

The Flamingo Land Planning Application – update and recent twists

Description

The arrangements for taking the planning decision

On 29th July the Loch Lomond and Trossachs National Park Authority issued a brief news statement setting a date for their Board visit to the West Riverside site (Monday 24th September) and for the Board Hearing and meeting which will decide the Flamingo Land Planning Application (Tuesday 25th September) ([see here](#)). Anyone who wishes to address the Board needs to have submitted a written response BEFORE the report by officers is issued – that is likely to be in early September.

Its not clear from the news statement whether the Loch Lomond and Trossachs National Park Authority is proposing to record and broadcast the meeting although it is clearly in the public interest that this should happen. After the Cononish goldmine hearing in March 2018 ([see here](#)), the LLTNPA produced a minimalist minute that failed to record the points made by objectors or how the then Board responded to them. The reason for this is fairly clear, the less that is recorded the harder it is to challenge any decision legally. That is the first reason why the verbal submissions made by both supporters and objectors and the deliberations by the Board at the meeting must be fully recorded.

The second reason is that few of the 55,000 objectors will be able to access the church hall where the meeting is due to be held, even if they did manage to take the time off. They should have a right to see and hear the basis of any decision by the LLTNPA Board. Highland Council already webcast all their meetings and an increasing number of other Planning Authorities are making arrangements to do so. Parkswatch has been calling for all LLTNPA Board Meetings to be recorded for some time and the Flamingo Land hearing should prompt them to follow the example of other Public Authorities.

Comments on Flamingo Land's revised Planning Application

Following submission of the revised planning documents in April, a number of detailed criticisms have been lodged on the Planning Portal which point out gaps in the evidence Flamingo Land has submitted and articulate further concerns. An example of this was covered by Parkwatch earlier this week ([see here](#)), flooding and drainage from the Woodbank House. Its not clear if the LLTNPA has asked Flamingo Land to address the gaps in information and issues in such cases but, if they have, there has been very little lodged to date on the Planning Portal. It appears therefore that officers believe sufficient information has been submitted by Flamingo Land for them to make recommendations to the Board.

Based on the precautionary principle, if the impacts are not clear by the time the LLTNPA comes to meet, one would hope senior management would have no hesitation in recommending to the Board that they reject the application. It will be interesting to see what happens.

Rather than strengthen their proposal, Flamingo Land's main tactic since April appears to have been to try and discredit objectors by claiming they don't understand what's really being proposed, don't know what they are talking about etc. In an exclusive interview with the Dumbarton Reporter for example ([see here](#)), Andy Miller, their sales director, is quoted as claiming that Save Loch Lomond would not have welcomed supporters of the development to the the public meeting they organised (and at which I spoke):

"I don't think it's something they would have been made welcome at".

What Mr Miller didn't bother telling the Dumbarton reporter was that he had been invited to join the platform at the meeting. Perhaps if he – or someone else from Flamingo Land had attended (he declined the invitation saying he was on holiday – I have seen the correspondence) – it might have encouraged some of Flamingo Land's supporters to attend? In any case, there is nothing to stop Flamingo Land organising its own meeting with a range of speakers present, for and against.

Judging by the fact that in late July Mr Miller felt the need to submit his own personal letter in support to the application, which has been widely circulated on social media in the last week or so, there appear to be not many "local" supporters of the application left.

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Customer Details

Name: Mr Andrew Miller

Address: Kirkton Byre Darleith Road Cardross

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the

Comment Reasons:

Comment: I support this development. the land is included in the Local Development Plan for 20 years as an area for tourism and leisure. WD is in need of investment on to jobseekers. 5000 kids live in poverty. We need to see how we can turn down this inward investment.

If this is all Mr Miller can say in support of the Planning Application for which he has acted as the voice of the developer for over two years now, that's telling. He starts his brief response by distorting the truth: "*the land is included in the Local Development Plan*". Anyone who has followed the Flamingo Land Planning Application knows that Drumkinnon Wood was NEVER earmarked for development in the LDP and that the Woodbank House site was earmarked for tourism, not housing. By making false sweeping claims such as this, Mr Miller has undermined all personal credibility.

After this, all Mr Miller can say in support of the development is that he believes there is no alternative for the people of Balloch. That is an ideological opinion which just so happens to support his own personal self-interest, as an employee of Flamingo Land. There are plenty of other potential visions for Balloch, the issue is that to date our public authorities have only been trying to support that of Flamingo Land.

Rather than relying on Mr Miller, following the unanimous decision of West Dunbartonshire Councillors to object to the Application ([see here](#)) Flamingo Land commissioned its consultants to try and discredit

the views of West Dunbartonshire Council. They were so anxious to do this that their report was lodged on the planning portal on 16th July the day before WDC lodged their own objection. I will look at Flamingo Land's other criticisms of locally elected representatives in due course, but the document starts by repeating Mr Miller's claims that all the land owned by Scottish Enterprise and Flamingo Land has always been earmarked for development. Here are their comments on their proposed development of Drumkinnon Woods:

- b. It is not correct to say that areas of the site have been 'deliberately excluded' from the LDP. It is not appropriate for West Dunbartonshire Councillors to surmise what the planning authority were when they prepared their Plan. It is not aimed at that portion of Drumkinnon Wood which is not within the LDP. It is uncoloured in the mapping shown on Page 53 of the LDP. Development can take place within this area of land. By the same token, Balloch town Centre, Loch Lomond Shores, and all areas of site are 'uncoloured' in the Balloch LDP mapping. There is no such thing as 'prohibited in principle' in all these areas. Where development is not allocated for a particular purpose, the merits of the individual application in this instance, the Application for planning permission in principle for the insertion of a limited number of woodland holiday lodges within the site, and design of these lodges, to be considered as part of any application. Conditions specified in conditions, will be required to take account of the impact on the ancient woodland, path networks, the INEOS pipeline etc etc., and any other likely to occur on those specific individual sites that can be provided for such development. A substantial programme of compensation has been articulated in the application documents, together with a woodland management plan for the entire application site, something which will be of considerable benefit to the health and sustainability of Drumkinnon Woods.

Parkswatch has covered the development planning process that led up to the adoption of the Local Development Plan process in considerable detail ([see here for example](#)). The facts are that Drumkinnon Woods were never earmarked for development in the LDP. What did happen was that Scottish Enterprise suddenly made a submission on the final draft of the LDP arguing that Drumkinnon Woods should be added to the rest of the Riverside Site and earmarked for some for "development". The LLTNPA, quite rightly, rejected this proposal saying there had been no consultation and criticised Scottish Enterprise for making the proposal at the last moment. The Reporter appointed by the Scottish Government to scrutinise the final plan upheld that decision. If this does not count as "deliberately" leaving Drumkinnon Woods out of the LDP, I don't know what would. Flamingo Land

know this, its probably the most important single factor that is likely to scupper the application from a planning perspective, hence why they are so keen to discredit that decision. Their suggestion that submitting a planning application for Drumkinnon Woods is little different from submitting an application for an area that is already developed, like Balloch town centre, is just smoke and mirrors. There is nothing legally to prevent anyone – you don't have to the landowner to submit an application – submitting a planning application anywhere but the point of Local Develop Plans is they allocate land for different types of use. If you make an application to build a house on land already earmarked for housing that has a totally different status from an application to build chalets in a wood. Flamingo Land are trying to have it both ways, arguing that the application should be approved because SOME of the site has been earmarked for tourism while at the same time arguing that those parts of the land they and Scottish Enterprise own which are not earmarked for development should still be developed.

Flamingo Land are, in planning terms, on much weaker ground here than objectors who are generally not objecting to some of the land having been allocated to tourism. Rather they are objecting to the type and intensity of the tourism development that has been proposed and that nature and public amenity should be central to that, West Dunbartonshire Council being a case in point.

Flamingo Land should have had the grace to listen but instead have resorted to nitpicking and obfuscation in an attempt to discredit Councillors. I will come back to some of Flamingo Land's further claims about West Dunbartonshire Council's objection in future posts because its important they are challenged and the LLTNPA Board understand that WDC has puts its finger on a number of very serious failings in the application.

Category

1. Loch Lomond and Trossachs

Tags

1. Development Plan
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3. LLTNPA
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