath and cycle links. The implementation of the Travel Plan alongside other ongoing parking and access management strategies will support an overall increase in the uptake and propensity of use for sustainable modes to the moderate benefit of all road users.

- 8.7.19. Parking areas accommodating up to 372 parking spaces in total have been indicated on the Parameters Plan. The proposals adopt WDC's updated parking standards (October 2019), with National Roads Development Guidance standards used where no standard for a certain use (e.g. hotels) is provided in WDC's standards. Table 6.21 of the Transport Assessment shows how the parking quantum has been allocated to the uses proposed.
- 8.7.20. As the detail of the proposals progress, the applicant anticipates that parking locations will be re-configured to allow effective, efficient and sustainable vehicle and access operations across the various Zones. This detail will form part of detailed design applications. For the purposes of the PPiP application, it has been assumed that the development proposals demonstrate self-sufficiency with respect to vehicle parking. There is no reliance on existing spare capacity at the Loch Lomond Shores main or overspill car parks.

### **National Park Authority's Assessment of Traffic and Transport Impacts**

#### *Traffic*

- 8.7.21. The Transport Assessment and subsequent additional assessments conclude that the existing road network has the capacity to serve the development without any adverse implications. Transport Scotland (responsible for the A82) was consulted on the proposal and have not objected, and this stance has been maintained throughout. Whilst Transport Scotland have not offered any explanation in their response to assist officers in reconciling this position with the seasonal delays on the A82 frequently highlighted in representations, it is noted that the threshold assessment (Table 7.3 in the Transport Assessment) shows the additional impact of development traffic over the baseline is not so significant (2-3%) as to justify further assessment or mitigation. Transport Scotland generally require a detailed analysis when a 5% threshold assessment is exceeded.
- 8.7.22. Notwithstanding this, the applicant has voluntarily entered into a Section 48 Agreement with Transport Scotland under the Roads (Scotland) Act 1984 to assist in funding future improvements to the Stoneyhollen roundabout to help improve performance. This agreement would come

into effect on the implementation of any approved detailed planning permission.

- 8.7.23. WDC Roads and Transportation Service is the Authority responsible for the local road network. They advise that the applicant's initial Transport Assessment showed that in 2017 and 2021 both the Stoneymollen and Ballochloan roundabout junctions had adequate reserve capacity with no material traffic impact from the proposed development on their operation. There were some occasional spikes mainly due to queuing from the adjacent MacDonald's food outlet and seasonal traffic, however, the assessment indicated that this issue would not have been exacerbated by the proposed development.
- 8.7.24. WDC Roads and Transportation Service requested additional traffic survey to be undertaken in August 2023 (summer season) to verify the previous conclusions. They advise that the Ballochloan roundabout A811 west junction (eastbound traffic from the A82) is currently operating over capacity at weekday pm peak times and that the addition of development traffic would lead to further deterioration and queuing that requires mitigation to improve junction performance. WDC Roads and Transportation Service recommend that the A811 west approach should be widened to provide a 3.5m wide left-hand slip lane in place of the existing grassed verge. They require this to be secured by planning condition. Subject to a condition for a detailed scheme to be submitted for approval and thereafter implemented (expected to be funded by a financial contribution required of the applicant), it is assessed that the impacts on the local road network are acceptable.
- 8.7.25. It is recognised, from the strength of representation received, that the impact of development traffic is a significant concern in the community given the congestion often already experienced in busy summer months. Development proposals are not required to remedy existing issues, consideration can only be given to the additional impact they would cause. In this case, and having given this matter very careful consideration, WDC Roads Authority is satisfied that traffic impacts can be mitigated and are acceptable. Transport Scotland has raised no objection. It is therefore concluded that the proposal accords with NPF4 Policy 13 g) and LDP Transport Policy 3 in so far as effects on the operation of the strategic and local road network are concerned.

#### *Active Travel & Parking*

- 8.7.26. NPF4 Policy 13 d) is unsupportive of significant travel generating uses in locations which would increase reliance on the private car, taking into account the specific characteristics of the area. The development would be served by both mainland rail and local bus services. For a village bordering the National Park and the wider rural area, the location is

comparatively well served. Whilst the private car will likely remain the preferred travel choice for many visitors, access to the development does not rely on the private car and the applicant states it would promote alternatives. The proposed monorail would provide integrated sustainable transport between Balloch rail station and the Pierhead and the Travel Plan measures, including improved walking and cycling links, electric buggies and cycle hire would provide choice and minimise reliance on the private car for local journeys. The proposal therefore accords with NPF4 Policy 13 b) i, ii, iii and vi and 13 d) as well as LDP Transport Policy 2.

- 8.7.27. The response from WDC Roads and Transportation Service confirms that the detail and information provided on in the Travel Plan is acceptable with further details on how the travel initiatives will operate and be managed to be provided at any detailed application stage. These details can be secured by a planning condition for a detailed Travel Plan with appropriate actions and monitoring to accompany each phase of development at the detailed stage. Conditions can also secure appropriate cycle parking and electric vehicle parking at the detailed stage to comply with Policy 13 b) iv and v.
- 8.7.28. WDC Roads and Transportation Service require vehicular parking for the development to supplement existing parking already provided in the local area and to avoid on-street parking. The application seeks to establish parking principles at this PPIp stage including the broad location of parking areas (brown areas on the Parameters Plan) and broad parking quantum (a total of 372 spaces with a breakdown for each area), although this is not stated as being a maximum or a minimum). Enshrined within the proposed parking locations is the principle of segregated parking for holiday accommodation (grouped away from the units to make use less convenient) to encourage short journeys to be made on foot or by other modes.
- 8.7.29. NPF4 is silent on quantitative requirements for parking however the pre-amble to Policy 13 promotes a place-based approach to consider how to reduce car dominance, including minimising space dedicated to car parking. It also supports proposals that are ambitious in terms of low/no car parking, particularly in locations that are well served by sustainable transport modes (Policy 13 (e)). Provision must balance this objective with the need to avoid the negative impacts of under provision which could encourage indiscriminate parking.
- 8.7.30. WDC Roads advise that the parking provision has been calculated based on the individual uses proposed in accordance with National Roads Development Guide (NRDG) standards and that exact parking

quantum will be considered against WDC's parking standards at the detailed application stage.

- 8.7.31. Parking quantum cannot be fully assessed at this PPiP stage because the calculation against the relevant standards requires a greater level of detail about the proposal to be known. The parking areas shown on the Parameters Plan are also broad and lack specificity about the number of spaces that can be accommodated in each. Table 6.1 of the Applicant's Transport Assessment also does not provide a full breakdown of the number of spaces assumed for each use and has not been updated to reflect the revised proposal. Notwithstanding, the parking provision outlined on the Parameters Plan appears to have been calculated against standards as far as is possible and both quantum and distribution appears broadly adequate to serve the uses proposed.
- 8.7.32. The proposed Station Square parking area makes provision for the 44 spaces that would be displaced from the existing car park. This area is accessible to Balloch rail station via a short (200m) walk along Pier Road and footways would be upgraded appropriately. WDC Roads has raised no objection to the relocation. With controls as appropriate to ensure that the proposed parking remains publicly available, there would be no loss of park and ride parking for the station. It is of note that WDC Roads has obtained planning permission (ref. 2022/0375/DET) for a park and ride scheme with 24 spaces at the station which will further increase supply when implemented.
- 8.7.33. There is some scope for parking quantum and distribution to be adjusted at the detailed stage (provided this remains broadly consistent with the figures and locations shown on the Parameters Plan). However, the applicant will need to satisfy WDC Roads and the National Park Authority that any overspill identified at that stage can be satisfactorily accommodated, with the co-operation of other landowners if needs be. It is not considered that the proposal would adversely impact on the operation of the existing slipway and parking facilities provided that, at the detailed design stage, the proposed parking makes appropriate provision for guests arriving with boats and trailers and that parking locations and access points consider the pattern of vehicle movements and queuing at busy times in this area.
- 8.7.34. Other matters that relate to detailed design, including the final location and configuration of parking spaces, disabled parking, electric vehicle charging infrastructure, cycle parking and parking for guests bringing larger vehicles (i.e. with boat trailers) are matters for assessment the detailed design stage.

## Conclusions on Traffic and Transport Impacts

- 8.7.35. It is recognised that both the A82 and local routes within the vicinity of the development site experience traffic congestion during busy summer periods, particularly at public holidays and during specific events such as sporting events and other local events and festivals (it should be noted that such events are licensed by WDC). This can cause traffic delays and lack of suitable parking for both residents and visitors resulting in adverse impacts on local amenity. The concerns of local residents, Balloch and Haldane Community Council and others about the additional development traffic are fully recognised in this regard and this matter has been carefully considered.
- 8.7.36. A number of measures are proposed to mitigate against traffic and parking impacts. These include the implementation strategies to help manage movements, particularly on busy 'check in' and 'changeover' days and the segregation of parking from accommodation (to reduce short car trips within the site). These strategies could influence/control peak times of traffic movement as well as spread vehicle movements to appropriate areas within the site, thus minimising impacts on the road network and on the amenity of residents.
- 8.7.37. A proposal of this scale will inevitably result in additional traffic on the roads at both the construction and operational phase. However, it must also be recognised that this additional traffic, in terms of existing volumes and impacts, is minor in relative terms and as advised by WDC and Transport Scotland is not at a level that would materially exacerbate the existing situation in terms of congestion experienced on both the A82 and within Balloch during busy summer periods. Significant weight must be given to (1) the conclusions of the Transport Assessment work (which has been independently assessed by WDC Roads Authority and which concludes that there will be no significant detrimental effects on the surrounding local and strategic road network), (2) the improvements to provide a left slip-lane at Ballochloan roundabout and (3) the views of both WDC Roads Service and Transport Scotland, neither of whom have raised any objections to the proposal. Although not strictly required to mitigate the impacts of this development, the applicant's contribution to Transport Scotland to fund proposed improvements to the A82 are also acknowledged.
- 8.7.38. Balloch is the most sustainable and accessible location within the National Park, it being served by a mainline train station and bus services and has a close connection with the A82 (that avoids the town centre). The accessibility of the site to sustainable travel modes reduces reliance on the private car for travel to and from the site. The actions set out within the outline Travel Plan in relation to sustainable travel options are acknowledged. Visitors to the site would be encouraged to use the



monorail, electric buggies or walk and cycle. The proposals will involve improvements to the existing cycling and pedestrian network including enhanced walkways through the Riverside Zone B.

- 8.7.39. Given the conclusions of the Transport Assessment allied with improvements to Ballochloan roundabout, the accessibility of Balloch to rail and bus, the improvements and links to existing footpaths and cycleways, the commitment to a Travel Plan and the measures to manage access and parking, it is considered that the conclusions of WDC Roads Service and Transport Scotland are both reasonable and justified. A detailed Travel Plan with specificity on actions and monitoring as well as the detail of parking arrangements for all abilities and modes, would be required to accompany each phase of the development at any detailed application stage. The proposal is therefore in accordance with NPF4 Policy 13 and LDP Transport Policies 2 and 3.

## **8.8. Sustainable Design and Climate**

### Introduction

- 8.8.1. The Scottish Government declared a Climate Emergency in 2019 and has set a target of becoming a Net Zero Nation by 2045. In order to be aligned with Scotland's national and international commitments on climate change and to keep up with the pace and scale of action needed the National Park aims to be a Net Zero Place as soon as is practically possible but by no later than 2035.
- 8.8.2. Some representations in objection say that allowing a development of this scale goes against climate change objectives because of the increase in carbon emissions associated with construction and through traffic generation. There is also concern about additional waste generation and the loss of habitat that acts as a carbon sink.

### Policy Background

- 8.8.3. NPF4 Policy 2 concerns climate mitigation and adaptation. The intent is to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change. The intended outcomes are that emissions from development are minimised and places are more resilient to climate change impacts.
- 8.8.4. Policy 2 (climate mitigation and adaptation) states a) "Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible." and b) "Development proposals will

be sited and designed to adapt to current and future risks from climate change.”

- 8.8.5. Policy 12 (Zero Waste) seeks to encourage, promote and facilitate development that is consistent with the waste hierarchy and ensure that the reduction and reuse of materials in construction is prioritised.
- 8.8.6. Policy 12 a) states that development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.
- 8.8.7. Policy 12 b) supports development proposals where they: i. reuse existing buildings and infrastructure; ii. minimise demolition and salvage materials for reuse; iii. minimise waste and iv. use materials with the lowest forms of embodied emissions.
- 8.8.8. Policy 12 c) states development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed.

#### Applicant's Assessment of Sustainable Design and Climate

- 8.8.9. The applicant states that it has the ambition for the proposed development to become Scotland's first “Whole Life Zero Carbon Resort”. The applicant has submitted a Sustainability Statement outlining the proposed approach to sustainable development. This identifies measures which can be designed into the development to decarbonise and reduce its reliance on traditional fossil fuel-based generation of heat and power. The statement explains how the development could:
  - Incorporate energy efficient design to reduce energy demand (for example triple glazing, superinsulation, low energy lighting, passive solar design);
  - Generate heat and power from renewable sources (for example there is potential for this development to install a district-style heat network and combined heat and power plant using renewable or green fuel sources. Photovoltaics, wind turbines on roof spaces and slow flow hydro-electric system could be used to generate energy and heat could be generated by ground, air or water source heat pumps);
  - Contribute to the circular economy through management of waste including energy waste (for example through heat recovery), carbon emissions (through carbon capture), separation of organic waste and rainwater harvesting;
  - Encourage sustainable travel for example through enhancing paths, on site bicycle hire and EV charging (further measures are outlined in the framework Travel Plan); and

- Off-set impacts through funding a range of off-site projects and investing in renewables (for example carrying out tree planting and investing in peatland and habitat restoration).
- 8.8.10. Should planning permission in principle be granted, the applicant intends to use nature-based solutions and appropriate renewable energy technologies to decarbonise the resort's energy systems. Such solutions can be incorporated at detailed design stage.
- 8.8.11. Once operational, circular economy principles can be embedded into the day to day running of the facilities. The applicant intends to work with local businesses throughout construction and operation to keep the supply chain as local as possible and reduce emissions generated through the movement and transport of goods. The applicant envisages that they would be a key contributor to the National Park Authority's Net Zero aims and to local enterprise.

### **National Park Authority's Assessment of Sustainable Design and Climate**

- 8.8.12. At this PPiP stage the specific measures that the developer will adopt in the design of their buildings and processes to address policy requirements to maximise energy efficiency and minimise waste are yet to be worked up. There is no policy requirement for a lifecycle greenhouse gas emissions assessment to be undertaken for major developments and it is recognised that there are difficulties in calculating the carbon impact of a development in the absence of detail. Planning considerations can include site locational considerations and overall conformity with the policy outcomes or intent sought. Planning should not also duplicate the requirements of Building Standards which focuses on the materials and performance of new buildings. The applicant's Lomond Promise includes voluntary commitments to consulting with Zero Waste Scotland or a similar organisation with a view to applying a more circular approach to use of construction materials and ways of working. It also commits to preparing and implementing a detailed, achievable, action-focused plan with the primary objective of making the proposed development a "net zero" tourist destination by no later than 2035.
- 8.8.13. NPF4 Policy 2 a) requires development proposals to minimise lifecycle greenhouse gas emissions 'as far as possible' and current LDP policy requires 20% of a development's energy needs to be generated by onsite renewable technology (this requirement is already superseded by more recent building standards which govern efficiency standards in new buildings). The National Park Authority can secure compliance with the LDP in respect of the energy efficiency of buildings by planning condition but cannot compel the applicant to achieve a net zero, carbon neutral or

carbon negative development. The proposed design, site layout and materials of the development can be assessed at the detailed stage, including their compliance and conformity with the relevant policies that concern sustainability, design and climate.

- 8.8.14. Compliance with NPF4 Policy 2 and Overarching Policy 2 will therefore require to be assessed at the detailed stage when details of the building design, materials and construction as well as the renewable energy technology to be incorporated are known and their energy efficiency and green credentials can be accurately calculated.
- 8.8.15. As well as minimising emissions, the intent of NPF4 Policy 2 is also to ensure places are more resilient to climate change impacts. In this regard, the proposed siting of lodge development in an area of flood risk runs contrary to this wider objective, notwithstanding any specific measures that may be employed to make the buildings flood resilient. It is considered therefore, that the proposal is not sited to adapt to current and future risks from climate change and is therefore contrary to NPF4 Policy 2b.

#### Conclusions on Sustainable Design and Climate

- 8.8.16. The National Park Authority has set the target for the Park to be a net zero place by 2035. The applicant's measures to encourage green travel, the ways in which they would maximise the energy efficiency and decarbonise their buildings and their voluntary commitment to delivering a net zero development overall by 2035 are acknowledged. However, the siting of lodges in a flood risk area, would not contribute to making the step change needed to adapt to climate change. The proposal therefore fails to comply with NPF4 policy 2 b) because it is not designed to adapt to current and future risks from climate change and LDP Overarching Policy 1 because it does not adequately address the impacts of climate change or avoid significant flood risk.

### **8.9. Landscape and Visual Impacts**

#### *Key Considerations*

- Will the development result in detrimental impacts upon landscape character?
- Will the development result in detrimental impacts upon important views and visual amenity?

#### Introduction

- 8.9.1. Loch Lomond and the Trossachs National Park is home to some of the most iconic landscapes in Scotland which are valued by residents and draw visitors from home and from overseas. Loch Lomond sits across

the Highland Boundary Fault and therefore comprises characteristics of both lowland (to the south where the site is located) and highland (to the north). Balloch is a southern gateway of the National Park and a key visitor hub.

- 8.9.2. Chapter 11 of the EIAR includes a Landscape and Visual Impact Assessment (LVIA). In assessing landscape impacts the EIAR refers to the terms 'Landscape Effects' and 'Visual Effects'. This report, for ease of understanding, uses the terms 'Landscape Character', 'Visual Amenity' and 'Special Landscape Quality' which are described as follows:
- i. Landscape character is the constituent elements of the landscape, its specific aesthetic and perceptual qualities.
  - ii. Visual amenity is the experience of the people who will be affected by the changes in views or amenity at different places.
  - iii. Special Landscape Qualities (SLQs) are defined as the characteristics that make a designated landscape special in terms of landscape and scenery, both individually or combined (SNH, 2008). They are qualities that are perceived and experienced by people, affecting the sense of place.
- 8.9.3. As a large part of the site is allocated in the LDP for visitor experience there is an acceptance in principle of land use change and this would have inevitable landscape and visual impacts of varying degrees. It is however important that such impacts do not have a detrimental impact upon the landscape character and visual amenity which underpin the Special Landscape Qualities of the National Park. The application sets out the parameters of the development (including maximum building heights, footprints and quantum) and consideration must be given to whether the potential landscape and visual impacts of the development parameters are considered acceptable, whilst recognising this is an application for PPiP.
- 8.9.4. Representations in support and against the development with regards to landscape relate to matters covered by LDP policies and are assessed in detail within this section of the Report. Most concerns raised relate to the adverse impacts that a development of this scale will have on the natural beauty of the area citing the Pierhead hotel, large buildings at Station Square and the monorail. Some letters of support consider that the development will preserve key views, and that the development would only affect a very small area of Loch Lomond.

## Policy Background

### 8.9.5. NPF4: Policy 4 (Natural places) states:

*“c) Development proposals that will affect a National Park [...] will only be supported where:*

*i. The objectives of designation and the overall integrity of the areas will not be compromised; or*

*ii. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.*

*d) Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:*

*i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or*

*ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.”*

### 8.9.6. NPF4: Policy 11 (Historic assets and places) states:

*“Development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site, or its setting.”*

### 8.9.7. The landscape-related policies of the NPF4 together with the LDP (specifically Natural Environment Policy 1 'National Park Landscapes, Seascape and Visual Impact' and Overarching Policies 1 and 2) aim to ensure that the special character and qualities of the natural, built and cultural environment, including views and visual amenity, are conserved and enhanced. In doing so, the policy framework sets out a clear suite of criteria in which to assess the landscape acceptability of the proposed development, in context of wider social and economic material considerations. In summary therefore, the proposed development should:

- i. not compromise the objectives and the overall integrity of the National Park;*



- ii. *protect the Special Landscape Qualities of the National Park;*
- iii. *conserve and enhance landscape character, and the historic and natural environment;*
- iv. *protect the landscape setting and the important views to and from Gardens and Designed Landscapes;*
- v. *demonstrate sensitive siting and be at a scale that is proportionate to its location;*
- vi. *not be visually intrusive, whilst protecting important views and landmarks, and the visual amenity of people from sensitive viewpoints, public access routes, and settlements; and*
- vii. *not result in overbearing cumulative impacts.*

### Summary of Applicant's Assessment of Landscape and Visual Impacts

#### *Visual Effects*

- 8.9.8. The LVIA includes a visual assessment and has identified a number of visual receptors – that is the people who will be affected by changes in views or visual amenity at different viewpoints. The viewpoint assessment includes photomontages from 18 representative viewpoint locations. The LVIA predicts that 13 of these would experience significant visual effects during the construction phase. During the operational phase, significant visual effects are predicted from 7 viewpoints (listed below) with six viewpoints being moderate adverse and one viewpoint (from Balloch Road, bridge over the River Leven – VP10) being moderate beneficial.
- VP1 - Ben Lomond Way
  - VP2 - Loch Lomond Shores
  - VP3 - Maid of the Loch Slipway
  - VP9 - Pier Road, looking northwest
  - VP10 - Balloch Road, bridge over the River Leven
  - VP25 - Boat on the southern end of Loch Lomond
  - VP26 - Boat on the southern end of Loch Lomond
- 8.9.9. The locations of these viewpoints are shown in Figure 13. The applicant's visual representations of the development before and after construction from the above viewpoints are included at Appendix 8.

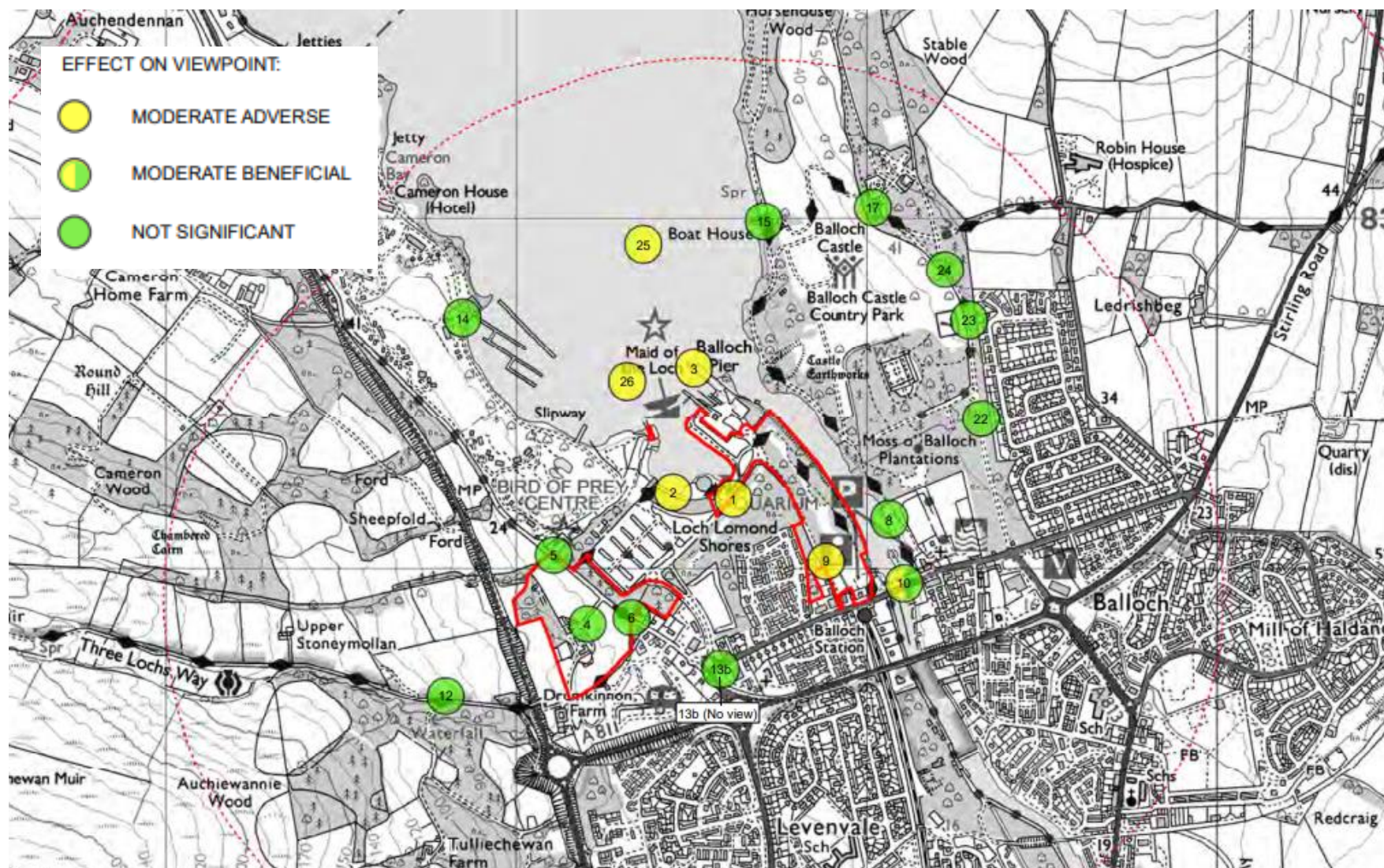


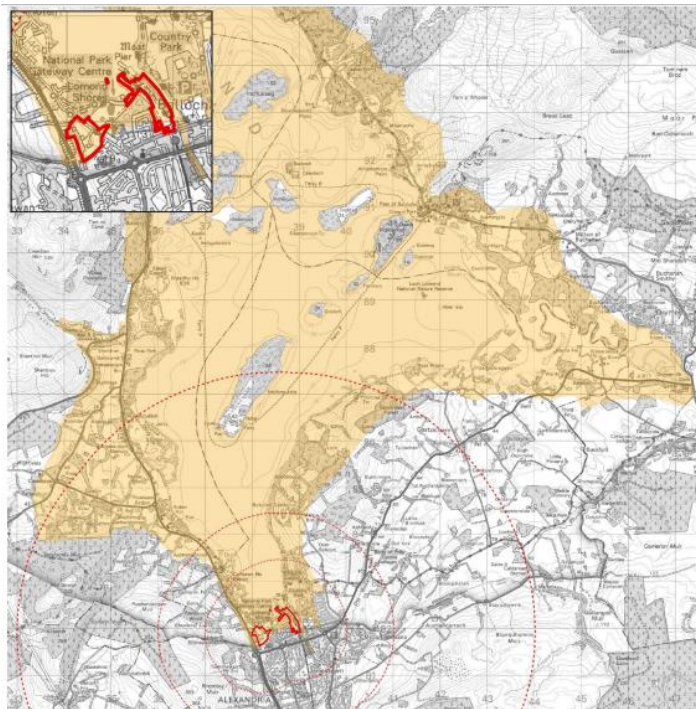
Figure 13 - Viewpoint locations and effect on viewpoint



### *Landscape Effects*

8.9.10. In relation to landscape effects (that is, impacts on landscape character and Special Landscape Qualities) the LVIA predicts adverse effects during the construction and operational phases for:

- Loch Lomond and the Trossachs National Park Special Landscape Qualities x 4 (namely: A world-renowned landscape famed for its rural beauty; The rich variety of woodlands; Famous through-routes; and Banks of broadleaved woodland)
- LCT 263: Lowland Loch Basin



**Figure 14 - Lowland Loch Basin Landscape Character Type (LCT263)**

8.9.11. The effects on both of the above character areas are considered moderate and significant locally (the effects during construction would be short term and temporary). The effects are confined to the southernmost part of Loch Lomond, in an area which has been influenced by proximity to Balloch and the presence of visitor attractions and facilities, including the Loch Lomond Shores development. Although there will be permanent vegetation loss along the shoreline and around Woodbank House, the trees within Drumkinnon Woods and most of the trees within the Woodbank House area, which are a key landscape element, will be retained. Also, over time, the compensatory and other mitigation planting could further integrate the proposed development into the wider

landscape and reduce its visual influence on the landscape character of the National Park and LCT263 (Lowland Loch Basin).

### **National Park Authority's Assessment of Landscape and Visual Impacts**

- 8.9.12. The applicant's assessment has been reviewed by the National Park Authority's Landscape Advisor and their advice has been incorporated into this assessment.
- 8.9.13. Collectively, the information provided is considered sufficient at this PPiP stage to undertake an assessment of the landscape and visual impacts. Although the assessment of Special Landscape Qualities (SLQs) ignores some relevant guidance, as a general overview, the LVIA has generally been undertaken in accordance with good practice. The baseline is adequately identified and described, and in assessing effects, ratings on landscape and visual receptor sensitivity are agreed with.
- 8.9.14. Although the majority of effect ratings and the associated identification of significance are generally agreed with (with the exception of Viewpoint 10 from Balloch Bridge), the following viewpoints (in addition to those identified in the applicant's assessment) are also considered to be significant during the operational phase without additional mitigation:
- VP4 - Woodbank House
  - VP5 - Old Luss Road, looking south-east
  - VP6 - Old Luss Road, looking west
- 8.9.15. The viewpoint representations for these are shown in Appendix 8. The following sets out an overview appraisal of the landscape, visual and cumulative effects that are likely to arise from the principles of the proposed development for each development zone.

#### *Station Square - Zone A*

- 8.9.16. Located next to the River Leven, the proposed Brewery (inc. pub), Restaurant, Amphitheatre and Budget Accommodation would form a key town centre focal point. Although the cluster of built development would lead to loss of some open space (some of which is a car park) that provides a setting to the wooded river corridor, it would have a landscape and visual relationship with the nearby Tourist Information Centre building, the Sweeney Cruise infrastructure and other built development on Balloch Road and Pier Road. As such, the proposed development would be broadly characteristic to its locality.
- 8.9.17. The cluster of pitched roofs, as indicated in the visualisations, could create a complex and incoherent composition of built features, particularly if the consented Sweeney's Cruise boat yard and office

buildings are constructed. Figure 15 (Viewpoint 10) below shows the consented development in grey with the proposed development in the background.



**Figure 15 - View from Balloch Bridge (Viewpoint 10)**

8.9.18. The National Park Authority's assessment is therefore that the visual effect as experienced from Balloch Bridge (VP10) would be adverse rather than beneficial. However, such effects can be minimised by a high quality, aesthetically pleasing and well-balanced composition of built development, paying attention to roofscape, materials, siting and massing at the detailed design stage. Subject to this, the principles of development footprints and building heights could be accommodated within this very sensitive part of the site without detrimental landscape and visual effects.

#### *Riverside - Zone B*

- 8.9.19. The proposals for up to 42 single storey woodland lodges with associated picnic, BBQ and play areas would be located within an existing woodland framework, and any adverse landscape and visual effects would be very localised.
- 8.9.20. The perimeter woodlands provide an important feature within the town centre and on the banks of the River Leven. They would provide an important screening function to the proposed lodges within Zone B, particularly when viewed from the eastern bank of the river and the nearby Balloch Country Park (Designed Landscape).
- 8.9.21. The Parameters Plan appears to indicate a narrowing of these perimeter woodlands (area 4a). However Figure 11 indicates a greater level of tree retention and/or new planting. It is unclear whether significant tree loss would arise from accommodating footpaths within or adjacent to the perimeter woodland adjacent to the river. It also appears that some of the proposed lodges could be located within areas of existing woodland and therefore, some woodland loss and/or thinning may occur.

Consequently, some of the lodges have potential to appear very visible through trees (particularly during winter). The locally significant landscape effects on the Banks of Broadleaved Woodland SLQ and the Lowland Loch Basin LCT identified in the applicant's LVIA would likely be exacerbated, as would the significant visual effects predicted from VP10 (Balloch Road, bridge over the River Leven) if woodland loss or thinning were to occur.

- 8.9.22. The proposed monorail appears to be largely contained within existing woodland and, at the proposed maximum height of 5.5m, would be generally viewed below the treeline. Therefore, any adverse landscape and visual effects would tend to be very localised. The principles of the monorail are not considered likely to be detrimental to views and visual amenity, nor on the character and quality of the landscape given their localised nature. However, it is apparent that the monorail along Pier Road would be located within the existing perimeter woodland and therefore, it is likely that associated woodland loss would result. Consequently, this would affect the existing wooded character of Pier Road and some of the lodges would appear more visible through trees. To mitigate against significant visual effects, woodland loss along this boundary would need to be minimised alongside new planting to integrate and mitigate the visual impacts of the monorail and the lodges behind.
- 8.9.23. In conclusion therefore, it is considered that the principle of up to 42 single storey woodland lodges, car parking and a monorail could be accommodated within this part of the site, but this is subject to there being no significant permanent loss of trees or areas of woodland within the perimeter woodlands to accommodate footprint and a requirement for compensation planting to ensure that the visual impacts are appropriately mitigated in the longer term.
- 8.9.24. The proposed car parking areas at Pier Road and for the Pierhead would be largely contained within areas of woodland and existing or proposed development. Along Pier Road (see Figure 16), the loss of roadside woodland and the visibility of the carparking are likely to result in a significant visual effect. However these adverse effects would be very localised and, subject to the mitigation proposed, are not considered to be detrimental overall.





**Figure 16 - Pier Road looking northwest (Viewpoint 9)**

*Pierhead – Zone C*

- 8.9.25. The proposed Apart Hotel, Leisure Pool/Waterpark and Visitor Hub would result in the loss of some important lochshore woodland and with built development appearing very noticeable from parts of Loch Lomond and nearby shorelines (see Viewpoint 2 (Figure 17 below) and Viewpoints 3, 25 and 26 at Appendix 8), locally significant landscape and visual effects would be experienced.



**Figure 17 - Loch Lomond Shores (Viewpoint 2)**

- 8.9.26. Although effects would be significant, the principles of the proposed development are not considered to be detrimental to views and visual amenity, nor to the character and quality of the landscape. This is because the proposals would be experienced in close association with the more prominent Lomond Shores development, and development and marine activity associated with the Maid of The Loch Slipway and Balloch Pier. It would therefore be characteristic to this part of the Lowland Loch Basin LCT. The height and massing of the proposed hotel building would also relate to the scale of woodlands that provide a containing backdrop.

### *Boathouse – Zone D*

- 8.9.27. The proposed boathouse, as illustrated in Viewpoints 3, 25 and 26 at Appendix 8, would appear as a relatively modest structure on the southern shore of Loch Lomond and although this would contrast with the semi-natural character of lochshore woodlands in the immediate locality, it would be experienced in context of the much prominent Lomond Shores development, and development and marine activity associated with the Maid of The Loch Slipway and Balloch Pier. It would therefore be characteristic to this part of the Lowland Loch Basin LCT and any changes to the SLQs of the banks of broadleaved woodland and the water in many forms would be very limited in magnitude and extent. Considering these factors, the introduction of the boathouse, taking into account the cumulative impact with existing and proposed development, would not result in any significant landscape and visual effects.

### *Woodbank -Zone E*

- 8.9.28. The applicant's assessment is that the residual effects at Viewpoints 5 and 6 (Figure 18 and Figure 19) at Luss Road are not significant. However, the development of up to 37 lodges within the existing field and up to 25 lodges in the south of the site and the woodland areas in the west and associated path network would detract from the landscape setting of the listed building and the prevailing rural and historic character of the local landscape. From Old Luss Road, that forms part of the John Muir Way, the introduction of some very noticeable development viewed in close proximity and occupying a large a part of the horizontal view, would also result in a significant visual effect.



**Figure 18 - Cameron House Lodge, Old Luss Road (View South-East) (Viewpoint 5)**



**Figure 19 - Old Luss Road (View West) (Viewpoint 6)**

- 8.9.29. Although the principles of the proposed development have the potential to result in some localised significant landscape and visual effects at Luss Road, it is considered that these could be mitigated through hedge and tree planting along the site boundary with Old Luss Road.

#### *Overall Effects*

- 8.9.30. The preceding assessment focuses on the effects of the individual components of the proposed development in isolation. This section provides an overview of the combined effects of the principles of the proposed development in its entirety on the key landscape and visual sensitivities.

#### Effects on the key characteristics of the Lowland Loch Basin LCT

- 8.9.31. The Pierhead and Boathouse are limited to a relatively small part of the loch and associated shoreline. In practice, these parts of the proposed development would be visible from the loch, from the south-facing shorelines of Inchmurrin, Ross Park and the Loch Lomond Golf Course.



and, as illustrated in the relevant photomontages, the proposed hotel would be very noticeable in quite close proximity.

- 8.9.32. Although the LVIA identifies locally significant moderate effects on Lowland Loch Basin LCT, only a small part of the LCT would be affected and most of the key characteristics would remain largely unaffected. The proposed development would also be often viewed in close association with the Lomond Shores development, and therefore, it is characteristic to this part of the LCT. Considering all of these factors, the proposed development is not considered to be detrimental to landscape character.

#### Effects on the Special Landscape Qualities

- 8.9.33. The LVIA predicts locally significant moderate effects on the SLQs of a world-renowned landscape famed for its rural beauty, the rich variety of woodlands, famous through-routes and banks of broadleaved woodland. It is also likely that the SLQ of water in many forms would be subject to similar level and extent of effect as the Lowland Loch Basin LCT. Although the LVIA does not provide a fully rigorous and robust assessment of SLQs, the National Park Authority considers that the effects on all SLQs would not be detrimental and the wider landscape qualities of the loch and its setting would be conserved.

#### Conclusions on Landscape and Visual Impacts

- 8.9.34. The principles of the proposed development have the potential to result in some locally significant visual effects, namely in views from Ben Lomond Way, Loch Lomond Shores, Pier Road, Old Luss Road and from the water on Loch Lomond. However, it is acknowledged that a certain degree of change is to be anticipated given the site's allocation for development. The effects would be localised in all cases, and it is considered that these effects, for the most part can be mitigated either through the design of buildings (Station Square) or suitable planting (Old Luss Road). Careful attention will be needed at any detailed planning stage in relation to the siting and design of development within the perimeter woodlands on the east side of Pier Road and along the River Leven. Development here will require to minimise tree removal and ensure appropriate planting to minimise the visibility of the development, particularly along Pier Road. In terms of landscape, the National Park Authority considers that the effects on the landscape character and all SLQs would not be detrimental. There would therefore be no significant adverse effects on the integrity of the National Park or the qualities for which it has been identified. The proposals are therefore deemed

acceptable and in accordance with NPF4 Policy 4 and LDP Natural Environment Policy 1.

## 8.10. Built Heritage Assets

### *Key Considerations*

- Will the development protect, conserve and/or enhance the character, integrity and setting of the Category A Listed Woodbank House and Outbuildings?

### Introduction

- 8.10.1. There are several heritage assets located within and adjacent to the site and within the locality which are identified in Figure 20.
- 8.10.2. The key asset which would be directly affected by the development proposals is Woodbank House (A Listed) and outbuildings. As such the below assessment focuses on this asset.
- 8.10.3. Assets in relation to which no significant effects are identified are the Balloch Castle Earthwork Scheduled Monument, Balloch Castle (A Listed) and 'Inventory Balloch Castle Historic Garden and Designed Landscape' (GDL) located on the east side of the River Leven. As effects are not significant the report does not consider these further. No significant effects are identified for the Winch House including Slipway (A Listed), however brief commentary is included given matters raised by Historic Environment Scotland (HES) in relation to this asset.
- 8.10.4. Other heritage assets within the vicinity of the site are not considered to be adversely affected by the development proposal and so these assets are not considered further in this report. Furthermore, there are no adverse issues relating to archaeology including in respect of the Dumbarton to Tyndrum Military Road (Old Luss Road) or the disused railway line at Riverside connecting to the steamer pier north of the site and this matter is also not discussed in detail.



**Figure 20 - Map of Built Heritage Assets**



- 8.10.5. Regarding representations, only a small proportion of the total number of comments received have raised concerns relating to built heritage issues. Some concerns have been raised in relation to impacts on the setting of the A Listed Woodbank House resulting from the scale of proposed lodge development within the grounds and obstruction of the formal views to and from it as well as concern that refurbishment of Woodbank House would be unviable and may not proceed. These issues are assessed within this section of the report. Representations in support welcome the proposal to reuse and restore the buildings which are at risk. Historic Environment Scotland (HES) has not objected to the development although they have noted that there will be adverse impacts on the setting of Woodbank House and the setting of the Winch House due to the removal of its woodland backdrop.
- 8.10.6. Advice from HES as well as the National Park Authority's Built Heritage Advisor has informed the assessment of built heritage matters.

*Woodbank House and Outbuildings - Background*

- 8.10.7. Woodbank House and outbuildings comprise Category A listed buildings of national importance consisting of an 18th century mansion and an associated stables. The original eastern facing extent of Woodbank House dates from circa 1774 (Figure 21), with extensive 19th century additions to the south (Figure 22). Its last use was as a hotel and since the 1990s its condition has deteriorated. The House has been fire-damaged and is in a ruinous condition with no roof, no internal floors and partial collapse of the rear elevation walls. A considerable extent of the original external structure however still remains intact.



**Figure 21 - Woodbank House East Façade**



**Figure 22 - Woodbank House South Facade**



- 8.10.8. To the north of the House is a former stable block and garage (Figure 23). These buildings are also in a ruinous condition with the roofs collapsed and wall surviving only to gable height in some areas.



**Figure 23 - Stables and Garage Buildings**

- 8.10.9. Within the northern end of the site there is a small stone building (Figure 24) referred to within the supporting information as both an agricultural building and a bothy. The walls and roof remain intact albeit with some partial collapse of the walls.



**Figure 24 – Bothy Building**

- 8.10.10. Although none of the outbuildings form part of the listing, they are not expressly excluded and so are considered to be listed in association with the House given their location within its curtilage.
- 8.10.11. Woodbank House is on the National Park's register of vacant and derelict land and has been on the Buildings at Risk Register (a register maintained by HES which provides information on properties of architectural or historic merit throughout the country that are considered to be at risk) since 1990.
- 8.10.12. The proposals relating to Woodbank House and grounds are summarised as follows:
- Restoration and redevelopment/conversion of Woodbank House to accommodate 15 no. new holiday apartments
  - Restoration and redevelopment/conversion of stable and garage blocks and bothy for up to 6 no. self-catering holiday properties
  - Car parking to the immediate north of Woodbank House between it and the stables and along the woodland edge to the north of the stables and garage
  - Development of up to 37 'Countryside Lodges' in two groupings (c. 22 indicatively located within the field to the north and 15 in the field to the south east of Woodbank House)
  - Development of up to 25 'Woodland Lodges' to the south west and west of Woodbank House
- 8.10.13. If this PPiP application is approved, a separate application for Listed Building Consent would be required for works to Woodbank House and outbuildings prior to any works to the buildings commencing. HES would be consulted on any such application.

#### *Winch House – Background*

- 8.10.14. Drumkinnon Bay Winch House including Slipway is Category A Listed. HES's listing entry describes them as "a good example of a rare building type, particularly notable for the retention of its original machinery for the Dumbarton and Balloch Joint Line Committee." A photograph of the Winch House is shown in Figure 25 below. It has cultural significance and historical interest as a piece of industrial heritage. The slipway was built (1900) to assist in servicing and maintain steam 'packets' that ferried tourists along Loch Lomond. The adjacent Pier was a terminus for trains, and passengers could alight here to embark on a steamer. The winch house fell into disrepair and was restored to working order in 2006 with Heritage Lottery Funding. It is a visitor attraction which complements the ongoing restoration of the paddle steamer 'Maid of the Loch'. The land around the winch house



has been developed and comprises a number of car parks as well as the modern Duncan Mills Memorial Slipway which is owned by The National Park Authority.



**Figure 25 - Winch House**

8.10.15. There are no proposals directly affecting the Winch House however its setting and associated views will be affected by the addition of proposed buildings at the Pierhead, namely the proposed apart hotel.

#### Policy Background

8.10.16. The intent of NPF4 Policy 7 'historic assets and places' is to protect and enhance historic environment assets and places, and to enable positive change. Outcomes include that the historic environment is valued, protected, and enhanced and that redundant or neglected historic buildings are brought back into sustainable and productive uses.

Relevant policy criteria are listed below:

8.10.17. Policy 7 c) *"Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest."*

8.10.18. Policy 7 m) *"Development proposals which sensitively repair, enhance and bring historic buildings, as identified as being at risk locally or on*



*the national Buildings at Risk Register, back into beneficial use will be supported.”*

- 8.10.19. Policy 7 n) *“Enabling development for historic environment assets or places that would otherwise be unacceptable in planning terms, will only be supported when it has been demonstrated that the enabling development proposed is: i. essential to secure the future of an historic environment asset or place which is at risk of serious deterioration or loss; and ii. the minimum necessary to secure the restoration, adaptation and long-term future of the historic environment asset or place. The beneficial outcomes for the historic environment asset or place should be secured early in the phasing of the development, and will be ensured through the use of conditions and/or legal agreements.”*

#### Summary of Applicant’s Assessment of Built Heritage Impacts

- 8.10.20. The EIAR (Chapter 13) has considered likely effects of the proposed development upon the setting and physical fabric of cultural heritage assets within the site and likely effects on the settings of certain assets within the wider landscape. This includes the effects on Woodbank House and Stables (A listed), Drumkinnon Bay, Winch House including Slipway (A listed), Balloch Castle (A listed), Balloch Castle Inventory Garden & Designed Landscape, Balloch Castle earthwork, Loch Lomond Park (Scheduled Monument) and the Historic Landscape. For all of these assets the residual operational effects are considered to be Minor Adverse (not significant). Overall, the only identified residual effects that are significant in EIA terms are major beneficial: for direct impacts upon Woodbank House and stables.
- 8.10.21. Supporting information submitted in relation to Woodbank House includes a Structural Inspection Report which assesses condition and identifies areas for demolition and an Inspection Report which provides guidance on conservation issues in light of the buildings’ condition (as at 2017). It is considered that conserving, restoring and returning these structures to use will halt deterioration and ensure their long-term viable use.
- 8.10.22. There are no detailed or conceptual designs submitted at this stage as the details of the proposed alterations and works will be drawn up through a Conservation Management Plan at the detailed stage. However, the principles include retention of the east (main) façade and south façade of Woodbank House and restoration and extension to accommodate up to 15 holiday apartments. Where practical and

viable, conversion of the stables, garage and bothy buildings will provide up to 6 self catering properties.

- 8.10.23. The Conservation Management Plan will identify opportunities for enhancement, the preservation of remaining facades of Woodbank House and the restoration, where viable, of associated structures. This would be produced by a suitably experienced historic buildings professional in consultation with HES. A programme of historic building recording (HBR) is proposed to be undertaken prior to restoration works commencing in order to ensure an accurate record of all structures which may be altered during restoration.
- 8.10.24. Although not being restored exactly to its original condition or use, the House would be preserved from eventual collapse and the relationship between the House and stables preserved. As these buildings are all assets of high importance, their restoration would result in a significant major beneficial impact during the construction phase (assuming assuming preservation/restoration of the building fabric through a Conservation Management Plan). A minor beneficial impact would be derived from the restoration of the bothy.
- 8.10.25. In relation to development within the grounds, the proposal avoids development on ground east of Woodbank House to preserve the visual relationship between the house and grounds as well as views to and from Old Luss Road from key elevations. Woodbank House is only partially visible when viewed from the grounds and whilst the presence of the lodges would constitute visual change in these views, it is considered there are no key designed views from the grounds back to the house that would be impacted upon.
- 8.10.26. The north-eastern group of 'Countryside Lodges' would not be visible in views from the southern elevation of Woodbank House and would only appear on the periphery of views from the eastern elevation. The second group of 'Countryside Lodges' at the south-east would appear in views to the south and south-east from both the southern and eastern elevations. However, views in these directions are considered to be of only limited relevance, screened as they are by trees which were intended to create a sense of seclusion associated with the house. The 25 'Woodland Lodges' to the west and south-west of Woodbank House would be screened by the woodland in which they would be set and would not notably change the current setting of the western extent of Woodbank House which is already characterised by relatively dense woodland. There are in any case, no culturally significant designed outward views to the west or south-west from Woodbank House, with this area having been forested since at least the mid-19th century. Despite the presence of elements of the

proposed development in the vicinity, it would remain possible to appreciate and understand the contribution that the setting makes to the cultural significance of Woodbank House with the sense of seclusion which makes a key contribution to this setting retained.

- 8.10.27. The effects of development during the operational phase (i.e. setting effects) on Woodbank House are assessed to be moderate adverse (significant), although this is revised to minor adverse (not significant) following additional mitigation comprising production of interpretive materials for the public (e.g. information panels and/or heritage trail).
- 8.10.28. Adverse operational effects of minor significance are predicted on Drumkinnon Bay Winch House including Slipway, Balloch Castle, Balloch Castle Inventory Garden and Designed Landscape, and Balloch Castle earthwork, Loch Lomond Park, (Scheduled Monument), as well as to historic landscape character in general. No further mitigation is recommended for these heritage assets.

### **National Park Authority's Assessment of Built Heritage Impacts**

#### *Woodbank House and Outbuildings*

- 8.10.29. The application proposes the renovation and conversion (no extension) of Woodbank House to provide up to 15 apartments. No details or conceptual drawings have been presented as to how the buildings would be altered but, noting the conclusions of the Inspection Reports, this would necessarily involve select demolitions of unsafe and unstable internal walls and elevations and what remains of chimney stacks whilst retaining and restoring the key east and south facades, and making good other elevations where possible. The Inspection Reports note the building's condition as at 2017 and are now somewhat dated with potential for further decay of the building's fabric to have occurred in the interim 7 years. As such, the conclusions on the extent of demolition/downtakings and repair works may not now reflect the present condition. In the absence of updated condition surveys, it is not possible to consider what further works may now be required nor for any reliable form of conceptual or more detailed proposals for Woodbank House to be drawn up.
- 8.10.30. At this stage there are no proposals to demolish any of the outbuildings with the applicant having committed to restoration, where viable, of both the stables buildings and the bothy to up to 6 self catering units. It is clear from the supporting Inspection Reports that demolition of unsound and unstable walls within the stables will be unavoidable and the reports states that "*it is debateable whether the remaining sections of the building are significant enough to be retained and renovated*".

Again, an updated survey of these buildings will be needed to determine what is now possible in terms of conservation and restoration given the period that has elapsed since the surveys were undertaken.

- 8.10.31. This PPiP stage seeks permission for development in principle and the principle of conversion and restoration of the heritage assets at this site to holiday apartments in line with the principles proposed (including retention of key facades and built fabric where viable) is supported. The proposed quantum (up to 15 apartments for Woodbank House and 6 units in the outbuildings) cannot be assured at this stage, given the unknowns about the buildings' present condition and the need, or otherwise, for extensions (particularly to Woodbank House) to accommodate the maximum quantum stated. However, granting permission at this PPiP stage for up to 15 and 6 apartments respectively does not preclude nor predetermine applications for Listed Building Consent, and it is through this process, alongside the matters specified in conditions, that the quantum and what is possible to achieve in accordance with relevant policy that requires protection, conservation and/or enhancement of the character and integrity of listed buildings, will ultimately be determined.
- 8.10.32. The conclusions of the heritage assessment within the EIAR are not based on any specific or detailed plans for how the buildings would be redeveloped, but on the principle, noting the significant major benefit of them being conserved and restored for the future (such conservation and restoration proposals reflecting what is now feasible based on their present condition). Both HES and the National Park Authority agree with the conclusion that there would be significant major beneficial impacts derived from preservation and restoration of these important buildings and this aspect of the proposal is supported in line with NPF4 Policy 7 m) which supports proposals that bring historic buildings, as identified as being at risk locally or on the national Buildings at Risk Register, back into beneficial use.
- 8.10.33. Notwithstanding any permission in principle enshrining a proposed maximum quantum at this PPiP stage, as Listed Building Consent will be required prior to any works commencing, full protection and control, in terms of any resulting impacts on the character and integrity of the buildings, is retained until that process is complete. The details would be worked up through a Conservation Management Plan and listed building consent applications at a later stage. Therefore, it is considered that no further information is required at this PPiP stage in

order to assess the proposals in so far as the works to these buildings is concerned.

- 8.10.34. Turning now to the impacts of development on the setting. HES is of the view that the lodge development in the grounds would have an adverse impact on the historic setting of the House. However, they consider that the adverse impact would be mitigated by the significant beneficial impacts derived from the conservation of the fabric of the House and its ancillary structures.
- 8.10.35. The siting of development has sought to avoid the area east of the main elevation to retain the key outlook and views to and from the principle elevation of Woodbank House. The development of 'Countryside Lodges' on the south side, although screened to an extent by the proposed woodland compensation planting block, would be visible, in particular in southward views towards the House from Old Luss Road. The 'Woodland Lodges' would be dispersed throughout the shelter belt of trees to the west and south-west of Woodbank House. The EIAR heritage assessment is based on these lodges *"being screened by the woodland in which they would be set and would not notably change the current setting of the western extent of Woodbank House which is already characterised by relatively dense woodland."* However, this assessment does not appear to account for loss of woodland and individual trees to accommodate lodges, particularly in the walled garden, the area to the immediate south and within the proposed car parking area as indicated in the trees and woodland EIAR chapter. Resulting impacts on the setting and visibility of development in the backdrop on this raised ground will therefore require careful consideration at the detailed stage when specific lodge footprint, design and siting is presented. The need to avoid setting impacts in this area may ultimately have a constraining impact on the number of lodges that can be accommodated.
- 8.10.36. The presence and visual change brought about by the presence of lodge development in the setting results in a moderate adverse (significant) impact. Mitigation in the form of interpretive information/boards and/or heritage trail (details of which will need to form part of the Matters Specified in Conditions) purportedly reduces the impact to minor adverse (not significant). Given the allocation of the site for tourism development, some change to the setting is to be expected (although no scale or location of development has been prescribed within the LDP). Notwithstanding the EIAR conclusions on significance of effects (which are adverse), the applicant has provided no justification for the scale of development proposed within the setting in terms of the quantum of lodges sought in principle. Neither have they



asserted that the restoration of the listed buildings is predicated on achieving the maximum parameters sought. In the absence of any narrative or viability information to support the scale of development proposed within the setting, it is not possible to assess the proposal against the enabling development policies of NPF4 and the LDP.

- 8.10.37. Having omitted the residential development proposed in the previous withdrawn application, the applicant is of the understanding that the proposal does not involve 'enabling' development. However, the allocation of the site for tourism development in principle does not override relevant historic environment policies that are applicable to development proposed in the setting of listed buildings. As per NPF4 Policy 7 n) and LDP Historic Environment Policy 1(c) on enabling development, the principle of allowing development of lodges within the setting should be predicated on the minimum needed in order to minimise the impact on the asset whilst delivering the benefits of restoration.
- 8.10.38. Notwithstanding that HES has no objection in principle and take the high-level view that the benefits outweigh the harm in this case, it is the National Park Authority's view that assessment of development within the setting of a listed building that adversely affects that asset, should follow the principles enshrined within the enabling development approach. Such an approach (balancing development quantum with viability) is intrinsically linked to the detail of proposals for the listed buildings, and the cost of the restoration and conversions. This matter is best addressed through a Development Appraisal covering the financial aspects in support of applications for listed building consent and for the detailed approval for the lodge development in the setting.
- 8.10.39. In the absence of detail, it is not possible to undertake an assessment against the enabling development policies. The principle of development within the setting is accepted albeit it is not possible to assess the acceptability of the proposed quantum without further detail and justification. Given complexity, this matter is more appropriately assessed at the detailed, rather than this PPiP stage. It is recommended (should the application be approved) that it is made a requirement for Matters Specified in Conditions applications to be supported by a Development Appraisal that demonstrates that the proposed quantum of development proposed at that stage is essential to deliver the beneficial outcomes for the heritage assets.
- 8.10.40. As per NPF4 Policy 7 n), the beneficial outcomes for the historic environment asset or place must be secured early in the phasing of the development, and, if Members are minded to approve the application, this can be ensured through the use of conditions and/or a legal

agreement securing an agreed Phasing Plan prior to any development within Woodbank Zone E commencing. Further, and for the avoidance of doubt, a planning condition would be required confirming that the proposed maximum development quantum for lodges in Zone E as identified on the Parameters Plan is not approved until such time as requisite justification is provided at the detailed stage.

#### *Winch House*

- 8.10.41. HES have noted that the removal of the wooded backdrop to the Winch House would affect the building's setting and distract from an appreciation of it in views from the loch and they requested consideration be given to maintaining some woodland screening between the Winch House and the development to retain this backdrop. The applicant has not altered the Parameters Plan to retain or provide such a buffer. The impact is illustrated in Figure 26 below.



**Figure 26 - Winch House backdrop before and after development (Viewpoint 3).**

- 8.10.42. Notwithstanding HES's comments, it is considered that the most important part of Winch House's setting is Loch Lomond, rather than the ground behind, due to the building's former purpose and functional relationship with the loch and slipway. Therefore, whilst the proposed hotel building would alter the backdrop to the Winch House from the loch, changes to this view are not considered significantly detrimental to how the Winch House is viewed or experienced.
- 8.10.43. In order to retain as far as possible the Winch House's prominence on the loch-front as viewed from the loch, buildings proposed behind should be of a recessive colour palette. This can be considered at the detailed stage and controlled by planning condition as necessary. It is not considered that there are sufficient heritage grounds to secure a formal tree or woodland buffer by planning condition, however depending on the final configuration of buildings and parking in this area, there may be scope to introduce some incidental tree planting to soften the backdrop to minimise this impact on the building's visual prominence. This is a matter for consideration at the detailed stage.

#### *Archaeological Matters*

- 8.10.44. Some areas within the application site boundary are considered to be of medium archaeological potential for unknown archaeological remains. Potential impacts upon unknown archaeological deposits can be addressed through a staged programme of archaeological works, in consultation with the West of Scotland Archaeological Society (WoSAS) including trial trenching and archaeological recording which can be secured by planning condition for each development phase.

#### Conclusions on Built Heritage Impacts

- 8.10.45. In conclusion, the principle of the restoration and conversion of the A-Listed Woodbank House and outbuildings is welcomed and supported under both NPF4 and the LDP. The details of the works to the buildings will require to be further assessed against the relevant policies of NPF4 and the LDP concerning protection and conservation and/or enhancement of listed building character and integrity, when detailed plans have been drawn up through the proposed Conservation Management Plan and submitted as part of detailed (AMSC) and Listed Building Consent applications informed by up to date structural inspection surveys.
- 8.10.46. As regards development within the grounds, this would result in adverse effects on Woodbank House and its associated buildings and their setting. Development within the grounds is anticipated within the allocation however, this does not remove the requirement for

justification for the quantum of development proposed in line with established policies and approaches to development within the setting of listed buildings. More detailed proposals for the lodge development and listed buildings, supported by a Development Appraisal, will determine the acceptability of the final number of lodges proposed within the grounds to be further assessed at the detailed stage.

## **8.11. Recreation and Access**

### *Key Considerations*

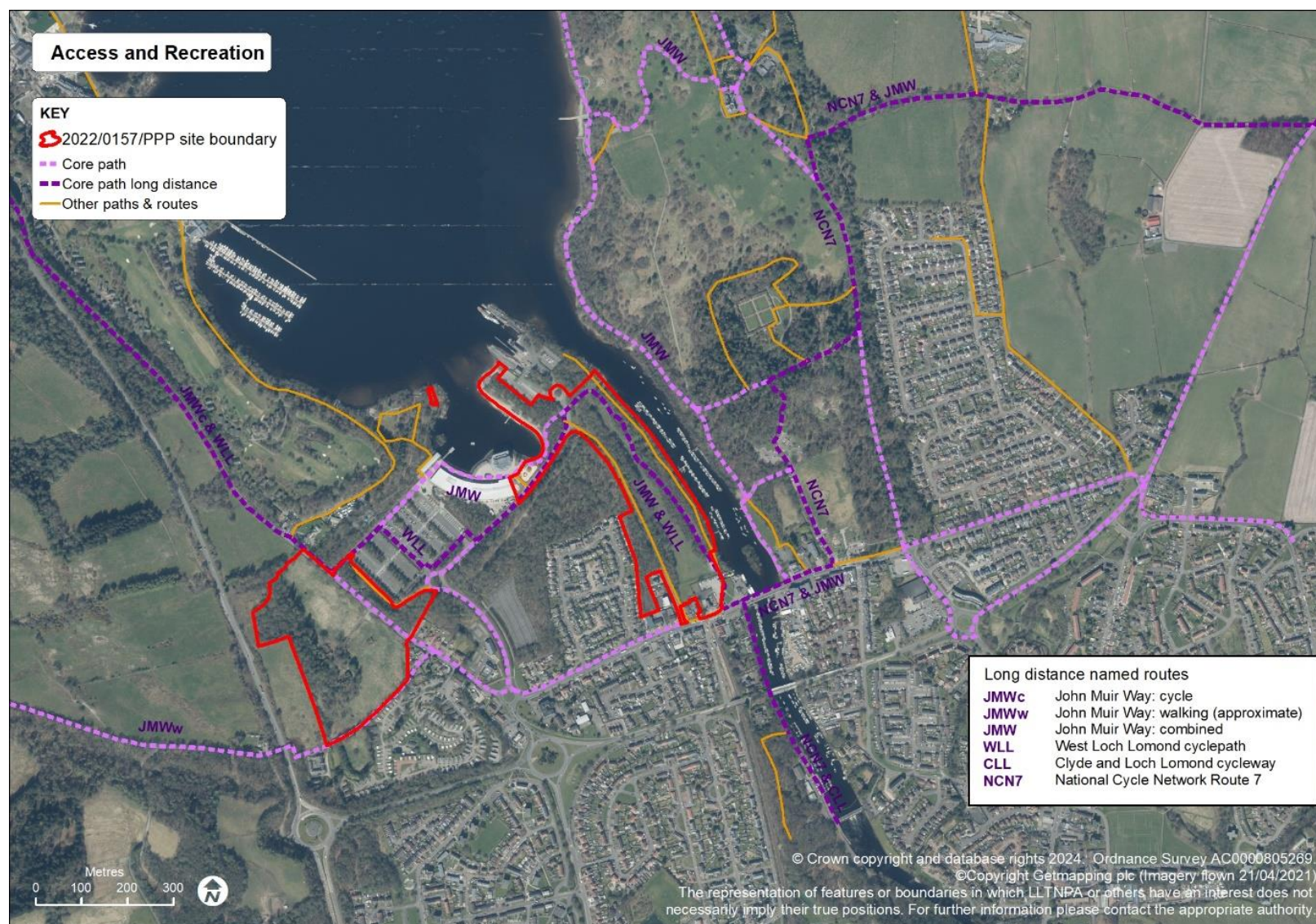
- Will there be adverse impacts on existing access routes or recreational activities or facilities?

### Introduction

- 8.11.1. This section of the report considers the potential impact of the development on existing recreational and access resources within the local area i.e. walking/cycle routes and recreational activities.
- 8.11.2. There are a number of key pedestrian and cycle routes within and connecting to the application site including both formal Core Paths and informal routes as well as destinations and visitor attractions. Routes are identified in Figure 27.
- 8.11.3. The proposals in relation to access include the following:
  - The existing pedestrian and cycle network through Riverside (Zone B) will be retained and enhanced with widening to SUSTRANS standards where practicable. a series of east-west paths increasing access opportunities between Pier Road and the Riverfront;
  - Throughout the Station Square, Riverside and Drumkinnon Bay areas, the existing path network including the John Muir Way will be retained and enhanced with some relocating of certain sections as required.
  - The existing foot and cycle way from Loch Lomond Shores to Old Luss Road will be extended to provide a shared foot and cycle way connecting into the development at Woodbank.
  - Woodbank House will provide a continuous internal path network and direct foot and cycle link to the Upper Stoneyrollan Road/ John Muir Way.
  - A signage and wayfinding strategy will be developed for the site with a combination of enhanced signage and Variable Message Signing (VMS).

- 8.11.4. A significant number of representations raise concerns that the proposals will limit or prevent access for local people, particularly through the amenity green area within Riverside, access to Drumkinnon Bay and also the moorings alongside the River Leven. Concerns have also been raised that the development will have adverse impacts on the enjoyment of some recreational activities and discourage access by disabled people. Others are supportive of the proposals to enhance routes including The John Muir Way. These representations note that the proposals will open up access to areas of underused land, improve existing recreational routes and provide more opportunities for recreational activities, particularly for families.





**Figure 27 - Map of key pedestrian and cycle routes through the site**

### Policy Background

- 8.11.5. NPF4 Policy 13 (Sustainable transport) states: “Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they [...] viii. Adequately mitigate any impact on local public access routes.”
- 8.11.6. Policy 21 (Play, recreation and sport) seeks to encourage, promote and facilitate spaces and opportunities for play, recreation and sport.
- 8.11.7. Policy 30 (Tourism) states that proposals for tourism related development will take into account accessibility for disabled people and opportunities to provide access to the natural environment.

### Summary of Applicant's Assessment of Recreation and Access Impacts

- 8.11.8. Chapter 14 of the EIAR assesses the effects of the development in relation to tourism, recreation and public access. This concludes that Core Paths, including The John Muir Way and The Three Lochs Way would experience localised moderate adverse effects. This is due to the proximity of these routes and direct impact (in part) from the proposed development, as well as limited opportunities to mitigate the changes in view that would affect the user experience, although there would be beneficial impacts to users of proposed upgrades and enhancements. The existing Loch Lomond Shores and Balloch Castle Country Park routes would not be adversely impacted.
- 8.11.9. The woodland and open space at Riverside (Zone B) east of Pier Road will be directly impacted in terms of public and recreational access because of new buildings being constructed in this area, and open access being changed to structured access by formal pathways. However, public access will be maintained. Development within this area is assessed to result in a localised moderate adverse effect.
- 8.11.10. There would be moderate adverse effect on Drumkinnon Bay Beach arising from change to the visual setting due to development (Pierhead Zone C) adjacent, which will alter the visitor experience. However, the beach is urbanised, man-made and set within the context of existing buildings. It will remain open and accessible to the public and accessibility to the beach would be enhanced.
- 8.11.11. The Woodbank House site (Zone E) would be directly impacted as a result of buildings being constructed in an area currently free of buildings. The applicant considers that this change would likely be beneficial in discouraging antisocial behaviour. Routes throughout this

site would remain accessible for dog walkers. General accessibility of the Woodbank House site is proposed to be enhanced by development improving the recreational and experiential value of this informal open access site with the overall effect on access being assessed as being moderate in the short term.

- 8.11.12. The assessment of tourism, recreation and public access shows that the vast majority of receptors (i.e. people using paths, visiting local tourism destinations and using tourism facilities etc.) will experience no significant effects. Direct impacts on walking and cycling routes during the construction phase will be short term, and localised diversions will be put in place. An Access Management Plan (AMP) will be in place to ensure that access to all key routes is maintained. In operation of the proposed development, access to all key nodes and routes through the site will be maintained, and the quality will generally be enhanced. Some permanent localised path diversions may be required however the applicant states that these will be limited to land within their control. There will be continued public access to Drumkinnon Bay Beach and waterfront as well as the Duncan Mills Memorial Slipway. Overall, it is unlikely that the presence of the proposed development would result in a change in the visitor attractiveness or tourism potential and identified tourism, recreation and public access receptors to such an extent that would result in an adverse effect in the long term.

### **National Park Authority's Assessment of Recreation and Access Impacts**

- 8.11.13. Improved links between Loch Lomond Shores and Balloch town centre is a community aspiration, identified as an action within the Balloch Charrette Report and reflected in the LDP allocation. Pedestrian and cycle links through Riverside between Balloch and the Pierhead will be retained and enhanced, including the John Muir Way, indicatively on alternative alignments in the perimeter woodland closer to the River Leven (as indicated on the Parameters Plan). More detailed illustrative layouts within the submission documents show the John Muir Way retained on its existing alignment. At this PPiP stage, the alignment of all the routes shown are indicative so a full assessment of the routing and suitability of design can only be undertaken at the detailed stage. Any formal realignment of Core Paths, including the John Muir Way would require a Diversion Order under Section 208 of the Town and Country Planning (Scotland) Act which is a separate process that would not be



affected by any approval of the indicative routing shown on the Parameters Plan at this PPiP stage.

- 8.11.14. Due to increased usage, these key links are likely to need upgrade and appropriate surfacing for inclusive use, including wheelchair users. The proposals include upgrade to the John Muir Way to an appropriate shared footpath/cycleway standard. In principle, proposed enhancement and upgrade of footpaths is supported. The applicant considers that the addition of development in proximity to these routes will introduce natural surveillance enhancing feelings of safety when using these paths in the hours of darkness.
- 8.11.15. Statutory, non-motorised public access rights, as introduced under Part I of the Land Reform (Scotland) Act 2003, apply to the open and undeveloped areas within the development site. A number of contributors have raised concerns that existing public access currently enjoyed throughout the site will either no longer be available or that the experience of walking or cycling through the site will be diminished by the existence of the new development. These concerns relate principally to the proposed woodland lodges at the Riverside and access to the beach areas at Drumkinnon Bay. The applicants have confirmed that public access will be maintained throughout the site, including all areas where lodges will be located, and along the beach at Drumkinnon Bay around to the Pierhead.
- 8.11.16. Whilst plans are only illustrative at this stage, the density within the lodge development clusters at Riverside (as shown on the more detailed illustrative plans), may discourage public access unless these are made sufficiently permeable with legible through-routes that would be attractive for the public to use. New pedestrian access points from Pier Road into these clusters are illustrated which would increase access to the Riverside and John Muir Way from Pier Road. Measures to maximise the permeability of the development for the public is a matter for the detailed design stage.
- 8.11.17. It is acknowledged that the presence of new development will change the character and reduce the extent of areas where public access is currently enjoyed and inevitably alter the experience of those using the site. This will be particularly evident at Riverside where the open area of greenspace would be substituted by development and new woodland planting. It is clear from the representations received that these areas are valued locally. However, the LDP allocation of a large part of the site for visitor experience means that there is an acceptance in principle, of land use change, and this could have unavoidable impacts on the recreational uses of the site and the experience of those users depending on the design and amount of development. There remains

alternative, accessible open space provision within the centre of Balloch at Moss 'o' Balloch and Balloch Castle Country Park and the change would not result in a deficit in open space within Balloch.

- 8.11.18. Planning conditions can be used to ensure that no fences, barriers or signage is permitted where this would contravene public access. Other detailed matters, such as design standards for paths and buildings including accessibility for disabled people would be addressed at the detailed design stage.

### Conclusions on Recreation and Access Impacts

- 8.11.19. The proposal would result in positive improvements to key public routes and the connectivity between Balloch and Loch Lomond Shores. Access rights in all areas would be safeguarded and links to Balloch and wider path networks would be provided and enhanced. It is accepted that there would be some loss of existing public amenity space (notably the amenity grassland at the Riverside) however this needs to be balanced against the proximity of the site to other highly valued amenity space at Moss o Balloch, Balloch Country Park and the proposed improvements to current pedestrian and cycle routes within the site. The quality of recreational experience has potential to be enhanced overall - considering physical improvements to the path network and to public realm - provided appropriate mitigation is put in place to minimise impacts on the natural environment and to maintain access during construction. As such, it is considered that the proposal is generally compliant with policies 13, 20, 21 and 30 of NPF4 and Overarching Policy 2 and Visitor Experience Policy 1 of the LDP.

## **8.12. Socio Economic Impacts**

### *Key Considerations*

- Will the proposals have socio-economic benefits and/or contribute to community wealth building?
- Will there be any adverse impacts on existing local businesses?
- Do any socio-economic benefits outweigh adverse impacts or merit exceptions to environmental policy?

### Introduction

- 8.12.1. The proposals relate principally to tourism uses including a brewery, restaurants, hotel/ apart-hotel, leisure/water park and self-catering lodge accommodation. Any retail elements are ancillary to these principal uses. Consideration is given to the socio-economic benefits of both the construction and operational phase of the development. This section of



the report also considers the potential impacts of the development on existing tourism-related businesses in Balloch. `

- 8.12.2. A number of representations have raised concerns that the development will impact on local businesses who will not be able to compete with the new development. Issues relating to the seasonal nature of new jobs, lack of ability to recruit staff, and the possibility of zero hours contracts have also been raised. Others consider that the development does not align with the aims of community wealth building. Some local business interests and the Dumbartonshire Chamber of Commerce support the proposals. Comments in support recognise the economic benefits of the development to local business and activity, including new job opportunities for local and young people. It is also stated that it will bring much needed investment to Balloch and the wider area.

### Policy Background

- 8.12.3. The key policy is NPF4 Policy 25 (community wealth building) which aims to encourage local economic development that focuses on community and place benefits as a central and primary consideration, supporting local employment and supply chains. Policy 25 a) states:  
*“Development proposals which contribute to local or regional community wealth building strategies and are consistent with local economic priorities will be supported. This could include for example improving community resilience and reducing inequalities; increasing spending within communities; ensuring the use of local supply chains and services; local job creation; supporting community led proposals, including creation of new local firms, and enabling community led ownership of buildings and assets.”*
- 8.12.4. Other relevant policies include Policy 27 (City, town, local and commercial centres) which states that:  
*“Development proposals that enhance and improve the vitality and viability of city, town and local centres, including proposals that increase the mix of uses, will be supported.”*
- 8.12.5. Policy 29 (Rural development) generally supports development that contributes to the viability, sustainability and diversity of rural communities and local rural economy.
- 8.12.6. Policy 30 (Tourism) requires that proposals for tourism related development take into account their contribution made to the local economy and compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors.

## Summary of Applicant's Assessment of Socio-Economic Impacts

- 8.12.7. Chapter 14 of the EIAR assesses the contribution of the proposed development to the local economy and its wider economic impacts. The estimated numbers of jobs and GVA (Gross Value Added – a measure of the value of goods and services produced in an area) are outlined in Table 5 below.

**Table 5 – Economic Impact (Jobs and GVA) Summary**

	<b>Construction Phase</b>	<b>Operational Phase</b>
Construction GVA impact in the Wider Region	£1,552,495	£534,373
Construction GVA impact in Scotland	£2,069,993	£401,109
Short term construction jobs	366	
Additional temporary construction jobs in the wider region	182	
Construction GVA of the 182 temporary construction jobs	£712,497	
Tourism/Recreation GVA in the Local Economy (Long Term)		£534,372
Tourism/Recreation GVA in the Local Economy (Long Term)		£401,109
Full time jobs annually	-	80
Part time/seasonal jobs annually	-	120
Full Time Equivalent (FTE) of above		159
Net additional operational jobs in the Wider Region	-	31
Net additional operational jobs in Scotland	-	24
*GVA construction figures are based on 2022 prices and uprate.		

- 8.12.8. The construction of the proposed development is expected to require a total capital expenditure of £40 million. This figure is based on projections from the date of submission of the planning application and costs are likely to have increased since then. The construction period is expected to extend across a 6-year programme of works (the period for construction employment) and will be delivered in phases. The EIAR concludes that the proposed development would have short term minor beneficial effects (i.e. not significant) on construction employment and

GVA within the region (although construction employment effects would be important at a local scale).

- 8.12.9. In terms of the operational phase, it is estimated that approximately 200 jobs would be created by the proposed development ranging from entry level positions through to skilled posts across many disciplines (accounts, operational, catering, service, leisure and grounds staff). The socio-economic assessment shows that the operation of the proposed development would result in a medium magnitude of change on the Tourism and Recreation business sector (encompassing accommodation and food services) resulting in a permanent long term minor (not significant) beneficial effect on this business sector within the region (although the effect is stated as important at a local scale).
- 8.12.10. Overall, the EIAR concludes that the proposed development would have a Long Term Minor Beneficial Effect (Not Significant), through temporary construction employment and indirect employment supported through supply chain linkages in the wider economy, and also job creation during operation of the development. Effects would be important at a local scale. No likely significant effects have been identified. The proposed development is considered to enhance visitor attractiveness and numbers resulting in long term permanent beneficial effects for the local and regional tourism sector and visitor economy.
- 8.12.11. The 'Lomond Promise' outlines the applicant's intention to support the local economy in terms of employment and training, supporting local businesses and supply chains. These aspirations are acknowledged by the National Park Authority, and Members are referred to Section 7 where the UVU was considered in more detail.

#### **National Park Authority's Assessment of Socio-Economic Impacts**

- 8.12.12. Tourism is an important growth sector in The National Park, and the total economic impact of tourism within The National Park in 2023 was £540m, a 31% increase since 2019 (STEAM Report 2023, Global Tourism Solutions (UK) Ltd). Key drivers for this growth include over 1m staying visitors (37% increase since 2022), direct employment of over 6700 FTE jobs, and over 1.7m day visitors. This report states that £128m was spent on accommodation within The National Park (an increase of 16% from 2022), £84m was spent on food and drink, and over £88m was spent on transport in 2023. The significance of tourism is clear. It is also recognised that Balloch, when set within the wider West Dunbartonshire Council area, is experiencing socio-economic challenges. The Council's Economic Development Strategy 2022-2027 highlights key issues that the Strategy needs to tackle, including, that West Dunbartonshire experiences higher levels of unemployment than

both Scotland and the rest of Great Britain. Average earnings are also identified as being lower than the rest of Scotland. This strategy also recognises the importance and responds to the Community Wealth Building principles, with a number of examples outlined.

- 8.12.13. NPF4, LDP and the NPPP are all supportive of sustainable tourism and rural development within the National Park. NPF4 is clear that to respond to the climate emergency and nature crisis, all investment and development must contribute to making Scotland a more sustainable place. The National Park's landscapes, natural environment and cultural heritage are the very reason there is a tourism economy, but the way that people currently visit the National Park is not sustainable or compatible with ambitions to become a Net Zero Nation by 2045. Focus has shifted through local and national policy towards creating a greener and more diverse rural economy which offers more low emission, nature and climate connected tourism opportunities. The NPPP highlights that skills development and training are required to enable growth in these local economy growth areas.
- 8.12.14. The applicant has concluded that the proposal will not result in significant economic gains, but will have an important local positive economic impact during the construction and operational phase.
- 8.12.15. It is difficult to predict what the overall socio-economic benefits will be. However, given the scale of the development involving the creation of a new tourism and leisure facilities, and through the creation of employment opportunities, it is considered that, if approved, the proposals could provide a positive boost to the local and to an extent wider economy. Locally, and within West Dunbartonshire, there would be direct and indirect benefits from increased spending and job creation. Balloch, and West Dunbartonshire, also benefit from the existing tourism economy in the National Park area.
- 8.12.16. The proposed tourism-led scheme would help extend the visitor season within Balloch by providing all weather facilities such as a leisure pool/water park. A wide range of accommodation is proposed and the development would add to the tourism offer within a sustainable location. While no supporting information has been provided in relation to visitor numbers or visitor spending, it can be assumed that, once operational, the proposals will result in an increase in visitors and visitor spend in the local area. Considering the challenging operating environment for tourism businesses in recent years, a new significant investment such as this increasing the range of facilities and accommodation along with

additional demand for existing tourism businesses will bring economic benefits.

- 8.12.17. In terms of community wealth building, the applicant's stated commitments include supporting local supply chains and support for local employment which will contribute in part to the intent of NPF4 Policy 25. However, while the applicant includes statements on liaison and engagement with local communities and providing support to access their facilities, it does not include support for the community's role in the ownership or management of any assets either as part of, in connection or related to the development. Further, there is no indication of broader support that is becoming commonplace in major development, such as funding for community projects.
- 8.12.18. Concerns have been raised that the nature of the jobs likely to be generated would be low skilled, seasonal and/or zero-hour contracts. The applicant has stated, whilst there would be some seasonal and part time roles, up to 80 full time permanent roles would also be created. The applicant has also made a commitment to no zero hours contracts and paying at least the Scottish Living wage in their draft Unilateral Voluntary Undertaking – the 'Lomond Promise'. Limited weight can be applied to this as it needs to be considered with the wider assessment and consideration of the extent to which it is directly relevant to assessing the proposed uses and physical development.
- 8.12.19. Concerns have been raised by some objectors and Balloch and Haldane Community Council that the development would be in direct competition with existing tourism providers and local businesses. It should also be noted that there are a number of supporting comments highlighting the benefits of the proposals to existing businesses. Other comments have concerned recruitment challenges in the tourism sector. The planning system operates in the long-term public interest and does not function to protect the interests of one person or business against the activities of another. These considerations are not material to the assessment of the application.
- 8.12.20. Notwithstanding the positive economic benefits that the development would bring, it also has to be recognised that the landscapes, nature and heritage of the National Park are key motivations for visiting and living in the National Park. This in turn is at the heart of the economy, along with the sense of place, and therefore any development proposal needs to be carefully assessed to ensure it wouldn't compromise the designation, and by extension , the National Park's economy.
- 8.12.21. NPF4 Policy 30 Tourism supports development proposals for new or extended tourist facilities or accommodation in locations identified in the LDP. Part b) ii) is also relevant stating that new development should take



account of compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors. It is acknowledged that a certain degree of change is to be anticipated given the allocation for development along with relevant policies recognising Balloch as an important visitor gateway.

- 8.12.22. The conclusions of earlier parts of the assessment are relevant in determining the compatibility of the proposed development with the site and adjacent areas. The Tree and Woodland section of this report concludes that the development will result in the loss of woodland, with an uncertain and insufficient degree of compensation and the proposal fails to satisfy the NPF4 requirement to deliver significant biodiversity enhancement. Furthermore, as addressed earlier in this report, there are conflicts in policy associated with flooding on site. These impacts, considered collectively, may be detrimental to the visitor and recreational experience of those visiting Balloch and the surrounding area and may discourage some visitors to the area. Whilst any resulting negative impact to the economy is not easily quantifiable, the contribution that the quality of the natural heritage makes to the tourism value of the economy, particularly within the National Park, nevertheless requires to be recognised and safeguarded.

#### Conclusions on Socio Economic Impacts

- 8.12.23. The development would deliver some economic benefit in terms of jobs and Gross Value Added (GVA) during both construction and operation. However, although this would make a positive contribution locally, the impact would be minor in both the short and the longer term. Development that would result in significant environmental and natural heritage impacts to the Balloch area of National Park will adversely impact on socio economic considerations. In particular, the resident's quality of environment and the visitor experience which is undoubtedly a risk to the local economy. This is understood to be the basis in the inclusion of NPF4 Policy 30's requirement to consider compatibility with the area surrounding a development proposal. The scale of the development proposed with the identified risk of flooding, and reduction in the extent of woodland, is not compatible development in view of the National Park's environment and economy. It is considered that the tourism economy in the National Park is performing well, as indicated in the STEAM data outlined earlier, and while with the competitive and dynamic nature of tourism means additional investment can help strengthen and grow the economy, it is not considered that there is an overriding reason for supporting development when the economic benefits are minor and there would be negative impacts on the natural environment as a consequence.

## 8.13. Residential Amenity and Other Environmental Effects

### *Key Considerations*

- Would the proposed development result in any adverse impacts on residential amenity?
- Would the proposed development result in any other adverse environmental effects?

### Introduction

- 8.13.1. A number of residential properties are located in close proximity to the development site, including those located on Old Luss Road and Lower Stoneymollan Road, Balloch Road, Pier Road and properties along the boundary of Drumkinnon Gate. This section considers impacts on residential amenity as well as other environmental matters assessed within the EIAR such as noise and vibration, air quality and ground conditions and geology. WDC Environmental Health Service is responsible for advising the National Park on such matters and was therefore consulted on the proposals.
- 8.13.2. Representations have raised a number of concerns relating to impacts on residential amenity at both the construction and operational phase. These include concerns regarding adverse impacts resulting from construction traffic, noise from vehicles and operation of the development, impacts on privacy, overshadowing, light pollution and loss of daylight. All these matters have been assessed within this section of the report.

### Policy Background

- 8.13.3. NPF4 Policy 14 (Design, quality and place) states that:

*“Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.”*

- 8.13.4. Policy 23 (Health and safety) states that:

*“Development proposals that are likely to have significant adverse effects on air quality will not be supported. Development proposals will consider opportunities to improve air quality and reduce exposure to poor air quality. An air quality assessment may be required where the nature of the proposal or the air quality in the location suggest significant effects are likely.”*

*“Development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to*

*noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.”*

### Summary of Applicant's Assessment of Residential Amenity and Other Environmental Effects

#### *Noise and Vibration*

- 8.13.5. The applicant has conducted a sound survey to establish likely significant effects on sensitive receptors as a result of road traffic noise from the proposed development. The dominant sources of noise identified are from road traffic on the A82 dual carriageway, A811 to the south, Old Luss Road and Balloch Road. The applicant has identified the residential dwellings to the south of the development site as the main noise sensitive receptors. The proposed development includes resort accommodation, bars, restaurants and commercial units which are 'moderately' sensitive receptors, where some distraction or disturbance may be caused. The proposed development is both noise sensitive and noise generating. The impact of road traffic noise on both existing and proposed receptors has been assessed against noise criteria agreed with WDC.
- 8.13.6. Construction phase impacts have been scoped out of the applicant's assessment. Detailed design and construction methods have not yet been determined and therefore a quantitative noise and vibration assessment is not possible at this stage. In their submission the applicant advises that noise and vibration suppression techniques will be implemented as part of a Construction Environmental Management Plan (CEMP), required at the detailed planning stage. Therefore, the applicant considers that there would be no significant adverse impacts from construction noise and vibration.
- 8.13.7. In terms of the operational phase, the applicant has identified that there is potential for noise produced from the proposed development to have an impact on both existing residents outwith the development site and occupants of the resort accommodation. As this is a PPIp application, detailed design information on the proposed commercial and entertainment noise sources is not available. An assessment of operational noise sources may be carried out at the detailed planning stage, when sufficient design information is available.
- 8.13.8. Embedded mitigation measures which will avoid, prevent or minimise significant adverse environmental effects and to enhance beneficial effect are proposed to be included, such as noise suppression techniques as part of a CEMP and inclusion of a length of 2m high close

boarded timber fencing along the Woodbank House western boundary where lodges are proposed. Overall, no likely significant adverse effects have been identified.

- 8.13.9. The applicant submitted an Addendum update to the EIAR on 13 February 2023 and confirms that the proposed reduction of 22 holiday accommodation units at Woodbank house and the removal of Area 10 (staff area) does not change the outcome of the original assessment and the development raises no significant noise or vibration issues at this stage.

#### *Air quality*

- 8.13.10. An assessment of the likely significant effects resulting from change in air quality during the construction and operation phase of the proposed development forms part of the EIAR. The scope of the assessment comprises of the existing air quality within the study area and operational road traffic effects of the proposed development on local air quality.
- 8.13.11. It is concluded that in this case, the effect of road traffic emissions on human health is not significant and no further direct mitigation is required. Notwithstanding this, the production of a Travel Plan is proposed, to help mitigate any air quality effects. The Travel Plan will promote sustainable travel choices by staff and visitors, to reduce the number of single-occupancy car journeys made to and from the site. Overall, the operational air quality effects of the proposed development are considered to be not significant.
- 8.13.12. The applicant submitted an Addendum update to the EIAR on 13 February 2023 and confirms that the proposed reduction of 22 holiday accommodation units at Woodbank house and the removal of Area 10 (staff area) does not change the outcome of the original assessment and the development raises no significant air quality issues at this stage.

#### *Ground Conditions*

- 8.13.13. The applicant has assessed the likely significant effects from the proposed development on ground conditions, as well as the effects of ground conditions and potential contamination to the proposed development. This assessment considers human health, water environment, ecological systems, property (pastural and arable farmland), and property (structures and utilities) and archaeological sites and ancient monuments.
- 8.13.14. A CEMP (Construction Environmental Management Plan), to be prepared and implemented during the construction phase of the proposed development, is proposed by the applicant to mitigate any

adverse environmental effects. This includes items such as a contaminated hotspots plan, INEOS gas pipeline exclusion zone, surface water and groundwater protection measures and safe storage and disposal of used oils, for example.

- 8.13.15. The applicant does not anticipate that specific embedded mitigation will be required at the operational phase of the proposed development in relation to geology and ground conditions.
- 8.13.16. The assessment finds soils containing potentially elevated contaminants (including lead), primarily restricted to the area to the east of Pier Road and to the North of Ben Lomond Way. Isolated occurrences of potentially elevated concentrations of arsenic and chromium were also found. More detailed assessment of the potential risks posed by contaminants requires to be undertaken at the detailed application stage and remediation measures will likely be required in the eastern area where woodland cabins are proposed. If remediation is required it would likely be localised excavation and/ or capping of contaminated soils.
- 8.13.17. Analysis of groundwater samples has confirmed the presence of slightly elevated concentrations of heavy metals in some of the boreholes. However, the concentrations encountered are considered not likely to pose a significant risk to the sensitive water environment receptors (Loch Lomond and River Leven).
- 8.13.18. Ground gas monitoring indicates that the area east of Pier Road and north of Ben Lomond Way has concentrations of carbon dioxide and methane in exceedance of trigger values. The applicant advises that the design of buildings in these areas may require the inclusion of gas protection measures, dependent on the design and characteristics of the buildings.
- 8.13.19. To inform the detailed design stages, the applicant proposes additional intrusive investigation in specific localised areas, and if required, a remediation strategy. Further intrusive investigation may be required within and around the derelict buildings in the Woodbank House area to determine the potential for contaminants of concern including asbestos and Polycyclic Aromatic Hydrocarbons (PAHs).
- 8.13.20. It is concluded that once embedded mitigation is taken into account, the construction and operational phases of the proposed development effects result in minor adverse effects which are considered to be not significant.

### *Lighting*

- 8.13.21. In addition to noise and air quality, other aspects of the proposal relating to amenity and environmental impact have been considered, such as



lighting. Good practice mitigation measures will be secured via the implementation of the CEMP to ensure effective site management. Lighting will be designed to avoid unnecessary intrusion onto adjacent buildings and siting construction compounds and machinery, to minimise upward and outward light spill. A lighting management plan will be produced using guidelines from the Institute of Professional Engineers. This should include for construction and also the proposed development.

### **National Park Authority's Assessment of Residential Amenity and other Environmental Impacts**

- 8.13.22. The applicant's assessment has been reviewed by WDC Environmental Health and their advice has been incorporated into this assessment.
- Would the proposed development result in any adverse impacts on residential amenity?
- 8.13.23. The potential impacts on residential amenity relate to impacts on privacy and amenity and of lighting, noise/vibration and air quality. These impacts have been considered at both the construction and operational phase of the development. Impacts are likely to arise from construction activities, an increase in visitor numbers and traffic movements and an increase in external lighting on roads and buildings.
- 8.13.24. Impacts on residential amenity, with regard to traffic, have been considered by the applicant and it is considered that there will be no significant adverse impacts on residential amenity as a result of an increase in traffic on the local road network.

#### *Privacy*

- 8.13.25. With regards to privacy, it will be important that the siting/scale/design of any new buildings do not adversely impact upon the privacy and amenity currently enjoyed by existing residential dwellings. Adequate screening between the proposed lodges within the grounds of Woodbank House and the existing residential dwellings on Old Luss Road/ Lower Stonymollan Road will need to be maintained to ensure there are no adverse privacy impacts in this location. A 12m buffer from the proposed car parking to the rear boundary of Drumkinnon Gate residential estate is proposed. It will be important that the privacy of the existing properties, including those near the proposed Station Square, is retained. At this PPIp stage, the distances between locations of windows and existing windows of habitable rooms cannot be assessed as this information is not available. This is a matter to be assessed at the detailed design stage.

### *Overshadowing/Daylight*

- 8.13.26. In consideration of overshadowing and loss of daylight, the maximum height of the development proposed at Station Square would be 13m. There would be some distance between the proposed new buildings and the existing dwellings on Balloch Road and Pier Road, with Pier Road itself providing separation. The nearest part of the development to the residential properties is proposed to be car parking, located to the north/rear of these dwellings. It is therefore unlikely there would be overshadowing or adverse daylight implications at this part of the site. At Lower Stoneymollan Road the closest part of the development is at Woodbank House site where countryside/woodland lodges are proposed. These are low density, single units and would be sited to ensure there would be no overshadowing or impact upon the daylight received by the existing residential properties in this area. Overshadowing and daylight are matters to be assessed at the detailed design stage.

### *Lighting*

- 8.13.27. Low level lighting throughout the site is proposed to limit light pollution and this could be controlled through the imposition of conditions. There would also be controls on external lighting during construction though the CEMP. WDC Environmental Health has recommended a condition requiring an external lighting scheme. At this PPiP stage, there are no significant concerns regarding privacy or lighting.

### *Noise*

- 8.13.28. The noise assessment concludes that the CEMP will control noise impacts from construction and in terms of operational noise impacts, no likely significant adverse effects have been identified. An assessment of operational noise sources may be carried out at the detailed planning stage, when sufficient design information is available. Vibration was scoped out of the assessment as it not considered to be an issue. WDC Environmental Health has raised no objection and is satisfied that these matters can be sufficiently controlled at each phase of development through the imposition of conditions.
- 8.13.29. The recommended noise-related conditions would be applicable to the whole development. If approved, at the detailed stage, each phase would then need to be considered for noise sources. For example, for the accommodation proposals there may be air source heat pumps or mechanical equipment to be considered if in proximity of existing residential properties. WDC Environmental Health has recommended a number of noise conditions including for the submission of a noise

impact assessment, hours of work (including piling), a noise control method statement, noise attenuation (plant and machinery) and time restrictions on delivery vehicles. Details would be required to support detailed applications to ensure appropriate assessment at the detailed stage, however, on the basis of the comments from WDC Environmental Health, it can be concluded that the principle of the development is acceptable in terms of noise impacts.

- 8.13.30. As a result, it is concluded that the proposed development would not result in adverse effects upon residential amenity. Potential impacts can be controlled through the imposition of conditions and embedded mitigation measures at the detailed planning stage for each phase of development.

#### *Air Quality and Ground Conditions*

- Would the proposed development result in any other adverse environmental effects?

- 8.13.31. The main concern in relation to air quality is the emissions generated by traffic. The applicant's assessment determines that the effect of road traffic emissions on human health is not significant and no further direct mitigation is required. Provision of appropriate electric vehicle parking to support travel by EV vehicles will also be a requirement at the detailed stage which will help limit emissions. WDC Environmental Health recommends conditions for an air quality impact assessment and a scheme for the control and mitigation of dust during construction to be submitted at the detailed stage for each phase of development. They raise no further issues and therefore, at this PPiP stage, the proposed development is acceptable in terms of air quality.

- 8.13.32. The likely significant effects on ground conditions and geology from the proposed development has been assessed. There are known to be areas of contamination within the site however none of the land has been identified or designated as 'contaminated land' by the local authority because no significant harm is being caused and there is no resulting pollution of controlled waters. It is concluded that more detailed assessment of the potential risks by contaminants and some specific mitigation measures may be necessary. WDC Environmental Health raised no objections regarding ground conditions and recommends a contaminated land assessment, remediation strategy (including dealing with unexpected contamination) and long-term monitoring and maintenance are secured by planning condition for each phase. They raise no further issues and therefore, at this PPiP stage, the proposed

development is acceptable in terms of ground conditions and contaminated land.

### Conclusions on Residential Amenity and other Environmental Impacts

8.13.33. Detailed design and construction methods have not yet been developed at this 'in principle' PPiP stage and further assessment of all of the above environmental matters will be required when considering any detailed application, should Members be minded to approve the application. Properties located close to the site within the centre of Balloch are subject to general noise, activity and traffic that currently exists and that can be expected within a large town. The proposed development would be compatible with existing uses and the allocation of a large part of the site accepts that some impacts are inevitable. Notwithstanding this, it is acknowledged that properties located closest to the development would experience a change to the amenity they currently enjoy. This would be most perceptible at the construction stages which would be in phases. It is however considered that with appropriate mitigation (including the implementation of a CEMP) and appropriate separation to maintain privacy and minimise impacts, there would be no significant long term adverse effects on residential amenity. Furthermore, WDC Environmental Health have not raised any specific concerns in relation to the other environmental matters outlined above, including contamination, and are satisfied that matters requiring to be assessed further can be addressed through appropriate conditions. In this regard the development is considered to comply with the relevant provisions of Policy 14 and Policy 23 of NPF4 as well as Overarching Policy 2 and Natural Environment Policy 16 of the LDP.

### **8.14. Other Matters**

#### Introduction

8.14.1. This section considers other matters not already covered in the planning assessment.

#### Representations

8.14.2. A significant level of representation has been made in relation to this application. A significant number of individual representations in objection have been received through the online Public Access Website, email and letters although there have also been a number in support. There has been widespread media interest and an online campaign set

up by the Scottish Green Party. The matters raised in representations have been captured in summary form in Section 5.

- 8.14.3. The key determining issues, and the corresponding planning assessment, are captured under the key topics within Sections 8.2 to 8.13 of this report. This assessment has taken account of the valid matters raised in representations (both for and against the proposal) that are material and relevant to planning at this PPIP stage. Some specific matters that have been raised are more appropriately addressed at the detailed stage were the application to be approved. There are also a number of issues raised within the representations that have not been addressed under the key topic headings and these are therefore considered below.

#### *Sale of Public Land*

- 8.14.4. A significant number of the objections have raised concerns regarding the sale of 'public land' within the site to a private developer as well as the sale of the land to one single company. Apart from the site at Woodbank (which is owned by the applicant – Flamingo Land Limited) the rest of the site is owned by Scottish Enterprise. It is understood that this land would be transferred to Flamingo Land Limited if planning approval is forthcoming. Issues for consideration by the National Park Authority relate to the proposed use of the land, and associated impacts, and not the land sale process or land ownership. Planning permission attaches to the land and therefore who owns the land, and indeed manages or controls land, and whether it is in public or private ownership at any point in time is not a material consideration in the determination of the application. The loss of amenity space, whether it be in public or private ownership, is however a material consideration and this has been assessed within the Access and Recreation section of the report (see Section 8.11).

#### *3<sup>rd</sup> Party Land Ownership*

- 8.14.5. Representation has been received highlighting title issues and that the applicant's proposal encroaches or would necessitate development on third party owned land. Land ownership is not a material planning consideration and it is up to the applicant and not the National Park Authority to ensure proposals are deliverable and seek permission from landowners where required. If a development proposal or strategy described and assessed within the EIAR is not possible due to 3<sup>rd</sup> party land interests the applicant will, at the detailed stage, require to put forward a feasible alternative which may or may not be required to be accompanied by an EIAR addendum depending on the particular



circumstances. This matter does not prevent the lawful determination of a PPIP planning application.

#### *Alleged Conflict of Interest*

- 8.14.6. Concerns have been raised that the National Park Authority has a conflict of interest as it has given preliminary advice in relation to Scottish Enterprise's preferred bidder process, marketing of the site and in relation to the planning issues.. It is not in any way unusual, or uncommon, for a Planning Authority to provide preliminary advice and pre-application advice and that advice is given entirely without prejudice to the exercise of a Planning Authority's determination of a subsequent planning application on its planning merits.

#### *Lack of Accident and Emergency Services*

- 8.14.7. Concerns have been raised by a number of objectors about the lack of Accident and Emergency services and general health facilities and capacity locally to serve the proposed new development. NHS Greater Glasgow and Clyde were consulted but no response was received. Within the Vale of Leven there is a 24 hour Medical Assessment Unit which receives walk in patients as well as a nurse led Minor Injuries Unit. For sicker patients who require specialist services are provided at the Royal Alexandra Hospital in Paisley for adults or the Royal Hospital for Children in Glasgow. It is therefore considered that the development could be adequately served by existing health care facilities and there are no concerns in this regard.

#### *Cumulative Impacts*

The EIAR has considered cumulative effects in accordance with the EIA Regulations. It has considered impacts combined with a number of approved developments that were in the pipeline at the time of the EIAR preparation, including buildings at Sweeney's Cruises, Balloch Street Design Project, Lomond Park Hotel mixed-use redevelopment, Woodbank Inn Hotel extension, and Riverside Boatyard replacement jetties. No significant cumulative effects are identified other than the view of Station Square from Balloch Road. Here, the combined effect of the consented Sweeney Cruises proposals with the proposed development is considered to result in an adverse change to the current view although it is concluded that this can be mitigated through detailed design with careful attention to siting, massing, roofscape and materials. There are no other cumulative impacts identified.

## 9. Conclusions

### 9.1. Introduction

- 9.1.1. This section draws together the conclusions of the assessment within the sections above and compliance against the key policies of the Development Plan. Material considerations are then considered including assessment against the National Park Partnership Plan and the The National Park's statutory Aims. It ends with the overall conclusion and reasons.

#### Summary of Assessment against the Development Plan

##### *Principle – Vision and Spatial Strategy*

- 9.1.2. The spatial strategy of the Local Development Plan is to direct most new development to existing towns and villages and it identifies Balloch as having strategic tourism development opportunities with allocations covering the majority of the application site. These include Visitor Experience for Riverside. Pierhead and Woodbank and Mixed-use for Station Square. The proposed boathouse development is not considered to conflict with the purpose of the Open Space designation for this area. There is a general presumption of support for development on the allocated sites, and whilst the proposal extends outwith allocated sites, there is support for tourism development in Balloch, provided all other relevant policies are complied with. This would include NPF4, specifically Policy 30 (Tourism), which requires compatibility with the surrounding area in terms of the nature and scale of the activity. It is concluded therefore that the principle of the proposed development and land use is capable of conforming to the LDP's spatial strategy and vision.

##### *Flooding and Drainage*

- 9.1.3. The application has been the subject of valid objection on flood risk grounds. Flood risk at Zones C, D and E (Pierhead, Boathouse and Woodbank House) has been assessed and it is considered that the development in these areas can be accommodated subject to appropriate conditions and further flood risk assessment. The principles of the proposed drainage strategy (for foul and surface water drainage) are also acceptable.
- 9.1.4. Zones A and B (Station Square and West Riverside) are within or affected by an extensive area of flood risk. Strengthening resilience to flood risk by promoting avoidance as a first principle is enshrined within the intent of NPF4 policy on flood risk and the LDP. The National Park Authority has considered whether exception a) iv. of NPF4 Policy 22

applies to these areas and has concluded that it does not. The proposed development is therefore contrary to NPF4 Policy 22 a), Overarching Policies 1, 2 and LDP Natural Environment Policy 13.

#### *Trees and Woodland, Ecology and Biodiversity*

- 9.1.5. NPF4 has placed greater emphasis on nature and biodiversity and sets clear requirements for biodiversity enhancements in association with major and EIA development proposals. This is reflected in the National Park Partnership Plan that fully adopts the principles of the NPF4 in seeking to ensure that new development in the National Park takes a net gain approach to protecting and restoring nature on and around development sites.
- 9.1.6. The development will result in loss of woodland, including some areas of ancient woodland, with an uncertain and insufficient degree of compensation. Whilst the proposal includes various enhancement measures and commitments to improve existing retained woodlands, these do not fully mitigate the residual adverse effects of the development at the scale proposed and therefore the proposal fails to satisfy the NPF4 requirement to deliver significant biodiversity enhancement and to leave the site biodiversity and nature networks in a demonstrably better state than without intervention. The proposal is therefore contrary to NPF4 Policy 3(b), LDP Policy NEP6 and the National Park Partnership Plan.

#### *Traffic and Transport*

- 9.1.7. It is recognised that the A82 and Balloch experience traffic congestion during busy summer periods, particularly at public holidays and during specific events. This can cause significant delay, parking and amenity issues for both residents and visitors. It is recognised that additional development traffic is a major concern for the local community and the subject of significant material objection.
- 9.1.8. The National Park has carefully considered this issue and advice from West Dunbartonshire Council Roads Service and Transport Scotland, neither of whom object on road traffic or safety grounds. Notwithstanding the existing seasonal traffic issues highlighted, the technical Transport Assessment work demonstrates that the impact of the additional development traffic would be within acceptable limits. Having regard to the accessibility of Balloch to rail and bus, the improvements and links proposed to existing footpaths and cycleways, the commitment to a Travel Plan and the measures to manage access and parking along with improvements to A811/ Old Luss Road / Luss Road Ballochloan roundabout, it is considered that the proposed

development is acceptable and in accordance with NPF4 Policy 13 and LDP Transport Policies 2 and 3.

### *Landscape and Visual*

- 9.1.9. The proposed development would result in some locally significant visual effects. However, it is acknowledged that the majority of the proposal is allocated for development and therefore a certain degree of localised change is to be anticipated. The effects would be localised in all cases and are considered acceptable where appropriately mitigated either through the design of buildings and careful siting of development alongside appropriate new planting. In terms of landscape, the National Park Authority considers that the effects on the landscape character and all Special Landscape Qualities would not be detrimental. There would therefore be no significant adverse effects on the integrity of the National Park or the qualities for which it has been identified. The proposals are therefore deemed acceptable and in accordance with NPF4 Policy 4 and LDP Natural Environment Policy 1.

### *Built Heritage*

- 9.1.10. The proposed restoration and conversion of the A-Listed Woodbank House and outbuildings to holiday accommodation is supported under both NPF4 and the LDP. The details of the proposed works to the listed buildings will require to be further assessed against the relevant policies of the Development Plan through application for Listed Building Consent at the detailed stage. Development within the grounds would result in adverse effects and further justification for the quantum of development proposed is therefore required to ensure that the adverse impacts are minimised as far as possible and can be considered alongside the benefits of the proposed works to the buildings once these details are known. Subject to the detailed design and appropriate justification relating to lodge development in the grounds at the detailed stage, the proposal has the potential to result in beneficial effects on built heritage overall.

### *Recreation and Access*

- 9.1.11. The proposal would result in positive improvements to key public routes and the connectivity between Balloch and Loch Lomond Shores. Access rights in all areas would be safeguarded and links to Balloch and wider path networks, would be provided and enhanced. It is accepted that although there would be loss of existing public amenity space (notably the open space at Riverside), this would not lead to a deficiency of open space in Balloch. The quality of recreational experience has the potential

to be enhanced overall – considering physical improvements to the path network and public realm - provided appropriate mitigation is put in place to minimise impacts on the natural environment and to maintain access during construction. It is considered that the proposal is generally compliant with policies 13, 20, 21 and 30 of NPF4 and Overarching Policy 2 and Visitor Experience Policy 1 of the LDP.

### *Socio-Economic*

- 9.1.12. The development would deliver local economic benefits including up to 80 new full time jobs and 120 seasonal jobs as well as a localised benefit to the local economy. However, development that results in the unmitigated impact on woodlands would diminish the value of the special qualities of the area that the public come to enjoy at such an important gateway to the National Park is a risk to the local economy and the local community. The tourism economy in the National Park is performing well and while with the competitive and dynamic nature of tourism meaning additional investment can help strengthen and grow the economy, it is not considered that there is an overriding reason for supporting development on economic grounds when a broader assessment of the proposal identifies there will be negative impacts on the natural environment as a consequence when this underpins the existing tourism economy

### *Residential Amenity and Other Environmental Effects*

- 9.1.13. The allocation in the Local Development Plan of a large part of the site for tourism development accepts that some impacts on amenity will be inevitable. While considerations has been given to concerns within representations, advice from relevant consultees has also been taken into account. It is concluded that there will be no unacceptable impacts. It is considered that implementation of a Construction Environmental Management Plan (CEMP) and appropriate separation for privacy and noise at the detailed stage will manage impacts on residential amenity. Conditions relating to land remediation and assessment of air quality and noise, alongside the CEMP, can ensure compliance with the relevant provisions of Policies 14 and 23 of NPF4 and Overarching Policy 2 and Natural Environment Policy 16 of the LDP.

### Summary of Assessment of Material Considerations

### *Assessment against National Park Partnership Plan (NPPP)*

- 9.1.14. The NPPP has a significant role to play in the implementation of national policy and in guiding future LDP policy for the National Park. As the



most recent statement of National Park policy it also carries significant weight as a material consideration.

- 9.1.15. The role and purpose of National Parks is changing. Nationally, the role of Scotland's National Parks, is being reconsidered and consulted on by Scottish Ministers, with recognition that National Parks can provide leadership for nature recovery and significantly contribute to becoming a Net Zero Nation. The NPPP states that Loch Lomond and the Trossachs National Park has *"..the potential, arguably a duty, to significantly contribute towards Scotland achieving key policy outcomes, particularly in relation to nature, climate and as exemplars of thriving places."*
- 9.1.16. Section 3.3 (Developing and Investing in the National Park) is key to considering strategic development. This aims to deliver a more responsive approach to new development to ensure that this directly benefits people, climate and nature. Objective 2 (Adapt to Climate Change and Restore Nature) aims to ensure *"new development and land use is directly helping to create more climate resilient and nature rich places and networks"*. In so doing the NPPP proposes action to ensure that:
- "new development delivers positive outcomes for nature through securing biodiversity net gains and investing in local nature networks ..." and
  - "the natural and built environment is better managed for, and protected from, the impacts of climate change."
- 9.1.17. The related policy for developing and investing in the National Park states that, "development and infrastructure will support tackling the climate emergency, and maximise opportunities to deliver or enable nature restoration".
- 9.1.18. It is considered that the proposed development would be contrary to these key policies, objectives and actions. Woodland removal coupled with a lack of demonstrably adequate compensation would not contribute positively to creating nature rich places or restoring local nature networks. The associated failure to address national policy requirements to deliver significant biodiversity enhancement for such a large-scale development within the National Park is also significant given the NPPP's clear intent in this regard and a greater emphasis on the role of National Parks as a place for nature as well as for tourism. Placing tourist accommodation within an area of flood risk would also not

contribute positively to future climate resilience or protect development from the impacts of climate change.

- 9.1.19. Whilst National Park Partnership Plan policy also supports strategic scale development for tourism in Balloch, recognising the opportunity for improved transport, job creation and economic regeneration, this support is not at the expense of delivering on the NPPP's core objectives for nature and climate. The proposal is therefore contrary to Objective 2 of Section 3.3 of the NPPP.

#### *Assessment against National Park Aims*

- 9.1.20. The four statutory aims of The National Park are a material planning consideration. The requirement to assess development proposals against the aims is contained within The National Parks (Scotland) Act 2000 and enshrined within Overarching Policy 1 of the LDP. NPF4 Policy 4 c) Natural Places also reflects the requirement that development will only be supported where the objectives of the designation will not be compromised. A significant number of the representations received highlight concerns that the proposals conflict with the National Park aims and that the 'Sandford Principle' should be invoked (this being the principle that, where irreconcilable conflicts exist between conservation and public enjoyment in National Parks, then conservation interest should take priority).

- 9.1.21. The assessment of the proposal against The National Park Aims is as follows:

1<sup>st</sup> Aim: "To conserve and enhance the natural and cultural heritage of the area"

- 9.1.22. In relation to natural heritage the extent of woodland removal to accommodate development without suitable compensation would result in unacceptable loss and/or overall deterioration in the extent and quality of woodland habitat at the site. The loss involves established broadleaved woodland and small areas within ancient (LEPO) woodlands. The loss of the inherent biodiversity value of these woodlands cannot be mitigated in full by improving the condition of retained woodlands or replanting on a 1:1 ratio. It is not clear that adequate compensation planting will be achievable alongside the scale of development proposed and in considering the proposal more broadly the proposal would therefore not achieve a significant enhancement for biodiversity overall. The proposals would not therefore leave nature in a demonstrably better state than without intervention. Consequently, the proposal overall would neither conserve nor enhance the natural heritage of this area of the National Park. It is not considered that the

use of conditions and/or a planning agreement could address this matter because, in the National Park Authority's view, the applicant's assessment demonstrates that the scale of development is unlikely to be compatible with appropriate woodland compensation within the site boundary.

- 9.1.23. In relation to cultural heritage, whilst the scale of lodge development in the grounds is notably adverse, the ruinous Category A Listed Woodbank House and outbuildings would be conserved for the future which would be a significant benefit. The proposal for Woodbank is therefore capable of delivering positive benefits for cultural heritage overall. This does not change or outweigh the overall assessment against this aim.

2<sup>nd</sup> Aim: "To promote sustainable use of the natural resources of the area"

- 9.1.24. Woodland removal would result in the loss and fragmentation of established woodland habitat which is an important resource in the context of the climate and biodiversity crises. This aspect of the proposals, without demonstrably appropriate compensation, does not represent sustainable use of the natural resources and so this aspect is contrary to the second aim. The proposal would result in development within the floodplain of the River Leven which has a natural floodwater storage function. Development within this would impede the natural flow of water and put development at risk of flooding which is not a sustainable use of this land resource. With regards to the rest of the development, sustainable design can be achieved by reducing greenhouse gas emissions through layout, micro renewable technology and use of materials. There is no requirement for the applicants to provide such detail at the PPiP stage however conditions could be imposed to ensure that these issues were addressed at any detailed design stage. The development as proposed would conflict with this aim.

3<sup>rd</sup> Aim "To promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public"

- 9.1.25. It is recognised that the development would maintain access to existing popular recreational areas and deliver some positive benefits to recreational experience through the enhancement of existing outdoor infrastructure, including the upgrading of existing access routes and the provision of new indoor recreational facilities. There will also be an increase in a range of visitor accommodation. This needs to be considered with the impact of the development on the site's trees and woodland which would change the recreational experience. While the improvements to the recreational infrastructure is acknowledged, the

scale of the proposed development, and the consequently adverse effect on natural heritage, does not strike an appropriate balance between the enjoyment whilst also promoting the special qualities of the area which include woodlands as a component aspect. The development as proposed would conflict with this aim.

4<sup>th</sup> Aim “To promote sustainable economic and social development of the area’s communities”

- 9.1.26. The proposal would promote sustainable economic development by improving and expanding the range of tourism accommodation and visitor facilities and extending the tourist season within this area of the the National Park. The proposal would also deliver benefits through direct and indirect employment and an increase in visitor numbers with associated spending in the local economy. The overall economic impact within the National Park would be limited and localised in the context of an already strong tourism economy and this has to be balanced with the impacts that may adversely affect both local living and the visitor experience and in turn, the local economy. That said, the Balloch area faces some socio-economic challenges for which the value of the investment, employment generation and inidirect benefits would clearly be beneficial. It is concluded, with a narrow focus on socio-economic considerations, that the development as proposed would be consistent with this aim.

#### *Conclusions on Assessment against National Park Aims*

- 9.1.27. It is considered that the proposal does not collectively meet the National Park’s four statutory aims. The proposal would in part contribute positively to conserving and enhancing the natural and cultural heritage of the area because it would conserve listed buildings, but does not satisfy the first aim because it would result in the loss of woodlands without appropriate compensation and would not enhance biodiversity overall. The proposal conflicts with the second aim ‘to promote sustainable use of the natural resources of the area’ because it would result in a reduction in the woodland resource and development of land within a natual flood plain which is not a sustainable use of land. It also conflicts with the third aim of ‘promoting understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public’ because although recreation opportunities would be enhanced, the unmitigated impact on woodlands would diminish the value of the special qualities of the area that the public come to enjoy. On balance the proposal is considered to comply with the fourth aim ‘to promote sustainable economic and social development of the area’s communities’ because it would deliver local economic benefit and

adverse economic impacts arising from damage to the Park's natural heritage are difficult to quantify. However, in this circumstance, greater weight must be attached to the first aim.

### **Conclusion of Assessment against the Development Plan and Material Considerations**

- 9.1.28. NPF4 is the most recent Development Plan policy against which the proposed development requires to be assessed.
- 9.1.29. The global climate emergency and the nature crisis have formed the foundations for NPF4's spatial strategy as a whole, which seeks to adapt to the long-term impacts of climate change in a way that protects and enhances the natural environment.
- 9.1.30. Policy 1 gives significant weight to the global climate emergency in order to ensure that it is recognised as a priority in all plans and decisions. Policy 2 seeks to ensure that emissions from new development are minimised as far as possible. The applicant's voluntary commitment to a net zero development by 2035 aligns with Policy 2 and is capable of adopting the principles of a circular economy in regards to sustainable design and minimising waste. However, the proposal fails to address climate resilience, namely the intent to strengthen resilience to flood risk by promoting avoidance as a first principle to ensure places are resilient to current and future flood risk. As it has been assessed that an exception for development does not apply to this site, the proposal is contrary to NPF4 Policy 22 a).
- 9.1.31. Policy 6 of NPF4 and Natural Environment Policy 8 of the LDP protect woodlands and require appropriate compensation planting where woodland removal is proposed. The proposals would result in woodland removal and restructuring to accommodate development which gives rise to a need for compensation planting. However it has not been adequately demonstrated that woodland loss can be appropriately compensated within the confines of the site alongside the scale of development proposed.
- 9.1.32. NPF4 Policy 3 rebalances the planning system in favour of conserving, restoring and enhancing biodiversity and promotes investment in nature-based solutions, benefiting people and nature. The policy ensures that future LDPs protect, conserve, restore and enhance biodiversity and promote nature recovery and nature restoration. It also plays a critical role in ensuring that proposed development will secure positive effects for biodiversity.
- 9.1.33. Proposals are required to contribute to the enhancement of biodiversity, including by restoring degraded habitats and building and strengthening



nature networks. Adverse impacts, including cumulative impacts, of development proposals on the natural environment are to be minimised through careful planning and design, taking into account the need to reverse biodiversity loss. Significantly, development proposals for national, major or Environmental Impact Assessment (EIA) development will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks, so they are in a demonstrably better state than without intervention. The proposed development fails in this regard and is therefore contrary to NPF4 Policy 3.

#### Notification Requirements

- 9.1.34. In considering the recommendation, it is open to Members to draw different conclusions in their consideration of the information presented in the report and representations that they may hear at the Special Board Meeting, Site Visit and the Hearing. Approving the application, contrary to the officer's recommendation, would result in a departure from the Development Plan.
- 9.1.35. Should Members be minded to approve the application, the fact that SEPA has objected to the planning application means there would be a requirement for the application to be notified to Scottish Ministers who may choose to call-in the application for their own determination.
- 9.1.36. It should also be noted that should Members be minded to approve the application there are a number of matters relating the imposition of precise and enforceable conditions and a planning obligation that would require further detailed consideration by officers and presentation for approval.

#### Planning Conditions and Obligations

- 9.1.37. Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements sets out the current Scottish Government policy on the use of legal agreements made under Section 75 of the Town and Country Planning (Scotland) Act 1997. This states that Planning Obligations can be used to overcome obstacles to the granting of planning permission: *"In this way development can be permitted or enhanced and potentially negative impacts on land use, the environment and infrastructure can be reduced, eliminated or compensated for"*. Relevant LDP policy in relation to Planning Obligations is Overarching Policy 3 which states that developer contributions may be required for public infrastructure, public services or to address adverse environmental impacts.
- 9.1.38. If Members were minded to approve the application contrary to Officer recommendation, a Planning Obligation and a suite of appropriate,

enforceable conditions would be necessary. Matters that may require to be subject to a Planning Obligation relate to the approval and implementation of a Phasing Plan to secure and control the timing of the works to listed buildings against the development of lodges within the setting, a Woodland Planting and Management Plan to secure woodland compensation planting and phasing and the appropriate management in perpetuity for retained areas of woodland. There may be other matters that require to be considered. If Members were minded to approve the application then planning officers would require to negotiate these matters further and no planning consent could be issued until these matters were brought to a satisfactory conclusion.

## 10. Reasons for Refusal

The proposal would be contrary to:-

- 1) NPF4 Policy 22 a) and Policy 2 b) and LDP Overarching Policy 1 (a natural, resilient place) and Natural Environment Policy 13 (a). The proposals would result in development in an area of flood risk and none of the exceptions under NPF4 Policy 22 a) apply. Specifically, the proposed development does not benefit from exception iv. of Policy 22 a) because the proposed development does not represent the redevelopment of a previously used site in built up areas where the LDP has identified a need to bring the site into positive use and it has not been demonstrated that the development can achieve long term safety and resilience in accordance with SEPA advice. SEPA have confirmed that in the absence of the policy exception applying, that they object to the application. The proposal also does not address the impacts of climate change nor avoid significant flood risk contrary to NPF4 Policy 2 b), Overarching Policy 1 and Natural Environment 13 (a) of the Local Development Plan.
- 2) NPF4 Policies 3 a), 3 b) and 3 b) iv., LDP Overarching Policy 2 (Natural Environment) and Natural Environment Policy 6. The proposal is for a major EIA development, and it has not been demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. The proposal would not provide significant biodiversity enhancement (including addressing the effects of habitat fragmentation), in addition to proposed mitigation, including linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty.
- 3) NPF4 Policies 4 a) 6 b) and 6 c) and LDP Natural Environment Policy 8, 8 (a) and 8 (c) and Overarching Policy 2 (Natural Environment). The

proposal would result in the removal of woodland but fails to demonstrate it can deliver appropriate and sufficient woodland compensation to mitigate the loss of woodland including ancient woodland as a consequence of the proposed development. The proposal would also have an unacceptable impact on the natural environment because of its impact on woodland, including ancient woodland.

- 4) A conflict with the statutory aims of the National Park Authority has been identified. In terms of Section 9 (6) of The National Parks (Scotland) Act 2000 the National Park Authority must give greater weight to the first aim if there is a conflict with the other National Park Aims. The impact of the proposed development on woodland, including ancient woodland, and the compensatory proposals offered by the applicant are unacceptable and inadequate. Due to this, the National Park Authority must give priority to the first aim which is to conserve and enhance the natural heritage of the area.
- 5) The National Park Partnership Plan (2024-2029) Section 3.3 (Developing and Investing in The National Park) Outcome 2 and related policy, specifically tackling the climate emergency and maximising opportunities to deliver or enable nature restoration. Under Section 14 of The National Parks (Scotland) Act 2000, the National Park Authority must have regard to this plan. The scale of the proposal, overall, is considered, following a detailed assessment, to be in conflict with the site's capacity for development.
- 6) The proposal is therefore also contrary to LDP Overarching Policy 1 (a successful sustainable place and a natural resilient place) which embeds in policy terms the said requirements of Section 1 and 9 of The National Parks (Scotland) Act 2000 (a) because it does not contribute to The National Park being a successful, sustainable place by contributing to the collective achievement of the 4 aims set out in Section 1 of The National Parks (Scotland) Act 2000, and (b) in circumstances where The National Park Authority must in its determination of the application give greater weight to the first aim ("to conserve and enhance the natural and cultural heritage of the area") and (c) the proposals do not support The National Park Partnership Plan.

## **11. Appendices (Separate Document)**

1. Glossary
2. Historic Aerial Photos and Images
3. Parameters Plan and Enlarged Extracts
4. Habitats Regulations Appraisal – Appropriate Assessment
5. Green Party Website Form and Template Letter
6. Summary of Application Supporting Information
7. Local Development Plan Land Use Allocations
8. Viewpoints and Visualisations