

How far does Scotland planning system protect nature (2)? Three examples from the Loch Lomond and Trossachs National Park Authority

Description

This post take a look at the Loch Lomond and Trossachs National Park Authority (LLTNPA)'s handling of three recent planning applications and the anomalies therein following Nick Kempe's post earlier in the week about Inchconnachan ([see here](#)).

More on Inchconnachan island



Part of north shore of Inchconnachan May 2023

I attended the Loch Lomond and Trossachs National Park Authority (LLTNPA) Planning & Access Committee Meeting on 18th Dec 2023 which considered the Committee Report on the construction of a new luxury lodge Inchconnachan Island in Loch Lomond because I had submitted an objection. Four out of ten Committee members had given their apologies and those present were outnumbered by staff.

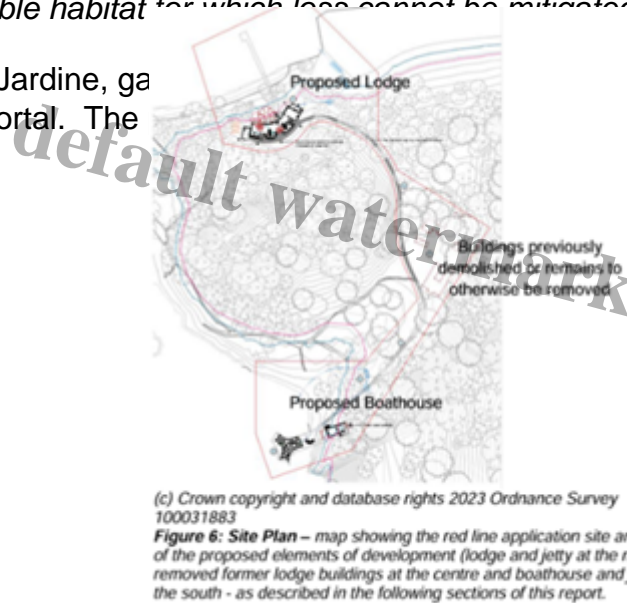
My Objection, along with another, was published on the main documents page of the application after the committee report had been written and is described as "objects". These two never appeared in the Public Comments section ([see here](#)) which includes eight comments from individual members of the public and one from the Woodland Trust. Their responses are no longer accessible on the Public Comments section although all are available on the main documents section of the planning portal ([see here](#)) where they are listed as "correspondence". In fact, seven individuals and the Woodland Trust all clearly categorised their response as "objects" and one individuals as "supports".


The LLTNPA's Committee Report turned the Woodland Trust's objection on its head:

"The Woodland Trust have submitted comments supporting the applicant's intentions to implement an island wide management plan to improve the condition of the ancient woodland/qualifying features on site but object to the proposed development on account of the direct loss of Ancient Woodland, as irreplaceable habitat for which loss cannot be mitigated"

LLTNPA Planner, Craig Jardine, is no longer on the planning portal. The

([see here](#)) which was but is no longer on the planning portal. The details of the proposed structures



which were vague to say the least: 

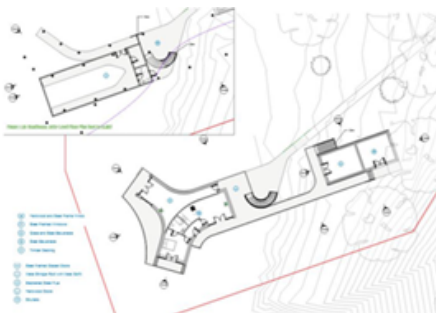
There were no dimensions/measurements included either for the chalet/lodge:



Figure 8: Proposed Lodge Elevations showing the proposed lodge development from north and east aspects.

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Or for the boathouse in the scenic and iconic Narrows:





All very pretty. However, no questions were asked by the Committee re dimensions/measurements or the fact that the boathouse would overhang the loch or the size of the jetty protruding out into the loch at the chalet! All the questions I heard related purely to the intended management of the island.

There was no questioning of the flawed logic behind the planners justification for the development, for example (page 34, para 8.5):

*Principle of Development The applicant's key reasons for developing a greenfield site for the proposed lodge at the north end of the island are as follows:
• Avoiding the wet zone of ground and surface water flood risk that is present on/around the pre-existing lodge and associated outbuildings as this would present construction and surface/foul drainage issues for any new lodge development in this location;
• Avoid potential conflict with the existing cluster of path routes and popular temporary mooring and camping spots that converge on/around the pre-existing lodge and western bay by positioning the new lodge outwith that more publicly frequented zone;
• To enable the restoration of the existing (brownfield) site of the pre existing lodge and outbuildings to native wet woodland, to benefit the island's habitat and biodiversity;*

The applicant's case for a relocation of the lodge building (from that previously approved) presents a convincing case, particularly when considered alongside the positive restoration of the brownfield site as being an advantageous outcome for this part of the island. Subject to landscape and other planning considerations discussed in the following sections of this report, it is recommended that the proposed new site for the lodge at the north end of the island be supported in principle.

The construction of a Boathouse at the water's edge and overhanging the loch surely also constitutes a NEW BUILD which will desecrate the scenic beauty and the iconic peace and tranquility of this area of THE NARROWS. The original (burned down) building and development therefore is effectively being translocated to two locations, with two landing places, not one!

There was then a speaker on behalf of the Applicants. When he concluded the Chair asked the Board members on the Committee if they had any questions. There was an embarrassingly pregnant silence and eventually one member responded and then another two. The questions were innocuous. No-one

raised issues of lack of clarity of the building plans, size of jetties, the fact that the boathouse overhangs the water, sewage treatment etc.

Dr Geoff Riddington (not medical) spoke as an Objector. Only one question was put to him which again was innocuous.

Surprise, surprise the Planning Application for Inchconnachan was APPROVED with no amendments. This was recorded in the minutes as:

â??Further discussion took place between Members. The main points of the discussion included consideration of: Method of construction and use of screw pile foundations; Tree survey contents; System for waste water management; Role of Warden and compliance with Island Management Plan and contribution to National Park Plan; NPF4 â?? monitoring biodiversity net gain; Control of invasive non-native speciesâ??.

That sounds as though there was a lot more scrutiny than there was

â??MOTION: CS (Chris Spray), seconded by HS (Hazel Sorrell), proposed to approve the recommendation as follows:

That Members: APPROVE the application subject to:

- (1) the imposition of the conditions, informatives and plans set out in Appendix 1 of this report, and;*
- (2) the completion of and recording/registration in the General Register of Sasines/Land Register of a section 75 agreement/planning obligation incorporating the Heads of Terms summarised in Appendix 2 of this Report, and;*
- (3) adopt the terms of the Habitats Regulations Appraisals set out in Appendix 3 of this Report which conclude that the proposal will not result (in terms of the Habitats Regulations 1994) in an adverse effect on the integrity of either the Loch Lomond Woods Special Area of Conservation or the Loch Lomond Special Protection Area.*

DECISION: By unanimous decision, the motion became the decision of the Committee

I must admit to being quite disgusted by the proceedings and left after the Approval was given as did several others.

The decision notice has not yet been issued to the developer because it is subject to the completion of a Section 75 Agreement specified in point (2) above. However, the LLTNPA has not issued any news release about the decision nor has it been recorded on the LLTNPA's weekly planning lists under the section recording Committee Decisions. When it comes to planning and the protection of nature, there are lots of things the LLTNPA would prefer to keep out of the public realm.

RSPB Loch Lomond Reserve



The sustainable tourism challenge is if you upgrade visitor facilities how do you do so without attracting more cars and end up covering yet more land with tarmac? Photo February 2020.

This proposal to upgrade the "visitor hub" at the Loch Lomond National Nature Reserve was submitted by the RSPB in August 2023 and approved by LLTNPA officers 8th December 2023 ([see here](#) for planning papers). Following a request to submit an OBJECTION to the above proposal I duly did so. The requester also submitted an OBJECTION. Neither were added to the Planning Portal Documents and one has to wonder how many others were similarly treated.


Planning – Application Comments

2023/0312/DET

Re-siting of 1 no. portacabin and replacement of 2 no. portacabins (previously approved under 2018/0299/DET) and retention for office use for a further 3 years, upgrade of visitor hub including siting of welfare cabin, ramped access and solar pv panels, additional disabled parking and extension to existing car park (20 additional spaces).

RSPB Loch Lomond Reserve Off A811 Old Military Road East of Gartocharn

 Save search

 Refine search

Details

Comments

Constraints (6)

Documents (26)

Related Cases (2)

Map

Make a Comment

Public Comments

Consultee Comments (1)

Total Consulted: 5 Comments Received: 0 Objections: 0 Supporting: 0

There are no comments lodged for this application.

However, I did receive the following on 8 December 2023.

Dear Mrs Mary M Jack NOTIFICATION OF DECISION Application Number: 2023/0312/DET Development Proposed. I refer to previous correspondence in connection with the above and write to advise you that after considering the proposal, your comments and other comments received, the Loch Lomond & The Trossachs National Park Authority has made a decision to Approve the application. If you would like to obtain further information about this application, the Authority's website contains details of the decision: . If you wish to discuss the decision, we would ask that you email [planning@lochlomond\[1\]trossachs.org](mailto:planning@lochlomond[1]trossachs.org). Thank you for your comments and interest in this application. Yours sincerely, PLANNING SUPPORT TEAM Tel (01389) 722024 Email: planning@lochlomond-trossachs.org

In fact the Delegated Officers report noted that there had been three objections to the report and also that the LLTNPA Local Development Plan states:

new car parking provision in countryside areas should only be provided in areas where it is demonstrated as essential in connection with either an existing or a new visitor management issue that cannot be addressed by other means and which requires an immediate solution, for example in locations where parking pressures are causing damage to the environment and/or where irresponsible parking is a danger to the host community and public safety. Based on recent planning applications,

small scale is generally considered to be around 10-20 spaces. More than 20 spaces would be considered medium scale?

No alternative to doubling the size of the current car park, which reaches capacity in peak periods, was considered or to the LLTNPA's expressed wish to reduce car use in the National Park. Of course, the LLTNPA have a vested interest (literally) in RSPB Gartocharn and in creating tourism and hang the detrimental effect of covering more ground with buildings and tarmac. It is noteworthy that RSPB did not object to the Inchconnachan planning application, despite osprey having recently nested in a tree by the proposed site of the luxury lodge, but instead meekly agreed with the LLTNPA's claim it would affect very little of the Special Area of Conservation. It seems a case of "if we scratch your back you will scratch ours".

Ptarmigan Lodge

In October 2022 a planning application was submitted (2022/0316/DET [see here](#)) for the "Change in the use of dwelling (Class 9) to campsite (sui generis) and erection of 6 no. bunkhouse cabins" at Ptarmigan Lodge below Ben Lomond. The description of the proposal on the planning portal does not mention the jetty which would have formed quite a sizeable protrusion into Loch Lomond!

The application was withdrawn on 7th September 2023 (as had a previous one) but all the details of this application have been removed from the LLTNPA's planning portal, including all the OBJECTIONS one of which was mine and one from a fellow Loch Lomond Association Committee Member. I have the details saved but not, unfortunately, the OBJECTIONS of which there were approximately 10.

Following the formal decision to withdraw the application (the withdrawal letter shows the applicant had agreed they would do this back in April but the application remained extant for another six months) I received no less than three emails from planning@lochlomond-trossachs.org within four minutes of each other!!! Note my highlighting!!!

1) Thu, 7 Sept at 15:36

Please find attached correspondence regarding the above planning application.

Dear Mrs Mary Jack NOTIFICATION OF DECISION Application Number: 2022/0316/DET ...I refer to previous correspondence in connection with the above and write to advise you that after considering the proposal, your comments and other comments received, the Loch Lomond & The Trossachs National Park Authority has made a decision to Withdrawn (sic) the application. If you would like to obtain further information about this application?

2) Thu, 7 Sept at 15:40 To: peterandmaryjack@aol.com

Good afternoon,

Please disregard this email. The correct letter will follow, this has been sent in error. [quotes email in 1)].

Apologies for any inconvenience caused.

Kind Regards

Planning Support Team

Loch Lomond & The Trossachs National Park

3) 7 September 2023 15.44

Dear Mrs Mary Jack NOTIFICATION OF DECISION Application Number: 2022/0316/DET

Please find attached correspondence regarding the above planning application.


*Dear Mrs Mary Jack, Application Number: 2022/0316/DET. With reference to previous correspondence in connection with the above, I write to advise you that **the applicant** has decided not to pursue this application, and has confirmed in writing that the application is withdrawn. If you have any questions relating to this proposal and the applicant's decision you may wish to contact this office. Thank you for your comments and interest in this application. Yours faithfully,
PLANNING SUPPORT TEAM.*

The applicant subsequently submitted another application for a reduced number of lodges which the LLTNPA refused and is now subject to appeal:

Property History

000122047127

Ptarmigan Lodge C6 From Balmaha To End At Rowardennan Balmaha Stirling G63 0AR

 Save search

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Address

Property History (5)

Constraints (0)

Map

Planning Applications (4)

- [Change in the use of dwelling \(class 9\) to campsite \(sui generis\) and erection of 10 no. gl bunkhouse cabins, erection of toilet block and refreshment unit \(class 3\)](#)
Ref. No: 2021/0404/PPP | Status: Application Withdrawn
- [Change in the use of dwelling \(Class 9\) to campsite \(sui generis\) and erection of 6 no. bu](#)
Ref. No: 2022/0316/DET | Status: Application Withdrawn
- [Erection of 3no. cabins for holiday accommodation and associated works](#)
Ref. No: 2023/0364/DET | Status: Application Refused
- [Proposed upgrading of vehicle access track, and formation of quad bike access track \(18](#)
Ref. No: 98/00584/DET/S | Status: ACP

Planning Appeals (1)

- [Erection of 3no. cabins for holiday accommodation and associated works](#)
Ref. No: 2024/0002/REVREF | Status: Appeal or Review In Progress

In conclusion

Why is so much planning information and the Objections (or Support) removed from the planning portal when they are relevant to the property history? Surely, we, the public, have a right of access to these. After all we, the public, are paying dearly for this service.

Why too are some Applicants getting away with poor/incomplete proposals which lack detail, particularly about the potential impact on nature and landscape?

Category

1. Loch Lomond and Trossachs

Tags

1. conservation
2. Governance
3. landscape
4. LLTNPA
5. planning

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April 6, 2024

Author

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