

The planning application for the Loch Lomond rescue boat at Balloch – a positive decision badly made

## Description



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### **Plans to build new rescue boat station near Loch Lomond given green light**

Plans to build a new station for Loch Lomond Rescue Boat in Balloch have been given the gree...

Architects impression of new rescue boat centre on the banks of the River Leven near the pierhead at Balloch. Helenburgh Advertiser 15th October

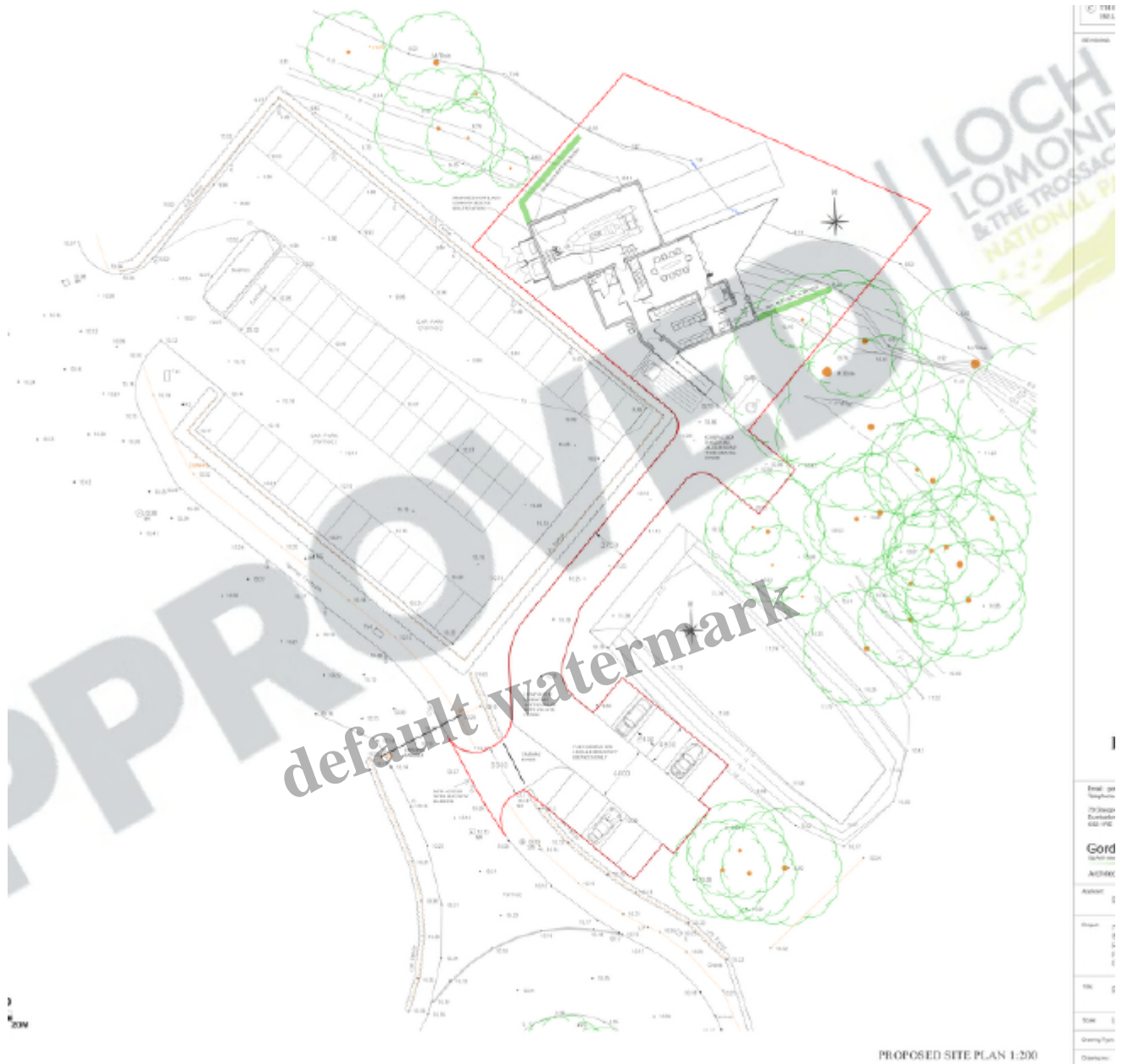
On 10th October Loch Lomond and Trossachs National Park Authority (LLTNPA) planning officers approved a planning application to build a new station and slipway, access road and associated parking for the Loch Lomond Rescue Boat near the pierhead in Balloch. The Rescue Boat is a charity operated by volunteers and so far this year has responded to 73 emergencies ([see here](#)). The decision will enable the Rescue Boat to relocate from Luss for reasons well explained by the Lochside Press in January 2022 ([see here](#)) and which I support. This post considers the ramifications for Flamingo Land, which could still appeal the LLTNPA's refusal of planning permission last month, and for the nascent Community Development Trust set up to promote alternatives.

## **Issues raised by the LLTNPA's handling of the Rescue Boat planning application**

The planning application was submitted at the beginning of February and only decided by officers eight months later, a month AFTER Flamingo Land's planning application was refused. The timing of the two decisions may be more than coincidence. Unfortunately it is not possible to tell why the Rescue Boat decision took so long because the LLTNPA, as per their usual practice, has removed most of the planning documents from the planning portal ([see here](#)). Among the documents mentioned in the report which have disappeared are the:

- Montage views of the building from the car park and river (that above appears to have been provided by the Rescue Boat to the press) .
- Tree Survey Report
- Landscape and Visual Appraisal
- Preliminary Ecological Appraisal
- Supporting Statement
- Photographs towards site from Balloch Park to demonstrate there is no impact on the heritage assets at Balloch Park.

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Extract from the site plan showing how the start of the new access road and associated parking is close to the existing roundabout, bottom centre, and the new building will be on the River Leven behind one of the two main existing car parks at the Pierhead

The key remaining documents are the site plan and the officers' report. Their approach to assessing this application is significantly different to the approach they took with Flamingo Land's application and adds further weight to my argument ([see here](#)) that most of the six reasons the LLTNP gave for refusing "Lomond Banks" were very weak .

One of those six reasons was the impact the Lomond Boat development would have on woodland and trees. The Rescue Boat station will also have an impact on woodland:

*“A Tree Survey has also been undertaken and this confirms that there are 77 trees and a woodland group within and adjacent to the site. The report states that at least 70 trees of 15mm diameter or larger and a number of smaller trees will need to be removed in order to accommodate the development.”*

National Planning Framework 4 (NPF4) states woodland removal will only be supported where it has “significant and clearly defined public benefits” and in such cases “compensatory planting will most likely be expected”.

The report rightly states the construction of a new station for the Rescue Boat would have “clear public benefit”, a contrast with the Flamingo Land report which failed to address the question of whether the public benefits of the Lomond Banks development on the Riverside Site were sufficient to justify the removal of woodland. (The report did consider this for the Woodbank House where officers argued the public benefit of restoring a listed building justified removal of some trees).

As important, however, is the LLTNPA’s completely different approach to compensatory planting in the two reports. For the Rescue Boat the report states *“The requirement for compensatory planting for woodland loss should be addressed through a condition”*, i.e AFTER planning consent was granted. This contrasts with the Lomond Banks planning application where a major reason for rejecting Flamingo Land’s proposals is they had not provided sufficient proposals on “compensatory planting” BEFORE a decision was made on whether to grant planning permission in principle.

I have previously argued Flamingo Land decision might be able to appeal against the LLTNPA refusal of planning permission on the basis that they were quite prepared to undertake more compensatory planting. They now appear to have even stronger grounds for doing so: if the requirements for compensatory planting can be secured through a planning condition, as in the Rescue Boat case, the question is why the LLTNPA did not treat Flamingo Land similarly?

The key issue, however, is not compensatory planting, which is now easy to address with all the opportunities to buy into woodland carbon offsetting schemes, but whether developments which require the removal of woodland have public benefit. I would contend that most of the proposed Flamingo Land development on the Riverside Site had very little public benefit, compared to the Rescue Boat, and that is the key difference between the two applications.

The LLTNPA was on far stronger grounds when it rejected the Lomond Banks development because of the flood risks to the Riverside Site. Just as with woodland, however, LLTNPA officers have approached flood risks in the Rescue Boat and Flamingo Land planning applications very differently :

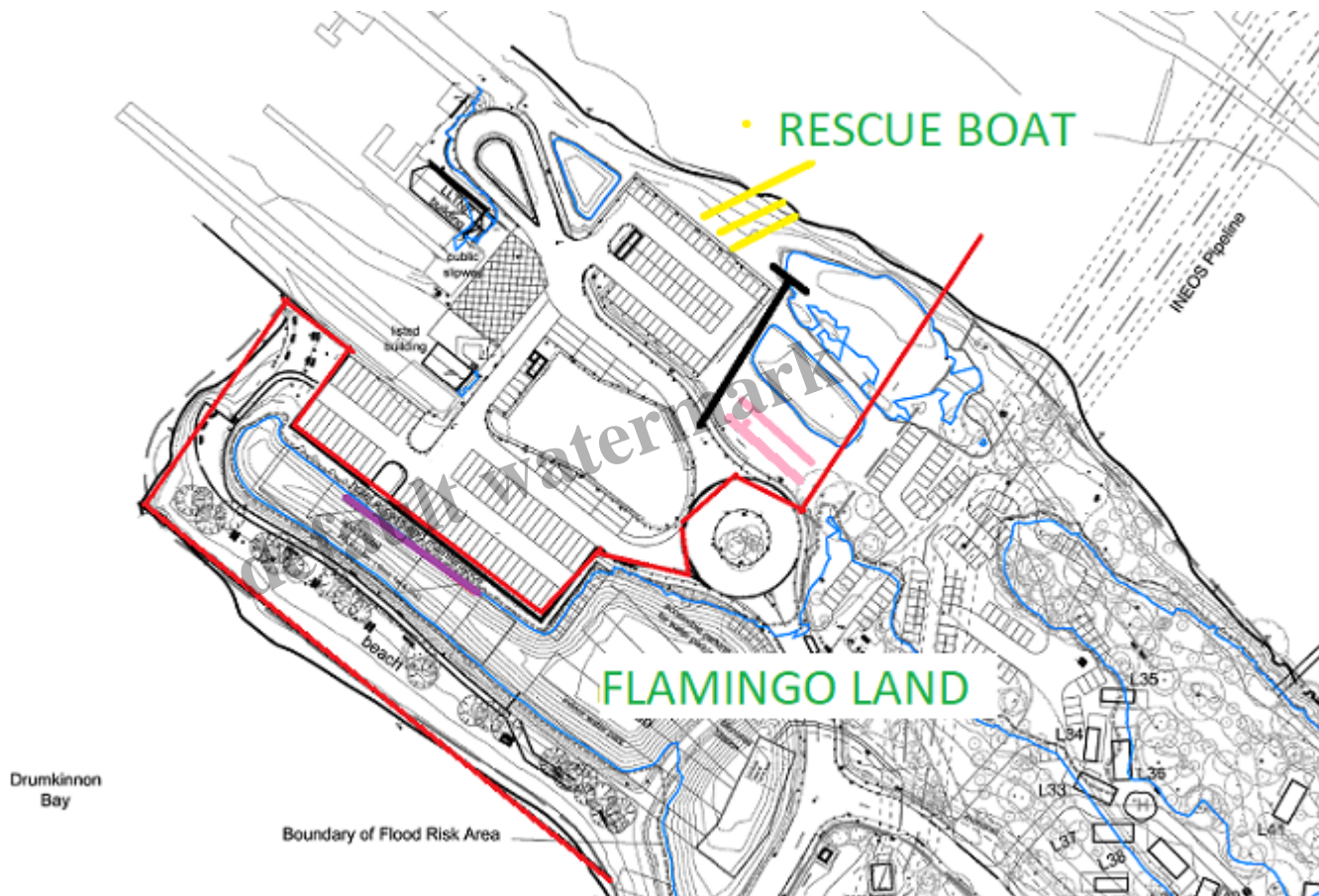
#### “Flood Risk (Rescue Boat)

*NPF4 Policy 22 supports development proposals at risk of flooding or in a flood risk area if it is essential infrastructure where the location is required for operational reasons and for water compatible uses. Evidently, the rescue boat house requires to be on the waters edge to allow quick and efficient access to Loch Lomond. The ancillary accommodation within the boathouse includes a recovery room, locker room/changing area, communications room, kitchen and training room. Whilst these uses individually would not be considered to be water compatible uses, they are reasonable required for the efficient operation of the service and are considered to meet the requirements of Policy 22. Whilst a flood risk assessment has not been submitted, the floor level of the building, except the boat storage area, has been designed to match that of the adjacent car park which has historically been above the acknowledged flood level. The building would be constructed to incorporate flood resilient*



materials and design.”

The statement that the floor level of the Rescue Boat building is above historically acknowledged flood levels ignores the fact that higher flood levels are now predicted and have been incorporated into planning law through NPF4. Flamingo Land were required to revise their flood risk assessment once NPF4 came into effect precisely because of this. It is extraordinary therefore that no flood risk assessment was required for the Rescue Boat station. That would not have been difficult or expensive to do because Flamingo Land had already mapped flood risks for the whole of the pierhead area where the Rescue Boat will be located:



Annotated map from the Flamingo Land Planning Application. The thin blue lines demarcate the areas of land that lie above the most extreme flood levels that are now predicted. The red line shows the approximate boundary of the Flamingo Land planning application; the yellow the location of the rescue boat buildings; the black line the access road and the pink lines the parking. The purple line shows the access to the apart hotel – see below).

This map, which was accepted by the Scottish Environment Protection Agency (SEPA) and the LLTNP as being accurate, shows the Rescue boat station is on land that will be inundated in extreme flood events. In such circumstances since the floor level of the station matches that of the adjacent car park it will be underwater – contrary to the claims in the report. This problem could be addressed by raising the level of the building. It leaves the question of how the Rescue Team would access the Rescue Boat when both the car park and access road are underwater?

Flamingo Land suggested the flood risks on the Riverside Site could be addressed by the creation of

embankments. That option was ruled out as being contrary to SEPA guidance. It is very difficult to see therefore how an exception could now be made for the Rescue Boat. There is, however, another and quite feasible solution for ensuring the rescue boat is accessible at all times. Move the boat and equipment temporarily elsewhere in the rare circumstances when high flood levels are predicted.

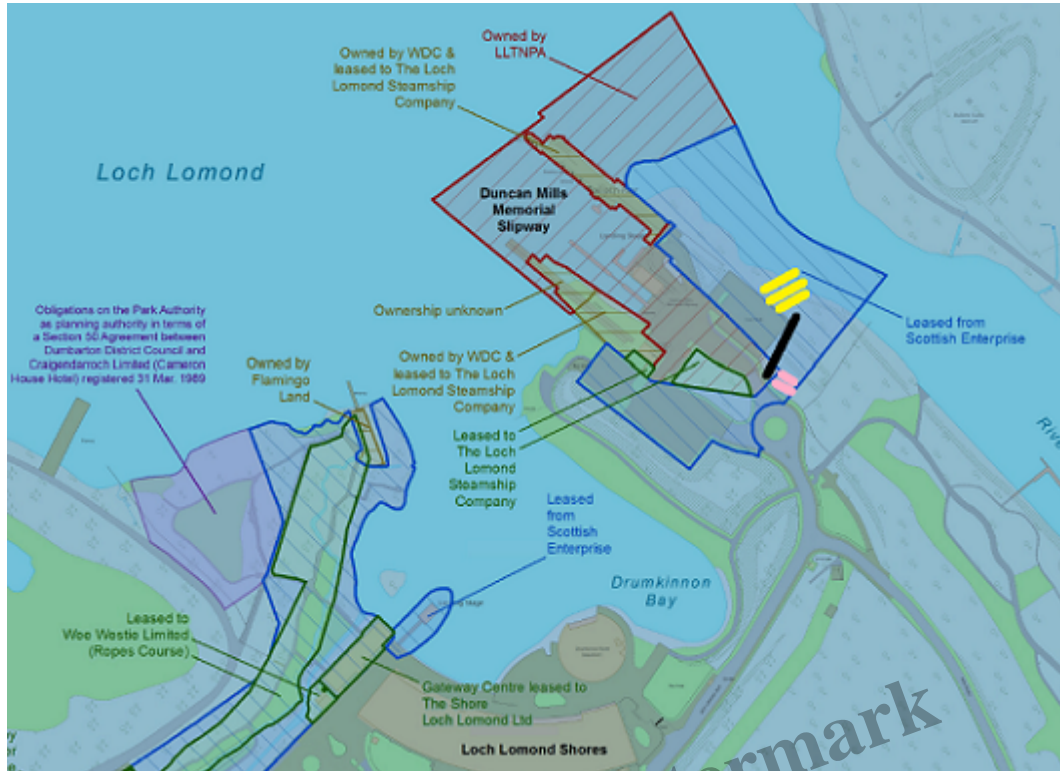
That issue should have been dealt with in a Flood Risk Assessment and, if moving was not seen as desirable, there would be a strong case for offering a different site to the Rescue Boat at Balloch.

The inconsistent and arbitrary way that planning decisions are made by officers in the National Park is not the fault of the Rescue Boat. Indeed, by failing to alert the Rescue Boat to the flood risks, potentially the LLTNPA is creating problems for them in future. It adds to the argument that the LLTNPA Board, should be deciding far more cases like the Cairngorms National Park Authority rather than delegating most decisions for officers. Indeed, having now watched a recording of the Lomond Banks decision meeting, where Chris Spray and Richard Johnson raised factors not included by staff in the Committee Report (eg the failure to assess the potential impact of the flood gates in the River Leven on flood levels on the Riverside Site), had board members been allowed to consider the Rescue Boat application they might have prevented the LLTNPA creating difficulties for itself.

## **The implications for landownership**

Following approval of the planning application, the Rescue Boat issued a short post on Facebook stating ([see here](#)): *“One hurdle over, one to go. Complete land transfer and get building”*.

The proposed development will be located mainly on land the LLTNPA leases from Scottish Enterprise, although the start of the new access road appears to cross a small section of land owned by the LLTNPA:



LLTNPA map presented to their Board in December 2018 annotated to show approximate position of the the Rescue Boat development: pink shows the proposed parking area, black the access road and yellow the buildings

The Rescue Boat must have agreed the proposed location with both Scottish Enterprise and the LLTNPA but, if there was any information about this in the planning documents, it has now been removed. It appears too that both Scottish Enterprise and the LLTNPA may have agreed to transfer the land to the Rescue Boat but at what cost and under what terms does not appear to be public. It has not to my knowledge ever been openly discussed or agreed at a LLTNPA board meeting.

This land lies outwith the boundary of the most recent Flamingo Land Planning Application (see first map) and is not subject to Scottish Enterprise's Conditional Missives with them which still gives them the option to buy most of the land on the Riverside Site should they successfully appeal against the LLTNPA's decision to refuse planning permission. It appears therefore that the Rescue Boat may have been directed to this site NOT necessarily because it was the most suitable but because of what Scottish Enterprise and the LLTNPA were prepared to offer.

This area, however, was included in the first planning application submitted jointly by Flamingo Land with Scottish Enterprise in 2018. Moreover in 2015, prior to that planning application ([see here](#)), LLTNPA staff had – also without board approval – offered to hand over part of the land they owned or leased at the Riverside Site to whoever was appointed preferred developer for the Riverside Site:

*“The LLTNPA and LLSC (Loch Lomond Steamship Company) have indicated their willingness in principle to consider a land transfer to include part of this area within the West Riverside development”* (West Riverside sales brochure).

The boundary for the second Flamingo Land application, both the Mk 2 and Mk 3 versions ([see here](#)), excluded all the land the LLTNPA owned or leased at the pierhead. That has opened the door to other development proposals for the land, including that from the Rescue Boat. There are some further important implications IF Scottish Enterprise and the LLTNPA have agreed to hand the ownership of this land to the Rescue Boat:

1. It sets a precedent for both the LLTNPA and Scottish Enterprise, once the Exclusivity Agreement with Flamingo Land lapses, transferring other land they manage at Balloch to other not for profit organisations and more specifically the South Loch Lomond Community Development Trust;
2. It will make it harder for Flamingo Land to come back with a revised proposal for Balloch as it removes land that Scottish Enterprise could have offered to them and has important implications for any large-scale hotel/leisure complex on the edge of Drumkinnon Bay in future. This is because much of the land managed by the LLTNPA at the pierhead is used for car parking for the Duncan Mills slipway and the Maid of the Loch. Now the Rescue Boat car park has been added to that. Access to Flamingo Land's proposed aparthotel (see map above) was through these car parks and would inevitably have increased traffic congestion and affected other users ability to access the pierhead. It could now impact on the operation of an emergency service. While the location of the Rescue Boat, tucked into a corner of the site, does not preclude future development, it should help determine what sort of further developments might be acceptable.

## **The LLTNPA's proposal for a masterplan for the pierhead**

At their June Board Meeting the LLTNPA agreed to develop a masterplan for the pierhead area and allocated £2.4m for this purpose ([see here](#)):



Scale of investment required.

4.5. Balloch costs are a placeholder as these are as yet not developed. The funding required in Balloch, within the National Park Partnership Plan period, for the Pierhead Masterplan actions is **estimated** at £2.4million Inflation is not accounted for as a nominal allowance only has been made for costs in Balloch as within the period of the Route Map investment needs will become clearer in Balloch, and, where resourcing permits, they can be included in the programming.

Balloch	2024-25	2025-26	2026-27	2027-28	2028-29	2029-2034
Average required investment (without inflation)	£0	£0	£800,000	£800,000	£800,000	to be confirmed

Note 1. Investment costs are works only, which may be subject to both professional fees and VAT, together potentially an additional 42.5 %.

There was no mention in the board paper of the Rescue Boat planning application, its potential implications for the masterplan or why this amount of money was required when LLTNPA staff were clearly on the way to deciding how a significant part of the site will be developed. Perhaps some of the money, whose purpose was never explained, is to help pay for the Rescue Boat station?

What should be clear now is that any consultation on the pierhead masterplan risks repeating the Balloch charrette farce ([see here](#)), a fake consultation with the local community about what should happen in the local area when the LLTNPA had already decided what should happen and was, behind the scenes, backing Flamingo Land. One wonders what they now have in mind for the pierhead?

With the Balloch and Haldane Community Council (BHCC) now playing a very active role in influencing the planning system (they supported the Rescue Boat station) and having set up the Loch Lomond Community South Development Trust (CDT) the local community is in a strong position to demand the LLTNPA is transparent about all discussions they have had to date about the pierhead and to influence what happens there.

My understanding is the CDT has already registered an interest in the pierhead. That raises the question as to whether, rather than transferring the land to the Rescue Boat, Scottish Enterprise/the LLTNPA would be better agreeing to transfer the land to the CDT on condition they lease it to the Rescue Boat at a peppercorn rent?

More importantly in terms of outcomes for the local community and statutory aims of the National Park, the Community Development Trust could open the door to an alternative plan for the WHOLE of the pierhead, including the land still covered by Scottish Enterprise's conditional missives with Flamingo Land.

## **An alternative plan for the pierhead**

In my view, the starting point for such a plan should be a number of principles such as:

a) The landscape of Loch Lomond is more than precious and key to this is protecting its shoreline from further development (that includes Transport Scotland's proposal to upgrade the A82 by extending it out across the loch). While some low lying development on the shoreline among trees may be acceptable in some places to enable people to access the loch (the Rescue Boat photomontage provides an example), there should be no more developments that dominate the shoreline and any development related to accessing the loch should, wherever possible, be set back.

b) Any new development at the pierhead should support activities which depend on the natural qualities of the area (enjoying the landscape, wildlife and outdoor recreation) rather than the creation of new "attractions" as happened with Lomond Shores.

c) Any new development at the pierhead should meet the needs of both local people and visitors

Flamingo Land's proposed aparthotel and leisure complex at the pierhead did not deliver on any of those principles. It was far too large and right on the shore, was based on new attractions such as the leisure centre and monorail and threatened to swamp both the local community and visitors who want to experience the natural qualities of the National Park. All these principles/factors were completely ignored by the LLTNPA when deciding the planning application (While the LLTNPA did consider the impact of the size of the proposed development on nature, they failed to do so for people). They, or something similar, need to be at centre of the masterplan for the pierhead.

A good starting point to enable people to think concretely about what could happen, given the will, is some sort of watersports/activities hub for the pierhead. This would build on the boating traditions of the area, require much smaller/lower buildings than those proposed by Flamingo Land, help promote healthy outdoor recreation, complement existing developments at the pierhead and on the River Leven (the public slipway, the Maid of the Loch, the boat moorings, Sweeney's Cruises and now the Rescue Boat) and support existing local businesses operating on and at the edge of the water. Such a hub, so long as it was concentrated in the pierhead/Drumkinnon Bay area, could enhance the village of Balloch as a tourist development without swamping it.

Since the LLTNPA's decision to reject the Flamingo Land planning application I have been told about two past approaches by organisations with proposals to develop watersports activities in Balloch. Both were rejected by LLTNPA staff without, as I understand it, any consideration by the board. They are probably not the only ones. The point is the Riverside Site is a natural place for watersports and there are lots of watersports organisations and enthusiasts out there, some of whom have access to funding, who would be interested in improving and extending existing provision at Balloch and who could potentially work with the Community Development Trust.

In making these points I am not arguing there may not be other alternatives nor am I arguing that the local community development should focus all its attention on the water – there are other important land-related issues such as how to improve the woodland and greenspace, how to create some facilities for the local community etc. However, in trying to think about possible alternatives to Flamingo Land, a watersports hub at the pierhead appears a good place to start. I hope the information in this post may help stimulate further debate about this in the local community and among organisations representing those that visit the National Park.

If you want to be kept informed about the CDT, or join it if you live within the BHCC area, you can do so [here](#). You can also make a donation [here](#) – at the time of writing the CDT have raised £6,886

towards their initial target of £10,000. It would only need each of the 150,000 who objected to the Flamingo Land planning application to donate on average £1 for the CDT to have a lot of money relatively speaking.

### **Category**

1. Loch Lomond and Trossachs

### **Tags**

1. flamingo land
2. Freedom of Information
3. LLTNPA
4. Local communities
5. planning
6. Scottish Enterprise

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