

LLTNPA Officers recommend refusal of the Flamingo Land Planning Application

Description

In the first bit of really welcome news ([see here](#)) to have emerged from the Loch Lomond and Trossachs National Park for some time, officers have recommended that the entire Flamingo Land Planning Application is refused. This includes both the proposals for land owned by Scottish Enterprise and the National Park itself on the Riverside Site and the land Flamingo Land bought at Woodbank House.

Among the reasons for recommending refusal are many of the issues that have been covered on Parkswatch over the last two years:

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10 **Reasons for Refusal**

The proposal would be contrary to:-

- (1) The Vision of the adopted local development plan;
- (2) Overarching Policy 1 (a successful sustainable place and a place) of the adopted local development plan (a) as it does The National Park being a successful, sustainable place by collective achievement of the 4 aims set out in Section 1 Parks (Scotland) Act 2000, and (b) in circumstances where The Authority must in its determination of the application give great first aim ("to conserve and enhance the natural and cultural area") as it is in conflict with the fourth aim and (c) as the plan support The National Park Partnership Plan;
- (3) Overarching Policy 2 (Landscape and Visual Amenity, Historic Natural Environment and Visitor and Recreational Experience) Policy 2, Natural Environment Policy 1, Historic Policy 1 parts (a), (b) and (c) and Natural Environment adopted local development plan together with the associated Guidance (Visitor Experience and Listed Buildings and Conservation);
- (4) Scottish Planning Policy (2014) Valuing the Natural Environment 212, 216 and 218 and Scottish Government Policy on Woodland Criteria for determining the acceptability of woodland removal Environment Policy for Scotland (Policies HEP2 and HEP4);
- (5) The National Park Partnership Plan, specifically Outcome 1: Outcome 2: Landscape Qualities and Outcome 8: Visitor Management

All for the following reasons :-

- (1) The scale and height of the proposed development at the with the loss of tree canopy cover within Drumkinnon Wood adverse impacts on:
 - the Special Landscape Qualities of The National Park on localised views in and around Loch Lomond & Castle Inventory Garden and Designed Landscape, and the southern approach to Drumkinnon Bay on Loch
 - the setting of the Category A Listed Drumkinnon Bay including Slipway and on important views from within Castle Inventory Garden and Designed Landscape; and
 - the recreational and visitor experience within the immediate

While I have little doubt that part of the reason officers have been allowed to reach this conclusion has been the level of public opposition to the proposals, both locally and nationally, which has united politicians across the political spectrum, it is wonderful to see the emphasis that officers have put on the founding aims of the National Park and the fact that where these conflict conservation should come first:

- 9.15.4 The significant adverse impacts of this application justify The National Park Authority applying greater weight to the first aim – to conserve and enhance the cultural heritage of The National Park – in the determination of the application. The intent here is to be clear that the application of the “Sandford Principle” is not considered to apply.
- 9.15.5 It is the officer’s recommendation to The National Park Authority that the approval of this application would compromise the objectives of the National Park designation and the overall integrity of The National Park and therefore should be refused. In coming to this conclusion, it is the officer’s view that the designation of this area as a National Park is the key statutory requirement that would be affected by this application if approved.

This is the first time in three years of blogging about our two National Parks that I can recall any significant decision paper making a recommendation based on the Sandford Principle. For example, in the case of the Cononish gold mine Planning Application, which also went to the LLTNPA Board, staff argued there was “*no need to invoke the Sandford principle*”. There are numerous other cases where conflict between either development or land-use and the conservation purposes of our National Parks have been ignored. Let’s hope this marks a turning point for both our National Park Authorities (think of all HIE’s planning applications at Cairngorm) and staff in both feel empowered by this welcome precedent to return to fundamental principles.

I will blog more about the Board Paper before the meeting on the 24th but meantime no-one should assume that this means the Flamingo Land Application will be rejected. As the paper makes clear, Board Members could reject the recommendation and approve the application. Even if the Board refuse the Application, the joint applicants, Scottish Enterprise and Flamingo Land could appeal to the Scottish Government. It is important therefore that comprehensive objections are presented to the application at the Board Meeting on the 24th – adding in places to the reasons officers have given for rejecting the application. It is also incredibly important that the public attend and keep up the pressure in any other way they can.

Category

1. Loch Lomond and Trossachs

Tags

1. conservation
2. Development Plan
3. flamingo land
4. HIE
5. LLTNPA
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7. Scottish Enterprise
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