

The battle for Balloch continues – Flamingo Land and the LLTNPA meeting on 24th September

Description

Last week I welcomed ([see here](#)) the recommendation by officers that the Loch Lomond and Trossachs National Park Authority Board should reject the Flamingo Land planning application. I praised the fact that part of their recommendation is based on the Sandford Principle which states that where there is a conflict between the statutory objectives of the National Park Authority, conservation should come first. That principle has, in recent years, been noticeable for its absence in Park decision making processes. Its with some regret therefore that, having considered the 124 page report over the last week, I have come to the conclusion that overall its very weak. The apparently positive recommendation knocked me off my guard.

Its not just me that believes this. Andy Miller, Sales Director of Flamingo Land, after a lot of spin about how Balloch would lose out if the development was not approved, was quoted in the press as saying:

" We remain hopeful that the national park board will recognise the merits of the scheme and grant permission for the proposals at their meeting on September 24?"

I think that Mr Miller is right. Even if the Board uphold officers recommendations, as they stand they are very vulnerable to appeal. They also appear designed to facilitate an ever so slightly scaled down version of Flamingo Land to be approved in the not too distant future. This post explains the issues and suggests what opponents of the scheme need to do for the Board Meeting on 24th September.

The reasons for refusal

The weakness of the report is best appreciated by reading the final page of the report, "Reasons for Refusal":

All for the following reasons :-

- (1) The scale and height of the proposed development at the Pierhead (along with the loss of tree canopy cover within Drumkinnon Wood) would result in adverse impacts on:
 - the Special Landscape Qualities of The National Park and in particular on localised views in and around Loch Lomond Shores, Balloch Castle Inventory Garden and Designed Landscape, Cameron House and the southern approach to Drumkinnon Bay on Loch Lomond.
 - the setting of the Category A Listed Drumkinnon Bay Winch House including Slipway and on important views from within and to Balloch Castle Inventory Garden and Designed Landscape; and
 - the recreational and visitor experience within the immediate and close vicinity to the Pierhead.
- (2) The proposed lodges and reception buildings within Drumkinnon Wood would result in an unacceptable loss, deterioration and fragmentation of ancient woodland habitat.
- (3) The application has not demonstrated that there will be no adverse impacts on the character or integrity of the Category A Woodbank House and associated outbuildings.
- (4) The demolition of Woodbank House "Agricultural Building", which is protected under the existing Listing of Woodbank House, would result in the unacceptable loss of a building of special interest, and it has not been demonstrated that the building is not capable of repair.
- (5) The information submitted has not demonstrated that the enabling development proposed is the minimum necessary to secure the long term future of the Listed Buildings at Woodbank.

In the paragraph preceding this the LLTNPA state the proposed development is contrary to the vision in the Local Development Plan and numerous policies. That all sounds great until you realise that all these reasons for objecting – that the concerns about the natural and cultural heritage and people's enjoyment of the area -only apply to three quite small areas and three aspects of the development: the large hotel at the pierhead; the development of Drumkinnon Woods and Woodbank House (3 out of the 5 reasons for objecting above).

Everything else, LLTNPA officers are effectively saying to their Board, is quite acceptable, including the proposals:

- to create 449 NEW car parking spaces and attract new cars to Balloch
- to turn the main part of the West Riverside site, a valued open space, into a chalet park
- to develop all the land, apart from Drumkinnon Woods, not earmarked for development in the Local Development Plan

What's more, the Report makes it very clear that the assessment is focussed on the "*maximum extent of development, as set out in the applicants' parameters plan*". What this means is that Park officers are ONLY saying that the proposed hotel at the pierhead unacceptable because of its size – its maximum proposed height is around 24m (Flamingo Land submitted conflicting information on this). By doing this the LLTNPA have avoiding tackling the principle of whether it is appropriate to locate a hotel on a prime section of loch shore valued for recreation and its views. This approach leaves the door wide open to Flamingo Land to submit a new application for a slightly smaller hotel. No wonder Andy Miller is confident, its not just bluff.

The LLTNPA's objection to the proposed development of Drumkinnon Woods is stronger, precisely because it is not just based on maximum parameters:but looks at the development of any development!

“The proposed development of accommodation buildings, even at a smaller number, would lead to a deterioration of the woodland.”

Talk about inconsistency! The Report then goes on to say:

“Other low impact recreational development such as tree-top walks and children’s play areas may be acceptable within Drumkinnon Woods however no supporting information regarding the detail or associated impacts of these elements of the proposal have been provided.”

Leaving aside Woodbank House, where the Park’s officers given three reasons for rejecting the proposals – which are very similar to those raised on parkswatch ([see here](#)) – the reasons being given to the Board for rejecting the application are:

“that there is very limited scope for any development in Drumkinnon Wood, however there is the potential for a smaller scale development in the Pierhead area.”

That’s it. That should concern everyone who has objected to the development as being inappropriate to a National Park or because of its adverse impacts on the local community.

Besides finding ALL the proposals apart from those described above acceptable in terms of its plans and policies, the Report also dismisses all the concerns that have been lodged about the negative aspects of the development. Its impact on natural habitats, from woodland to loch, flooding, pollution, disturbance to neighbours, other local businesses – the list goes on – none of these impacts are found to be reasons to reject the proposed development. That is staggering, its not putting conservation first.

The implications of the Report

Having put in writing that they believe there is no problem at all with most of the development in planning terms, the LLTNPA’s senior management have made any decision by the Board very vulnerable to appeal by Flamingo Land. A Scottish Government Reporter would only need to find a 24m high hotel acceptable and the way would be clear for almost all the development to go ahead.

The Report also lays the ground for Scottish Enterprise and Flamingo Land to come back with a slightly amended application in six months time. Having accepted most of the development in principle this time round, the precedent would have been set on planning grounds and a new application for Planning Permission In Principle processed in double quick time.

The Report and the Park’s relationship with Flamingo Land

All this will come as no surprise to those who have been following the Flamingo Land saga. Senior Management in the LLTNPA have been behind Flamingo Land from the start. Jackie Baillie, the local MSP, recently revealed in her objection to the development that her understanding was that Fiona Logan, the previous Chief Executive of the LLTNPA, had visited Flamingo Land in Yorkshire. If true, that explains almost everything.

The LLTNPA were then part of the interview panel which appointed Flamingo Land. The Report – and the Planning Officer would not have written this section – appears designed to mislead Board Members on this:

“8.12.4 Conflict of Interest: In addition to the landownership issues referred to above [a reference to the land owned by the LLTNPA which is included in the Planning Application [\(see here\)](#)] concerns have been raised that The National Park Authority has a conflict of interest as it sat on the panel for selecting the developer for the site. It should be noted 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”

This is wrong. Its worth quoting again [\(see here\)](#) what Scottish Enterprise said about the Park’s involvement in the process:

“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.”

Design principles are part of planning and the LLTNPA were heavily involved in Flamingo Land’s appointment. The fact is that the LLTNPA decided some time ago that is wanted to see a development like Flamingo Land at Balloch. Having already made up their minds on the nature of the development they wanted to see at Balloch, they were hardly likely ever to allow their staff to write a really strong objection to the Flamingo Land Planning Application. Forced to respond to the huge opposition to the development, senior management have had little option but to recommend refusal but they have done so in a way that would allow a slightly amended version of the plans to go ahead in future.

Having encouraged Flamingo Land to push ahead with these plans for quite some time, however, the LLTNPA would be very vulnerable to being sued if the plans were kicked out entirely. I feel some sympathy with Flamingo Land on this, they have been led down the garden path by National Park officials who have no understanding of what National Parks should be about.

What needs to happen

The fundamental aim of objectors over the next 10 days has to be to get the Board to strengthen their reasons for rejecting the application on 24th September. That can be done partly by protesting, by letting LLTNPA Board Members know that rejecting the Application on the limited grounds given in the

Report is not acceptable.

Objectors also, however, need to expose all the flaws in the report, particularly the reasoning which has resulted in it finding most of the proposals are acceptable in planning terms.

There is nothing to stop members of the public sending representations on this directly to Board Members on this. For example, it could help if everyone who has been stuck in a traffic jam in Balloch wrote to Board Members saying that in their experience West Dunbartonshire Council was right to object to the application on grounds of increased traffic – the Report dismissed Councillors concerns, relying on bureaucratic methodologies rather than evidence of what happens on the ground). Direct representations, however, are challenging as unlike in the Cairngorms National Park Authority Board or Local Authorities, the only Board Members whose contact details are readily available are Local Councillors. If lobbying directly, however, you need to be aware that Board Members while being able to read representations, are likely to say they are not allowed to comment.

The most important means of influencing the Board in planning terms, however, is for objectors who are called to speak on the 24th (we still don't know how the Park will arrange this) to expose the flawed reasoning in the Report. Speakers then need to explain why a particular aspect of the proposed development should be explicitly rejected in terms of the Park's statutory objectives, plans and policies – otherwise Park officials will dismiss the representation as "not a material consideration". For example, in terms of transport, the Board needs to be called upon to state clearly that adding 449 new car parking places is incompatible with the Park policy which states developments should make *"a positive contribution towards safe, sustainable travel"*?

If you have asked to speak, do try and read what the Report says on the issues that concern you and tailor your arguments around this. That will ensure that in planning terms they cannot be dismissed.

While it will be interesting to see how the Board respond on the 24th, its quite possible they will approve the report unamended. That could, as explained above, pave the way for a revised Flamingo Land application to be passed next year. In order to try and prevent, I will be writing to the Chief Planner for Scotland before the Board Meeting to register concerns about the Park's involvement in the selection and appointment of Flamingo Land and how this has affected the conclusions its reached in the Report. More about all of this next week.

Category

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Tags

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Author
nickkempe

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