

## A matter of public interest – who ordered the tree felling at Drumkinnon Bay?

### Description



A view of the area where the trees were felled from Lomond Shores – Photo Credit Mary Jack

Three months ago, following the felling of over 100 trees by Drumkinnon Bay in Balloch I asked the question what was going on ([see here](#))? In mid-June the police arrested a man from Alexandria in connection with the felling ([see here](#)) but there have been no further announcements about whether he was acting on someone's order and if so who was ultimately responsible.

While it is course possible that no-one else was involved and this man, if the police have got the right person, acted off his own bat, that seems unlikely. Other men had been seen chopping trees the day before and while someone with a grudge might say chop down one tree, over 100? On account of this it seems reasonable to assume the man/men were commissioned to commit the crime on behalf of someone else and the lack of news suggests they were paid enough to make it worth their while to

keep mum and take the rap.

There have been plenty of rumours circulating the Balloch area about who that someone else might be and my previous post mentioned two possibilities, the Wedding Business who now leases the former National Park Gateway Centre and Flamingo Land, to which I would now like to add a third, the European open water swimming championships. This post considers the possible motives behind the tree chopping – there may be others – and argues that, because of the potential ramifications, its in the public interest and of the organisations considered here that sufficient resources are dedicated to the police investigation to come up with definitive answers soon. The innocent should not have to suffer for the actions of others.

## **Potential motivations for the tree felling**

The key thing to appreciate about the felling is that, had it been completed, it would have opened up views which were previously obscured by trees. The main view lines prior to the tree felling were helpfully illustrated in Flamingo Land's Design Statement and were on the east side of Drumkinnon Bay:

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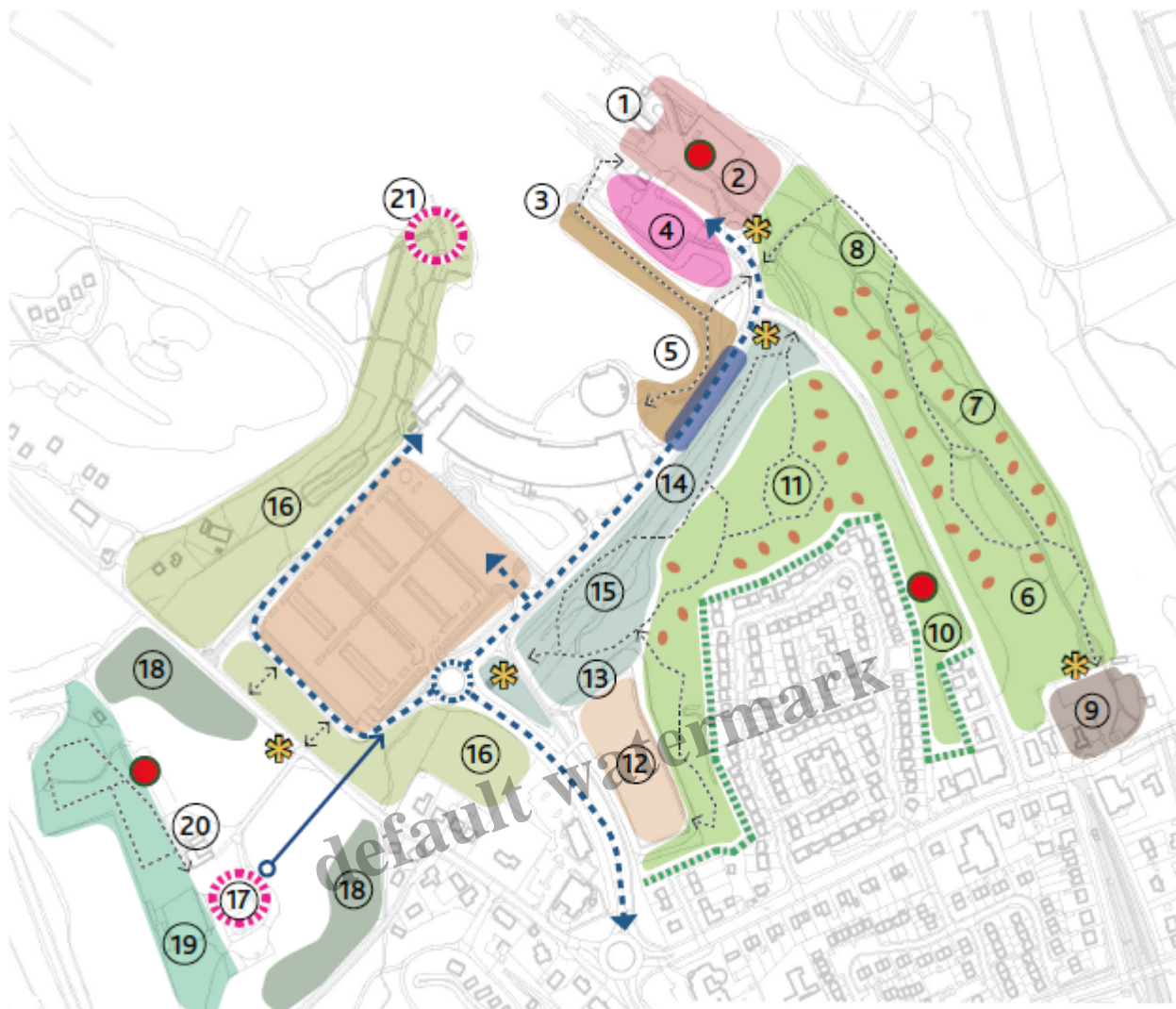


Extract from Flamingo Land Design statement

The headland on the West side of the bay offered very limited views and also effectively blocked views out over the Loch from much of the Lomond Shores development.

The limited views from the headland itself prompted speculation that the wedding business at the former National Park gateway centre might have been responsible for the tree felling, the suggestion being that they may have wanted to create better areas for photographing wedding guests (Loch Lomond being a lot more attractive than Lomond Shores).

Similarly, while the views out across Drumkinnon Bay are not relevant to most of the Flamingo Land Development, they also have an interest in the views from the headland as they are proposing a small luxury development by the old boat house there:

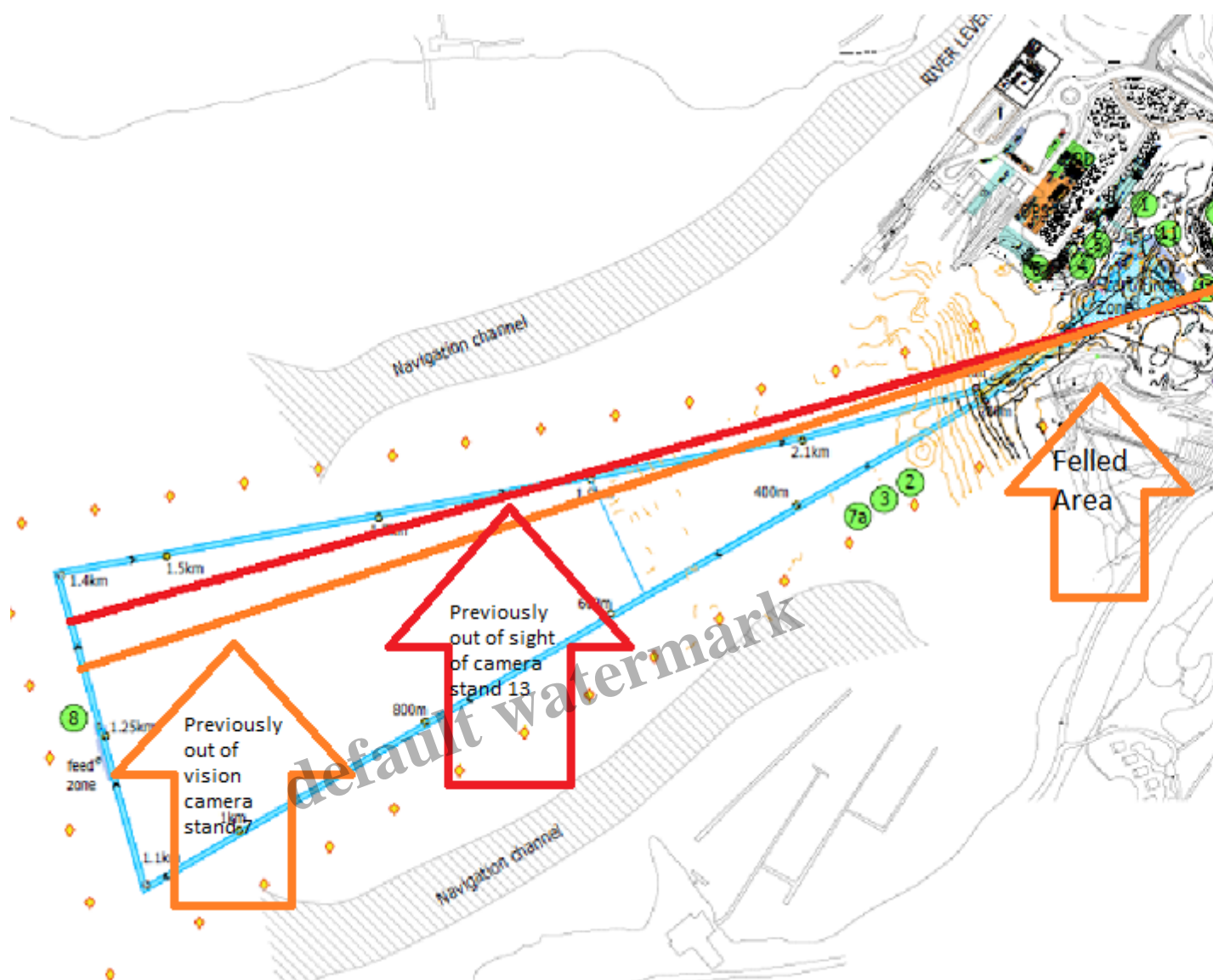


Extract from design statement – point 21 is described as a “Luxury Hideaway situated on the edge of the loch utilising views”.

A question for the LLTNPA therefore is whether the tree felling has, or was intended to, improve those views? If so, it would appear that the LLTNPA could potentially be condoning a crime by progressing the Flamingo Land Planning Application before the Police Investigation is complete.

There has, however, been another planning application ([see here](#)) which was approved on 28th June for which the views across and out of Drumkinnon Bay are of great importance. This was from Glasgow City Council for the European Open Water swimming championships. Part of the temporary structures included in that application were for scaffold stands for broadcasting cameras and stands for the viewing public on the beach at Drumkinnon Bay below Lomond Shores. The location of the broadcasting stands, as illustrated in the Field of Play Broadcasting Positions document raises questions about the tree felling:





Extract, with additions, from Field of Play Broadcasting Positions from the planning application show Most of these are on the beach. My added red line shows the approximate limit of view from Camera 13. The orange line shows the limit of the view from Camera 7. In both cases most of the swimming area down the beach is out of sight. Had the tree felling on the headland at Drumkinnon Bay not been interrupted and completed, cameras 7 and 13 would have had a full view of the course.

Anyone trying to sell or buy the rights to use the positions with limited sight might therefore have had an incentive to chop down the trees. 1.4bn people are expected to watch the European Championships and the broadcasting rights are not just worth a fortune but key to the success of the event.

Of the planning documents which are still on the portal – one might ask why LLTNPA has already removed the Supporting Statement (which luckily I saved [2018\\_0131\\_DET-Supporting\\_statement-100305344](#)) – none say anything about the limited views from some of the camera positions. They do ostensibly however refer to the need to protect trees with the Supporting Statement including this:

*Due to the sensitive nature of the environment, no modifications to existing landscape including trees or foliage will be considered. All habitats will be maintained as exist and where required existing*

*landscaping (trees etc) will be protected.until it has been established who is*

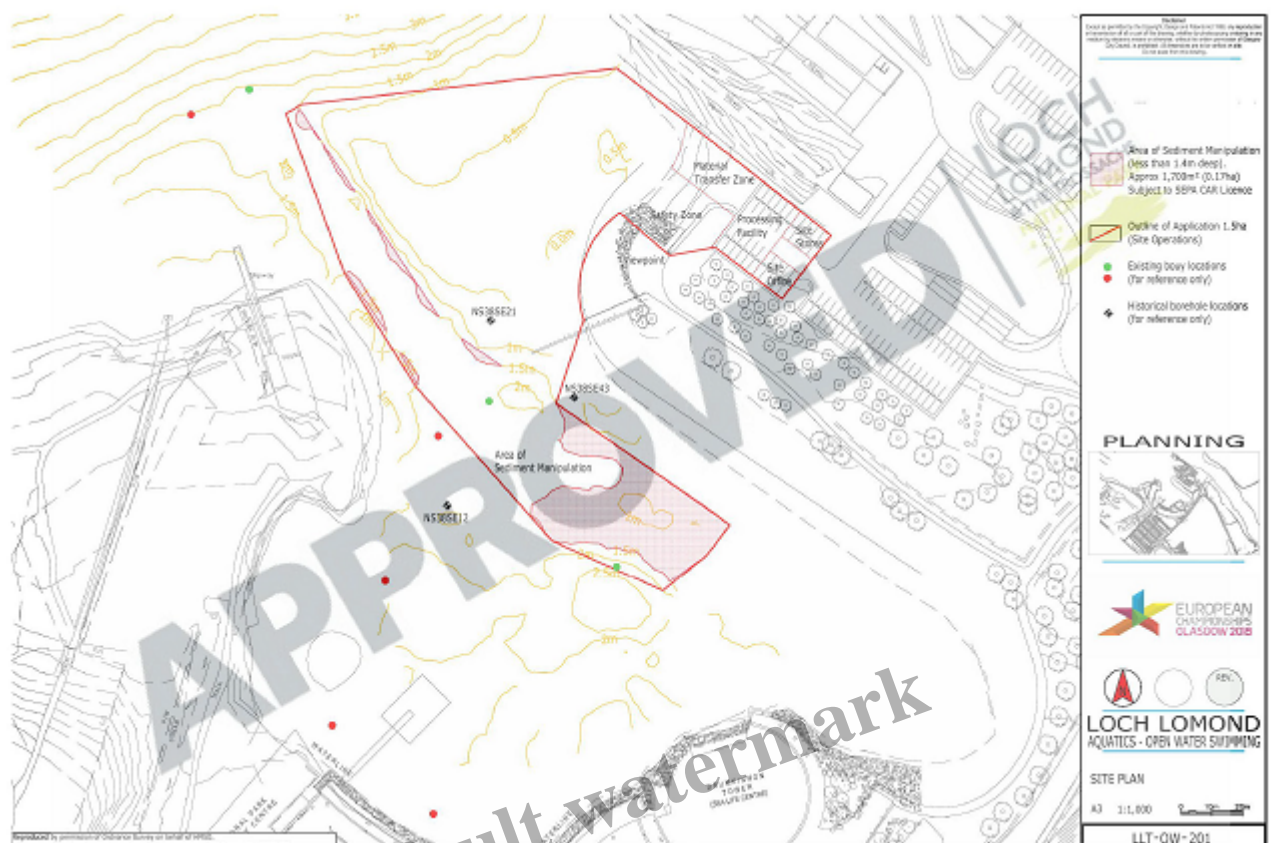
And the LLTNPA has imposed a condition requiring all trees to be protected:

**3 Protection of Existing Trees:** No tree on the site shall be topped, lopped or felled and all such trees shall be protected by the erection of 1m high [chestnut] protection as shall be agreed in writing with the LLTNPA. No excavation of materials or piling of soil shall take place within 10m of any tree without this condition.

So that's all ok then? Well, I am not so sure because of the way an earlier planning application relating to the European Open Water swimming championships was approved without any regard for conservation.

### **The dredging of Drumkinnon Bay**

After it was decided that the open water swimming part of the European Championships should be held in the National Park, a planning application was submitted to dredge part of the course because it was too shallow to meet the sport's requirements, e.g for safe diving at the start. One might have thought this should have been checked BEFORE deciding on the venue.



Area of dredging and “sediment manipulation” around the entrance of Drumkinnon Bay. The dredging extends east beyond that required for the European Championship probably to accommodate the Great Scottish Swim which will take place later in the year, with Glasgow City in effect paying for both dredging bills and both planning applications.

And, more importantly, given this is a National Park, someone would have checked its conservation value but in the race for glory and to please politicians, the whole deal was signed off without a proper feasibility or impact study. Had this taken place, it would have become apparent that this was one of the main known spawning grounds for the powan, one of Loch Lomond’s special fish and a relic from the ice ages.

There is no mention of the powan in any of the planning papers ([see here](#)), no response from Scottish Natural Heritage – a pretty amazing omission – and the response from SEPA to an application which involved shifting 1000 cubic metres of material is very interesting:

Scottish Environmental Protection Agency

SEPA have advised that they have no objections to this proposal and have advised that:

- This activity would require a simple licence under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) and, based on the information received to date, SEPA consider it potentially consentable under CAR.
- The CAR authorisation will have a condition attached which requires the submission of a Method Statement to be submitted and approved by SEPA prior to works commencing. As such there will be no requirement for a condition to any grant of planning consent for a Method Statement to ensure protection of the water environment from these works.
- The proposed temporary access slipway at the beach will also require authorisation but this can be included into the dredging licence authorisation.
- Drainage from the processing facility and material transfer zone will have to be adequately managed so that it does not cause a polluting discharge back into the loch. Any discharge to the loch from this area would require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended).
- The removal of the material from the loch and its potential treatment on land may require waste management authorisation and SEPA can advise the applicant on this.

Usually SEPA objects to any application where sufficient details are not submitted to enable it to assess the impact of any development on water quality but in this case all of that seems to have taken back seat. Its hard not to wonder why?

The Decision Notice issued by the LLTNPA in January required the applicant to submit further documents, the first of which was:



## **Location of the proposed development:**

The Bay Area, Drumkinnon Tower, Ben Lomond Way, Balloch

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## **The decision has been made with the following conditions:**

- 1 Protected Species:** Prior to the commencement of the development, an assessment of the area to be dredged should be carried out by the Planning Authority to determine any impact that could occur to fish and macrophytes, with a scheme of protection/mitigation measures, shall be submitted in writing by, the Planning Authority. The survey methodology shall be approved in writing by the Planning Authority before the survey commences. Measures shall be implemented in full accordance with a time-scale agreed with the Planning Authority.

That didn't give much time to assess the impact of the pox and its unclear from the planning portal whether a proper assessment was ever submitted or approved. This is yet another case of the LLTNPA, which prides itself on winning planning awards, failing to make public crucial documents. It is hard not to be suspicious particularly since its attitude towards dredging in this case appears to have been far more lax than in other cases such as the widening of the A82 at Pulpit Rock.

## **So, what conclusions can be drawn from this?**

I have tried to illustrate that several organisations – and there could be more – might have had a motive for felling the trees at Drumkinnon Bay. This is not to claim that any of them is responsible but rather to show that there are massive public interest questions here and until those are answered, the whiff of major scandal will hang both over the National Park and those organisations that are innocent. The issue quite simply is whether conservation has been sacrificed for commercial interests and if so, who, if anyone, in our public agencies was aware of this? To state the obvious, it's in the interests of everyone except the culpable that the police investigation is successful as soon as possible.

The LLTNPA has made the situation worse through its lack of transparency and willingness to take shortcuts to put economic activities, such as the European Swimming Championships, and development, such as Flaming Land, before conservation and public enjoyment of the National Park. Its warped priorities are illustrated by its plans to close the Duncan Mills slipway, the last remaining public boat launching place on the loch, during the European Swimming Championships without any consideration of alternatives. Unfortunately it seems incapable of standing up for those things that prompted the creation of the National Park in the first place.

## Category

1. Loch Lomond and Trossachs

## Tags

1. conservation
2. flamingo land
3. landscape
4. LLTNPA
5. planning

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