Document 1

From: [redacted] on behalf of Minister for Public Finance
To: [redacted]; Minister for Public Finance
Cc: Cabinet Secretary for Finance & Local Government; DG Corporate; Spads Admin; Scott Ferrie; [redacted]; [redacted]; [redacted]; Fiona Simpson; [redacted]; Ruaraidh Macniven
Subject: RE: Briefing: land at Pier Road, Ben Lomond Way and Old Luss Road, known as West Riverside and Woodbank House, Balloch, G83 8QX - PPA-002-2021
Date: 08 May 2025 09:39:17

[Redacted],

Mr McKee has noted.

Thanks,
[Redacted]

[Redacted]
Private Secretary
Minister for Public Finance
[Redacted]

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From: [Redacted] <[Redacted]@gov.scot>
Sent: 07 May 2025 13:43
To: Minister for Public Finance <MinisterPF@gov.scot>
Cc: Cabinet Secretary for Finance & Local Government <CabSecFLG@gov.scot>; DG Corporate <dgcorporate@gov.scot>; Spads Admin <Spads_Admin@gov.scot>; Scott Ferrie <Scott.Ferrie@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; Fiona Simpson <Fiona.Simpson@gov.scot>; [Redacted] <[Redacted]@gov.scot>; Ruaraidh Macniven <Ruaraidh.Macniven@gov.scot>
Subject: Briefing: land at Pier Road, Ben Lomond Way and Old Luss Road, known as West Riverside and Woodbank House, Balloch, G83 8QX - PPA-002-2021

Minister for Public Finance

Copy to:

Cabinet Secretary for Finance and Local Government
DG Corporate Support Team
Special Advisors
Scott Ferrie, Chief Reporter
[Redacted], Assistant Chief Reporter
[Redacted], Assistant Chief Reporter
[Redacted], Assistant Chief Reporter
Fiona Simpson, Chief Planner
[Redacted], Head of Transforming Planning
Ruaraidh Macniven, Solicitor to the Scottish Government

Briefing on forthcoming Planning Appeal Decision

Proposal: 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; transport infrastructure; associated access and parking; landscaping and utilities infrastructure works

Site address: land at Pier Road, Ben Lomond Way and Old Luss Road, known as West Riverside and Woodbank House, Balloch, G83 8QX

Outcome: Notice of Intention - minded to allow the appeal and grant planning permission in principle subject to the 49 conditions and a planning obligation under section 75 of the Town and Country Planning (Scotland) Act 1997.

A reporter from the Planning and Environmental Appeals Division has made a decision in the above appeal, which will be issued on 16 May 2025, a notice of intention minding to allow the appeal and grant planning permission in principle subject to the 49 conditions and a planning obligation.

The appeal was submitted to Scottish Ministers on behalf of Flamingo Land Limited against the decision by Loch Lomond and the Trossachs National Park Authority to refuse the planning permission in principle application.

[Redacted]

The reporter is minded to allow the appeal and grant planning permission in principle subject to 49 conditions, following the signing and registering or recording of a planning obligation to secure the employment and environment issues that are set out in the “Lomond Promise”, a document prepared by the appellant setting out certain commitments to the environment and the community.

The application was refused planning permission by the planning authority - Loch Lomond and the Trossachs National Park Authority, on grounds that the site is at risk of flooding, the proposal would have an adverse effect on woodland including ancient woodland, did not demonstrate it would enhance biodiversity and would conflict with the first aim of the National Park (to conserve and enhance its natural and cultural heritage).

Almost all of the appeal site, which extends to approximately 18.9 hectares, is allocated in the LDP for “Visitor Experience” use and “Mixed Use” development. All of the site lies within the town boundary of Balloch. [Redacted]. The reporter considered the requirements of the National Parks (Scotland) Act 2000, which sets out four aims for national parks and gives priority to the first aim in the event of any conflict. [Redacted]

In relation to flood risk SEPA’s latest flood maps indicate that parts of the site are at a medium or high risk of flooding. The risk of flooding to parts of the site is not a recent phenomenon and was an issue of which the planning authority was aware when it resolved to allocate this land for development. However, the national policy position towards developing land that is at risk of flooding has become significantly more cautious. In addition, the extent of land that is now to be regarded as at flood risk has generally increased. [Redacted]

Effects on natural and cultural heritage, the reporter had regard to the requirement of NPF4 policy 1 to give significant weight to the climate and nature crises[Redacted]

The impact on socio-economic, tourism, recreation and public access effects, the reporter noted that the existing tourism offer in Balloch, as it includes a significant element of indoor tourist attractions – Loch Lomond Shores and the aquarium, is atypical of the national park as a whole, where outdoor attractions predominate. The appellant’s socio-economic studies found that proposing development across a range of sectors should maximise demand and de-risk the development in the event of an economic downturn. [Redacted]

[Redacted]

There was significant interest in this appeal with 1173 interested parties together with a large online campaign submitted by the Scottish Green Party, which generated around 200,000 individual objections. A more detailed summary briefing document is attached.

Kind regards

[Redacted]
Team Leader
Planning and Environmental Appeals Division (DPEA)
Scottish Government

Ground Floor, Hadrian House, Callendar Business Park, Falkirk, FK1 1XR

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[Redacted]

Document 2

Meeting between Minister for Public Finance and officials from Planning Architecture and Regeneration Division: Loch Lomond Trossachs National Park Lomond Banks LIVE planning application (LLTNP Ref: 2022/0157/PPP).

Thursday 05 September at 11.30 pm – via Teams

Present:

Minister for Public Finance – Ivan McKee MSP
[Redacted] – Private Secretary
Fiona Simpson – Chief Planner
[Redacted] – Head of Transforming Planning
[Redacted] – Principal Planner, PARD
[Redacted] – Senior Planner, PARD

1. [Redacted] gave an overview of the planning permission in principle application including revisions made since the previous 2018 proposal.
2. [Redacted] confirmed that the LLTNP planner's have recommended refusal and that the National Park Board will make a decision on whether to approve or refuse at its meeting on 16 Sept.
3. If LLTNP are minded to approve, given SEPA objection, it would be notified to Ministers. Ministers would have option to either clear or call in. If refused, the applicants would have a right of appeal. Ministers would have an option to recall the appeal.
4. LLTNP planner's reasons to refuse are based on 3 key elements: 1) Flood risk; 2) tree removal without appropriate compensatory or biodiversity enhancements; and 3) Overdevelopment of site. Only minor socio-economic benefits insufficient to outweigh the development plan.
5. It was confirmed that the current line to take is that this proposal is currently before LLTNP for their consideration, it would be not be appropriate to comment on the specifics of the case whilst this consideration process remains in progress.

[Redacted]
05 September 2024

Document 3

Planning appeal reference: PPA-002-2021

Proposed 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; transport infrastructure; associated access and parking; landscaping and utilities infrastructure works

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1. The reporter is minded to allow the appeal and grant planning permission in principle subject to 49 conditions, following the signing and registering or recording of a planning obligation under section 75 of the Town and Country Planning (Scotland) Act 1997 to secure the employment and environment issues that are set out in the “Lomond Promise”, a document prepared by the appellant setting out certain commitments to the environment and the community.

2. The application was refused planning permission by the planning authority - Loch Lomond and the Trossachs National Park Authority, on grounds that the site is at risk of flooding, the proposal would have an adverse effect on woodland including ancient woodland, did not demonstrate it would enhance biodiversity and would conflict with the first aim of the National Park (to conserve and enhance its natural and cultural heritage).

3. The appeal sought planning permission in principle on the basis of a series of maximum parameters. These were specified so that the environmental effects of the proposal could be assessed on a “worst-case” basis. That does not mean that what is ultimately built on the land will be to the full extent of those maximum parameters. It will be for the appellant to demonstrate, in subsequent applications for matters specified in conditions, the acceptability of its detailed proposals. These will not be able to exceed the quantum of development that has been described in the application for planning permission in principle.

<u>The principle of development</u>

4. The planning authority’s reasons for refusal raised no objections to the principle of developing the appeal site for the types of development that are proposed. However, that was a matter of great concern to objectors.

5. The reporter assessed each element of the proposals against local development plan (LDP) site allocations and policies before considering other material considerations.

6. Almost all of the appeal site, which extends to approximately 18.9 hectares, is allocated in the LDP for “Visitor Experience” use and “Mixed Use” development. All of the site lies within the town boundary of Balloch.

7. The reporter found the principle of development to be supported by the LDP site allocations, and to be generally supported by LDP policies, which promote Balloch as a strategic location for tourism development. A proposed boathouse on land identified as open space was found to be in conflict with the LDP, but as this would cause no harm to the open space and is a very minor element of the proposal, this did not alter his conclusions that, overall, the proposal was in accordance with the allocations and policies of the LDP.

8. The reporter considered the requirements of the National Parks (Scotland) Act 2000, which sets out four aims for national parks and gives priority to the first aim in the event of any conflict. [Redacted]

9. The reporter had regard to The National Park Partnership Plan 2024-2029, which sets out a long-term vision for the park and the steps that will be taken to achieve it. This identifies Balloch as one of the Strategic Development and Investment locations, where encouragement is given to “Investment that enhances Balloch as the main visitor and transport interchange hub for the National Park.” [Redacted]

Flood risk

10. SEPA’s latest flood maps indicate that parts of the site are at a medium or high risk of flooding. The risk of flooding to parts of the site is not a recent phenomenon and was an issue of which the planning authority was aware when it resolved to allocate this land for development. [Redacted]

11. NPF4 policy 22 introduced a revised and stricter approach to the principle of developing land that is at risk of flooding. It is no longer sufficient for a proposal to be able to demonstrate how design approaches such as raising the floor height of buildings and / or land, and providing flood water storage capacity on site, could avoid or minimise risks from flooding; the starting presumption is now that areas that are at risk from flooding should not be developed at all. This is known as the “avoidance principle”. However, the policy permits several exceptions to that principle. One is for “water compatible uses”, which would apply to the proposed boathouse. Another is for “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.”

12. [Redacted].

13. [Redacted].

14. [Redacted].

Effects on natural and cultural heritage

15. The reporter had regard to the requirement of NPF4 policy 1 to give significant weight to the climate and nature crises.

16. [Redacted].

17. [Redacted].

18. [Redacted].

19. [Redacted].

20. [Redacted].

21. [Redacted].

22. [Redacted].

23. [Redacted].

24. [Redacted].

25. [Redacted].

26. [Redacted].

27. [Redacted].

Effects on amenity

28. [Redacted].

29. [Redacted].

30. [Redacted].

31. [Redacted].

32. [Redacted].

Sustainable travel and effects on the road network

33. The planning authority describes Balloch as “the most sustainable and accessible location in the national park”. [Redacted].

34. [Redacted].

35. [Redacted].

36. [Redacted].

Socio-economic, tourism, recreation and public access effects

37. [Redacted].

38. [Redacted].

39. [Redacted].

40. The appellant’s updated socio-economic study predicts the creation of a net increase in employment of 61 FTE permanent jobs and a net additional annual increase in GVA of £3.4 million at the West Dunbartonshire level. [Redacted].

41. At the more local Vale of Leven level, where indicators of deprivation are higher, the updated study predicts a net increase in employment of 75 FTE permanent jobs and a net additional annual increase in GVA of £3.9 million. The reporter found this to be a long-term minor benefit to the overall economy and a major ([Redacted]) long-term beneficial effect for the accommodation and food services sector.

42. [Redacted], the appellant's staff forecast suggests a wide range of opportunities from not skilled roles (22% of the total) such as kitchen porters to highly skilled management positions (6% of the total). The majority of positions are predicted to be skilled (32%) or semi-skilled (41%).

43. The appellant's Lomond Promise commits the developer to delivering (among other things) a range of community benefits including adopting the Scottish Government's Fair Work First approach. This would commit the site operator to: investment in training; no use of 'zero hour' contracts; creating a diverse and inclusive workplace; paying the real living wage; and prioritising people from local communities in job opportunities in the construction and operating phases.

44. [Redacted].

45. [Redacted].

Conclusions

46. [Redacted].