

The LLTNPA's involvement in the Flamingo Land proposals

Description



The plan of Scottish Enterprise and the Loch Lomond and Trossachs National Park is to develop the greenspace next to Loch Lomond Shores and at the head of the River Leven. Is this what National Park

I was as shocked as the 33,000 people who signed the public petition after Scottish Enterprise announced the appointment of Flamingo Land ([see here](#)). To find out more about how this had happened I submitted Freedom of Information requests to the Loch Lomond and Trossachs National Park Authority and Scottish Enterprise in September and then a follow up to SE in November. While it has taken SE two months to respond to my last request [Scottish Enterprise FOI response 170114](#), the information provided is very clear compared to that provided by the LLTNPA [EIR 2016-051 Response](#)

. In November I showed that the claims made by the LLTNPA about their involvement in the appointment of Flamingo Land were totally misleading ([see here](#)). Together, the two responses from Scottish Enterprise show the LLTNPA's claims are a travesty of the truth and what's more that the LLTNPA has been involved in selecting a developer which scored less on the design objectives which it helped develop.

Here's what Scottish Enterprise has said about LLTNPA involvement:

“Loch Lomond and Trossachs National Park Authority (LLTNPA) endorsed the ‘SE Design Principles’ set out in the scoring document and were fully engaged in developing the marketing strategy as well as being part of the process to award Flamingo Land preferred developer status at West Riverside”




“The design principles were set out fully within the original marketing brochure and both this and the scoring document were endorsed by the LLTNPA.”

Contrast this with EIR 2016-051 Response where the LLTNPA failed to mention they had been involved in the marketing strategy or the scoring document and claimed their involvement had been about planning advice.

Correspondence and meetings with Scottish Enterprise

Scottish Enterprise sought informal pre planning application advice and met with a member of the Park Authority's planning team in March 2015. Email correspondence to arrange this meeting is attached in Appendix A.

A totally different view to SE. What is more, according to [SE FOI response 161017](#), the marketing strategy in which LLTNPA was involved “divided West Riverside into five development areas and stated that Scottish Enterprise (SE) would fully consider any interest in individual plots 1 – 5 as well as whole site interests.”

LOCATION	INTRODUCTION	SUBJECT PROPERTY PLANNING & DESIGN	SUB DIVIDED SITES	LOCH LOMOND SHORES	LOCH LOMOND & THE TROSSOCHS	THE OPPORTUNITY FURTHER INFORMATION
<p>1. BALLOCH STATION Size: circa 3.34 acres / 1.35ha</p> <p>Brief Description: This is the southern entrance to West Riverside of Balloch Bridge. It includes the two storey stone built Loch Lomond Visitor Centre, held on a lease, (former Balloch Railway Station Building) located on this site directly opposite Balloch Railway Station and Sweeney's Cruises. Also includes car park and parkland area.</p> <p>Potential Uses: Good quality, 'cycling friendly' hostel</p> <ul style="list-style-type: none"> • 20 private ensuite double/twin bedrooms and 40 beds in dormitory-style accommodation shared bathrooms • Communal lounge area • Cafe area offering breakfast, snacks and light meals throughout the day • At night, the cafe space should act as a bar, serving both guests and visitors • Secure bike storage, bike washing facilities and sheltered bike maintenance area • Public realm. <p>2. RIVER LEVEN Size: circa 8.61 acres / 3.46ha</p> <p>Brief Description: This parkland site is bounded by Pier Road to the west and River Leven to the east. The public footpath connecting Balloch town centre to Loch Lomond Shores runs through this site, however this could be reallocated on the site if required. There are also a number of pontoons, held on leases, on the River Leven that house numerous small craft for several boat clubs.</p> <p>Potential Uses: High quality lodge retreat:</p> <ul style="list-style-type: none"> • Upper four-star standard • Maximum of 50 lodges to ensure low impact • Quality and sustainable stone and timber-built lodges • Central service hub • Quality destination restaurant open to guests and visitors 		<p>3. PIERHEAD Size: circa 7.22 acres / 2.92ha</p> <p>Brief Description: This part of West Riverside includes public footpath and access road to the adjacent car park and slipway in addition to the Maid of the Loch (former steamer that is permanently located at the old pier). The majority of the site is parkland and enjoys the best views of the loch being located at the mouth of the River Leven.</p> <p>Potential Uses: "Rural retreat", boutique hotel:</p> <ul style="list-style-type: none"> • Upper, four-star tier • Circa 60 bedrooms • Restaurant & bar • Small leisure club/spa • Flexible meeting/function space (150 people) <p>4. SHORE Size: circa 6 acres / 2.43ha</p> <p>Brief Description: This site was originally earmarked for a second phase of Loch Lomond Shores and enjoys the high visitor numbers from the adjacent retail centre and aquarium. It is located on the banks of the sandy Drumkinnon Bay and is currently the home of several water sports operators.</p> <p>This site also includes a public car park which serves the adjacent public slipway. Any development will require relocation of public parking in the near vicinity.</p> <p>Potential Uses: Expansion of existing retail / quality restaurants.</p>		  		
		<p>5. DRUMKINNON WOODS Size: circa 19.03 acres / 7.7 ha</p> <p>Brief Description: This is a woodland site and although there are no Tree Preservation orders the vendor would like to retain the majority of trees and would encourage low impact development.</p> <p>Potential Uses: Lodge/Adventure Activity "Funfly", but good quality glamping units.</p>				

The suggested uses for each of the five development areas which went beyond anything contained in the LLTNPA Development Plan and included development of Drumkinnon Woods. It appears therefore that LLTNPA staff have been closely involved in deciding how the site should be used and what uses would be acceptable BEFORE any consultation with the local community. This raises further questions about the extent to which the LLTNPA manipulated the Balloch Charrette ([see here](#)), where the local community were not told about the appointment of Flamingo Land or, it now appears, the proposals that the LLTNPA staff had been engaged in scoping for each section of the West Riverside site.

There is reason to believe LLTNPA involvement goes further than this. In [EIR 2016-051 Response Appendix A](#) the LLTNPA only made public emails which date from March 2015 though I had asked for all written information about the development of the site without time limit. Its hard to believe the Park hold NO information about their close engagement with SE on the marketing of the site or that none of this took place before 2015 or indeed that they hold no other information about communications with SW about the site apart from that. The more probable explanation is the Park has decided to try and cover up the extent of their involvement in what should happen on the site. Why?

The LLTNPA's second claim was that:

“Scottish Enterprise invited the Park Authority’s Head of Visitor Experience to be involved in the process of reviewing the submissions for the West Riverside site. This involvement was in an

advisory capacity in relation to tourism considerations and separate from, and without prejudice to, any consideration of planning issues. The decision regarding a preferred developer was for Scottish Enterprise as landowner to make.”

This is disproved by SE’s two responses.

All the proposals were scored by a panel comprising of representatives from SE, LLTNPA and SE’s Property Advisors (Bilfinger GVA) in accordance with the issued evaluation criteria and methodology outlined in the attached development brief.

Moreover, the Developer’s brief [WR Interests – Dev Brief – Final](#) starts by saying:

Introduction

Scottish Enterprise, in partnership with Loch Lomond and Trossachs National Park Authority, are promoting West Riverside and the undeveloped sites within Loch Lomond Shores for tourism and leisure-based developments

Being in partnership with SE and scoring the developer’s submission, as described by SE, is very different to “reviewing” the applications and acting in an advisory capacity. What’s more LLTNPA were involved in a follow up meeting with Flamingo Land prior to the appointment being confirmed:

SE & LLTNPA had one meeting with Flamingo Land prior to progressing the award of preferred developer status. This meeting took place at the end of September 2015.

I believes this information confirms beyond doubt that LLTNPA were very involved in selecting the developer and therefore in selecting one set of proposals over another.

It gets worse than that however. The submissions were scored according to certain evaluation criteria, which rightly included design objectives , which LLTNPA was involved in developing.

SUBJECT PROPERTY

West Riverside is a site of circa 44 acres (18 hectares) and is largely public park and woodland, bounded by Loch Lomond Shores to the west, Loch Lomond to the north, the River Laven to the east and Balloch town to the south. West Riverside includes a mixture of stakeholders, namely Scottish Enterprise, Loch Lomond and The Trossachs National Park Authority and West Dunbartonshire Council.

West Riverside sub-divides naturally into five smaller separate development sites as highlighted on the plan below. Please note these are indicative only and the land can be sub-divided to meet the needs of the developer.

It should be noted that residential development may be permissible if viewed as enabling development for alternative uses on site.



PLANNING AND DESIGN

Loch Lomond and The Trossachs National Park Authority are the planning authority responsible for West Riverside and any development concepts and plans will require their approval. It should be noted that they are involved in this project and are fully aware of Scottish Enterprise's objectives.

Development will also need to consider appropriate design and quality standards given that it is situated within the National Park. This will include:

- The use of quality materials in-keeping with the wider built and natural environment (i.e. stone, timber, slate etc);
- A high level of integration between different uses;
- Public realm that invites and encourages footfall between Balloch and Lomond Shores;
- Retaining and enhancing public access to the River Laven footpath;
- Where possible avoiding the need for gated areas where the public is excluded;
- Retention of the former Station buildings opposite Balloch Station;
- Retention of the access road and public slipway.



While four developers

made submissions for this site two were very close:

2. Evaluation Criteria - Quality	% Weighting (Quality)	Score	Points Totals
Achievement of SE design objectives	25	3	75
Achievement of SE economic objectives	25	4	100
Financial viability & funding strategy	20	4	80
Deliverability & Programme	20	4	80
Community Benefits	5	3	15
Developers experience & track record	5	3	15
Quality Totals should equal 100%	100		365

Scoring of Flamingo Land bid (the information here and below comes from the scoring matrix supplied by SE under FOI)

In fact Flamingo Land scored just ten points more than the other developer although the scores are made up very differently.

2. Evaluation Criteria - Quality	% Weighting (Quality)	Score	Points Totals
Achievement of SE design objectives	25	4	100
Achievement of SE economic objectives	25	4	100
Financial viability & funding strategy	20	3	60
Deliverability & Programme	20	3	60
Community Benefits	5	3	15
Developers experience & track record	5	4	20
Quality Totals should equal 100%	100		355

The scoring of the rival front-runner, who name has been withheld under FOI

The unsuccessful bid scored more than Flamingo Land on the design objectives, experience and track record but less on financial viability and funding strategy and deliverability. What this tells us is – leaving aside the question of whether the design objectives which LLTNPA had been involved in developing were the right ones – that the LLTNPA has been involved in selecting a developer whose design proposals were second best. Now, if there had been huge differences with the other developer on deliverability or financial viability, this might have been justifiable but there weren't. The two developers were separated by just 10 points in all and the biggest difference between their scores was on design, what should have mattered most to the LLTNPA.

There are further questions you could ask about this. We now know from SE that “there was no provision for a score to be assigned for payment of the Scottish Living Wage”. Wages rates could have affected the financial viability of the proposals. Flamingo Land's accounts suggest that while it is a profitable company it also appears currently to pay many staff rates at or around the UK statutory living wage, i.e below the Scottish Living Wage. Now of course the other Developer might have been no different and there are many other factors which affect financial viability, but its also possible that the other Developer scored less on financial viability because it pays its staff more. It would be very interesting to know therefore whether LLTNPA staff, before they endorsed the scoring matrix, made any representations about the need for better paid jobs in tourism in the National Park and how the scoring matrix supported their statutory duty to promote “sustainable economic development” in the Park.

The consequences of all this are huge and undermine LLTNPA's claim that their involvement has been “without prejudice” to the planning decision and indeed to their wider statutory objectives. Supposing Flamingo Land submits planning proposals which accord with the submission the LLTNPA scored, I cannot see how the LLTNPA could possibly now refuse such an application – even if much

better alternatives are obviously available – as to do so would open up the possibility of Flamingo Land suing the Park for all their development costs. Their grounds for this would be that the LLTNPA had already endorsed what they were proposing, through approving their development bid, and that as a consequence they had been led up the garden path.

The converse of this is that it was very much in the interests of Scottish Enterprise to avoid a situation where they appointed a developer and agreed proposals which the LLTNPA then knocked back. It was in their interests therefore to involve the LLTNPA as far as possible and it appears they have done this very successfully. The LLTNPA should have never allowed itself to get into this position and its hands are now very dirty.

What is happening and what needs to happen

Based on experience of how they worked the camping byelaws, there appears a high likelihood that the LLTNPA are now working behind the scenes to win over selective stakeholders to what has already been agreed with Scottish Enterprise before any planning application is made. There has for example been a follow up consultation on how to develop the “cycling hub” proposal. The LLTNPA will then try and present Flamingo Land’s proposals as the only option and one that has sufficient enough support for politicians to be wary of intervening.

I don’t think this should be allowed to happen anywhere, let alone in the National Park. Rather:

- The LLTNPA ‘s Board should initiate a transparent review of its staff’s involvement in the process that led to the selection of Flamingo Land as preferred developer for the Riverside site and the implications for it as planning authority
- In order to re-establish public confidence the LLTNPA should commission a proper independent consultation – not the biased charrette which failed to put it and SE’s plans on the table – on the type and intensity of developments that would be appropriate for the West Riverside Site given its in a National Park. Until this happens any further work on developing Flamingo Land’s proposals should be suspended.

Category

1. Loch Lomond and Trossachs

Tags

1. Freedom of Information

2. LLTNPA
3. planning
4. Scottish Enterprise

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