

The corrupt planning system in the Loch Lomond and Trossachs National Park – the driveway at Ben Cruach Lodge

Description



Work has commenced on an even larger new entrance to Ben Cruach Lodge and its grounds at Tarbet. Photo 19th September

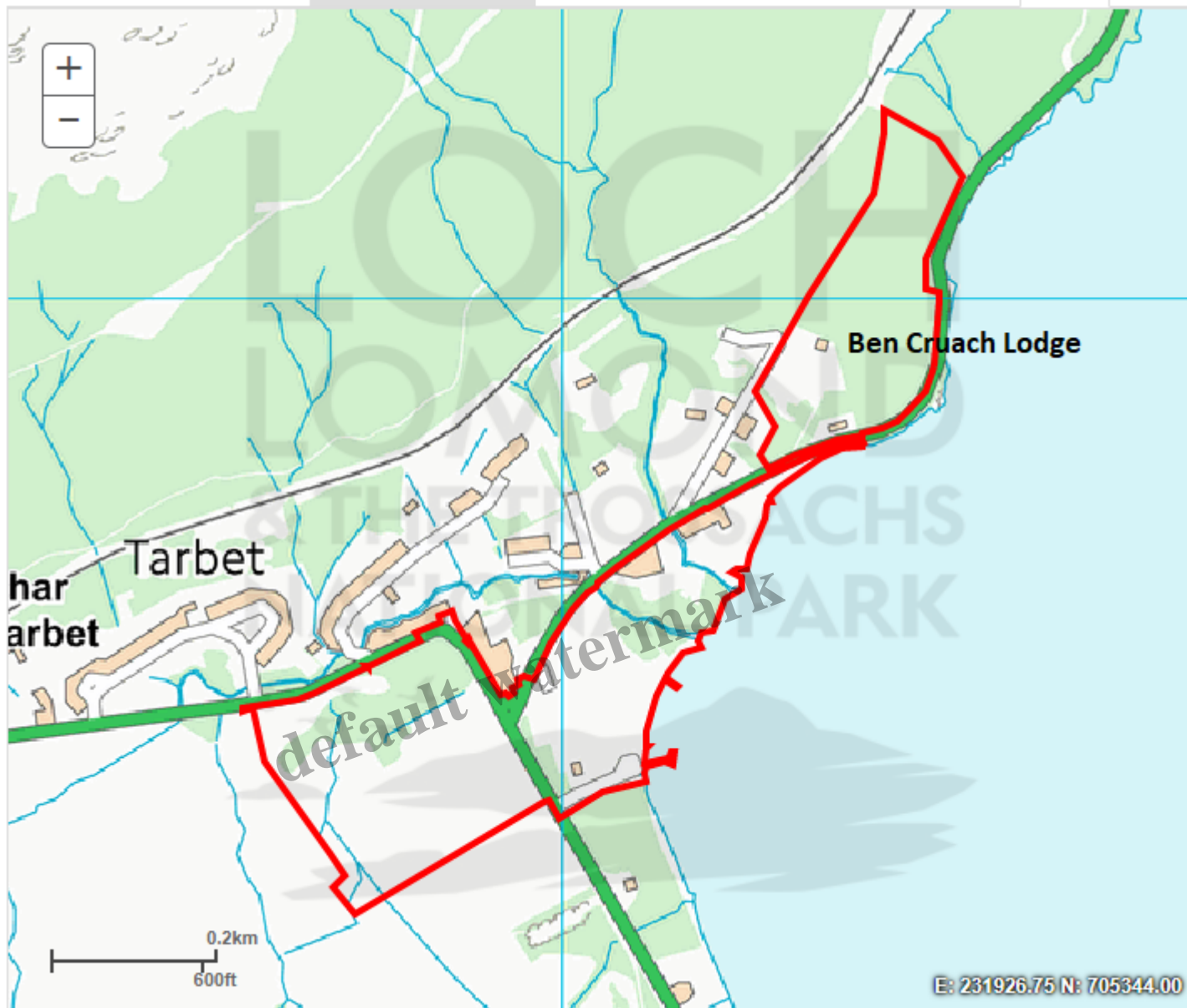
At the end of my post about multi-millionaire David Mouldsdale's purchase of McGregor's Landing in July ([see here](#)), I included an update on the new driveway to Ben Cruach Lodge that he had unlawfully created off the A82. Having initially taken enforcement action as a result of public pressure, the Loch Lomond and Trossachs National Park Authority (LLTNPA) then did a volte face and on 25th May ([see here](#) for planning papers) officers approved an even larger driveway!



The unlawful driveway as it appeared in March 2022, ugly maybe, unkempt certainly, but significantly smaller!

“The previous 2020 planning application assessment [ie taken in response to the unlawful development] directed the applicant towards a simpler, reduced proposal being more acceptable. The current design of the access and entrance, albeit larger than the pre-2020 entrance, is improved from the 2020 proposal”.

This is more than a volte face, however. In approving an even larger entrance that meets Transport Scotland’s requirements, LLTNPA officers have effectively made it easier for Mr Mouldsdales to get planning permission for a luxury lodge park in the wooded grounds of Ben Cruach Lodge, a proposal which he consulted on three years ago ([see here](#)).



The boundary of the proposed planning application in 2019 as recorded on the LLTNPA's planning portal, annotated to show the location of Ben Cruach Lodge



“Preliminary” Tarbet masterplan, as consulted on by Mouldsdale Properties in 2019, annotated in red to show the location of Ben Cruach Lodge (the arrow), the luxury lodges in its grounds and the approximate position of the driveway

One of the main challenges with the original luxury lodge proposal was access. Currently access to Ben Cruach Lodge and a number of other residential properties is by a small road almost opposite the school. This is perfectly adequate for domestic purposes but not to provide access to 20 plus luxury lodges:



The current/former access road to Ben Cruach Lodge

The LLTNPA officers' report contained no justification for why Ben Cruach Lodge requires new access, let alone why an entrance as large as they have approved might be needed. There is only one explanation. The new entrance has been designed to enable access to the proposed luxury lodges at some point in the future. It is not Mr Mouldsdale that is the primary problem – property developers are constantly pushing planning boundaries to see what they can get away with – it is the National Park Authority.

The Decision Notice, signed by Stuart Mearns Director of “Place” and dated 25th May, contained six conditions:

The decision has been made with the following conditions:

- 1 **Standard of Access & Trunk Road Safety:** Within 3 months of the date of the permission ref: 2022/0049/HAE hereby approved (unless a later date has been submitted to, and subsequently approved in writing by, the Planning Authority) the works shall be initiated, completed (and thereafter maintained in perpetuity), in compliance with the below requirements:
 - a. The existing access on the A82 trunk road shall be upgraded, as generally illustrated in the drawing refs: Site Plan - Proposed, dwg. nos. PL002 Rev A & PL003 Rev A (received on 12/04/22), to the satisfaction of the Planning Authority, in consultation with Transport Scotland;
 - b. Visibility Splays, as generally illustrated by drawing ref: Proposed Visibility Splays no. 20129-SK-03 (dated 01.11.21, received 21/02/22) shall be provided and maintained to the satisfaction of the Planning Authority, in consultation with Transport Scotland;
 - c. A minimum of the first 5 metres of the access, back from the edge of the A82 trunk road, shall be surfaced in a bituminous surface and measures shall be provided and adopted to ensure that all drainage from the site does not discharge onto the A82 trunk road.

The first was that the work on the new entrance should be initiated and completed within 3 months unless otherwise approved in writing. (This condition incidentally is contradicted by condition 6 which states "all construction activities shall be completed within a 6-month period").

It is now four months since the Decision Notice was issued but it is impossible to know whether the LLTNPA has agreed a new timescale for completion of the driveway since the Decision Notice is the last document to be published on their planning portal.

Whether Mouldsdale Properties have submitted the other documents required by the Decision Notice has also been kept from the public. These documents include:

- The landscape and restoration planting plan (important because Mouldsdale properties also chopped down a significant number of trees without the appropriate license);
- The method statement for the control of invasive species; and
- The specification for all the materials to be used

As a result of this failure in transparency, it is impossible for the public to know whether Mouldsdale Properties are abiding by the terms of the planning consent or whether they are still ignoring the law on planning when it suits them.

The people who suffer most from this lack of transparency are not campaigners, like me, but neighbours and organisations like the local school. Instead of being able to check easily what is going on, they are forced to ask for basic information about what is going on. That allows LLTNPA planning officers to know exactly who might be concerned about a planning application and potentially to inform the developer. Fears about that – most people are very reluctant to get into conflicts with their neighbours – helps quell any opposition in cases such as this.

What needs to happen

If LLTNPA Board Members had any sense or decency they would now revise their procedures, which delegates almost all planning decisions to officers, and follow the example of the Cairngorms National Park Authority where Board Members have a far greater role and now quite often reject the recommendations of officers. That would offer some safeguards against the corruption of planning processes in the National Park.

Perhaps Claire Chapman, the Acting Chair of the Planning Committee, and Ronnie Erskine, chair of the Audit and Risk Committee could take a lead on this? (Unfortunately, there is no way the public can ask them to do so or even draw attention to the issues I have raised in this post as their email addresses are secret – unlike Board Members in the CNPA all of whom have an official email).

Board Members also need to address the failure by the LLTNPA to publish on its planning portal all the documents that developers are required to submit as a result of Decision Notices so the public can tell whether planning conditions are being observed or not. I have now been making the case for this for over six years (particularly in relation to hydro schemes) but nothing has happened. Imagine if the LLTNPA give the go ahead to Flamingo Land but the only way the public can then find out what is going on is through the submission of Freedom of Information requests. I will now, once again, submit a n FOI request asking for all the planning documents Mouldsdale properties has submitted since the Decision Notice was issued on 25th May.

Category

1. Loch Lomond and Trossachs

Tags

1. Governance
2. LLTNPA
3. planning

Date Created

September 21, 2022

Author

nickkempe