

Flamingo Land's Mark II Planning Application at Balloch (1) – overview of what is happening

Description

Details Comments Constraints (88) Documents (477) Related Cases (6) Map

Summary Further Information Contacts **Important Dates**

Application Received Date	Mon 16 May 2022
Application Validated Date	Wed 25 May 2022
Expiry Date	Fri 22 Jul 2022
Actual Committee Date	-
Latest Neighbour Consultation Date	Tue 21 Jun 2022
Standard Consultation Date	Wed 22 Jun 2022
Last Advertised In Press Date	Tue 07 Jun 2022
Last Site Notice Posted Date	Tue 31 May 2022
Agreed Expiry Date	-
Permission Expiry Date	-
Environmental Impact Assessment Received	-
Determination Deadline	Sun 25 Sep 2022
Temporary Permission Expiry Date	-

Extract from the Flamingo Land Planning application, important dates. Note how the date the EIA was recorded and how the LLTNPA will miss the determination deadline (the date the application is meant to be determined this coming Sunday).

Since the petition launched by Green MSP Ross Greer in July, there had been relatively little publicity about Flamingo Land's revised planning application at Balloch until recently. The full page article by Kevin McKenna in the Herald on 10th September ([see here](#)) which covered a number of key issues

was, therefore, most welcome. Then, this week, Ross Greer issued a news release ([see here](#)) – which was picked up by the Herald ([see here](#)) – claiming that under the Environmental Impact Assessment (EIA) Regulations the Loch Lomond and National Park Authority (LLTNPA) should have re-advertised the Flamingo Land planning application after the Landscape Visual Impact Assessments (LVIAs) which had been omitted from the original EIA were lodged on the planning portal on 3rd August.

This post provides a short summary of the planning process to date prior to outlining a number of key issues which I will look at in more detail in a series of posts. It follows the three posts that I wrote between the end of May and the end of June. These looked at the main differences between the current planning application and the original ([see here](#)), explained how Flamingo Land's proposals will still destroy part of Drumkinnon Woods despite their pledge not to develop the ancient woodland site ([see here](#)) and argued that the proposals in the new application are still incompatible with the LLTNPA's policies and land allocations for "Visitor Experience" as set out in their Local Development Plan.

The challenge of understanding what is being proposed and the objections to date

As of today there are 477 documents on the planning portal ([see here](#)). By my count 57 of these have been submitted by Flamingo Land, of which 21 comprise the "main" application and 36 the EIA (including the LVIAs which were submitted 3 months late). The Design Statement, which comprises 7 documents, provides an overview of the development but is very short on detail.

The EIA is far more extensive. However, as Ian Cowan (an environmental and planning law consultant) explains in his submission on behalf of Ross Greer ([see here](#)), it is very difficult to follow while the non-technical summary, required by the EIA regulations, is unfit for purpose. Ian Cowan's 35 page submission contains a forensic analysis of some of the gaps and contradictions contained in the application, particularly the information Flamingo Land has provided about the impact the development is likely to have on ancient woodland and on car parking (e.g it appears far more parking spaces are being proposed than is declared in the design statement). The submission argues – rightly in my view – that it is the LLTNPA's job to ensure Flamingo Land is transparent about what is being proposed and so far they appear to have done nothing to ensure this happens.

In this the LLTNPA have form, having removed all the documents associated with the original application ([see here](#)) except for the EIA, Committee Report and the documents relating to the subsequent withdrawal of the application by Flamingo Land. This makes it very difficult for the public to compare what was originally proposed with the current application or to see how statutory consultees (see below) and other organisations have responded to the changes. Perhaps the LLTNPA is wanting to cover up the fact that having failed to respond to the original application, they have done so now?

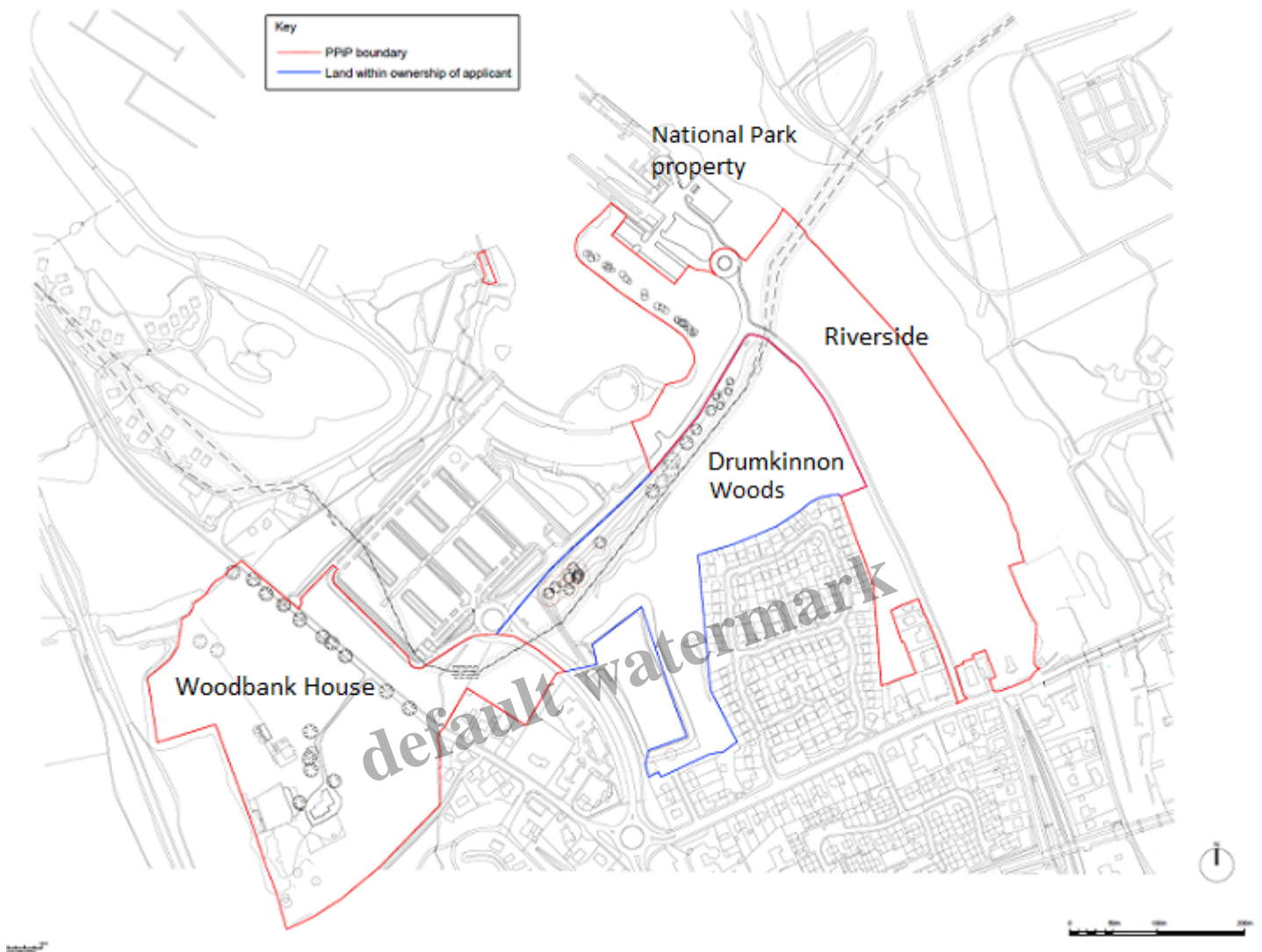
Around 80% of the 477 documents are comments by the public on Flamingo Land's application. The majority appear opposed to the development. While many of these are brief, some are based on detailed analysis of the documents submitted as part of the application and, like Ian Cowan, identify gaps, mistakes and contradictions in the information supplied by Flamingo Land which the LLTNPA will need to address.

In planning terms the most important responses the LLTNPA needs to consider are those from statutory consultees, such as NatureScot, the Scottish Environment Protection Agency and West Dunbartonshire Council. These comments carry far more weight than those of the public because of their statutory duties and technical expertise. While none have so far objected, a number have also identified gaps and contradictions in the documents submitted by Flamingo Land – which will need to be addressed – or require further information to be submitted.

Planning Authorities also tend to give more weight to comments from local organisations than individual members of the public, whether those responses are well-informed or not. A handful of such organisations have submitted comments to date, the majority of which are in favour of Flamingo Land's proposals. In the case of organisations that are supposed to represent the public, that raises some questions about how and why they have decided not to do so in this case.

Part of the difficulty that everyone with an interest in this application faces (which helps explain the range of views) is not just its poor quality but that it is for what is known as Planning Permission in Principle (PPP). This means that the developer does not have to submit the sort of detailed plans which would enable those interested to see what they are actually proposing. While most of the general public now appear sceptical about Flamingo Land's proposals, local voluntary organisations generally appear far more trusting of Flamingo Land's intentions. The ultimate proof of who is right lies in a pudding that is concealed from view and which may never be seen if the application is rejected. That should not be acceptable for a development that has such major implications for the statutory objectives of the National Park and the local area. The risk is that even if the application is rejected, it will be followed by years of rancour if people start arguing about what might have been based on very limited information.

There is also a major contradiction at the heart of this application for planning permission in principle. Instead of being for one site, as previously, Flamingo Land's proposals cover two separate sites. These could in theory be developed quite independently, with a development at Woodbank House being given the go ahead even if that for the Riverside Site is rejected. There is almost nothing in the PPP documentation to explain the interrelationship between the two sites so why not treat them as separate developments? The answer is that the commercial viability of any visitor attraction at the Pierhead is likely to depend on the number of overnight visitors and the proposal for a significantly larger development in the grounds of Woodland House is critical to that. Hence why the one recent story Flamingo Land has put out to the media is designed to "sell" its new plans there ([see here](#)).



The hole at the heart of the PPP, the land between the Riverside Site and Woodbank House

What Flamingo Land hasn't properly explained and appears to be missing from the PPP documentation is how people will move between the two developments and the impact this will have on the land between that has been removed from the revised planning application. At present it's not an appealing walk so the risk is either people drive, adding to the likely travel chaos, or that Flamingo Land's real intention is still to develop some visitor attractions on the main part of Drumkinnon Woods which is still "under its control" as a result of the Exclusivity Agreement it signed with Scottish Enterprise. Unlike the Riverside part of the site, where Flamingo Land is proposing a monorail to make its proposed visitor attraction easier to get to, there are no proposals for any alternative transport links between Woodbank and the Pierhead. If this PPP is to be fit for purpose, some of the most important issues that require to be addressed appear to be missing.

How far the LLTNPA intends to address these gaps and issues and the time this might now take (having missed the deadlines for coming to a decision) is unclear. So far the LLTNPA has not made public any of its initial response to the information Flamingo Land has submitted. All the public can be

certain of is that before the LLTNPA can make a decision it will have to publish a Habitats Regulations Assessment (required by legislation that implemented the EU Habitats Directive) on the lamprey that migrate down the River Leven. NatureScot, who are responsible for protecting such habitats, required the LLTNPA to undertake a similar HRA for the last application, so this is purely a box ticking exercise. That HRA concluded that any impacts on the Endrick Water Special Area of Conservation could be mitigated so it should be a simple matter for the LLTNPA to update and publish it. That would give the public and those with specialist knowledge of the wildlife in Loch Lomond time to comment.

Further posts

With no determination date in sight, the public are still able to comment on Flamingo Land's revised planning application. I hope the posts I plan to publish over the next few weeks will assist with the process. At present I hope to cover the follow issues that are relevant to the application:

- The LLTNPA estate department's comments on the application and their implications
- The Landscape Visual Assessments submitted by Flamingo Land in August
- Local views on the application, as assessed by two separate surveys, and the response of Balloch and Haldane Community Council
- The responses from public authorities
- The revised proposals for Woodbank House and their impact
- Parking, traffic and transport – perhaps the single greatest concern locally – including the comments from Loch Lomond Shores which demonstrate the massive hole at the heart of the PPP.
- The impact that the development of the Riverside Site will have on outdoor recreation and greenspace
- A further look at reasons to be concerned about the planning process, including conflicts of interest.

Category

1. Loch Lomond and Trossachs

Tags

1. flamingo land
2. LLTNPA
3. NatureScot
4. outdoor recreation
5. planning
6. public transport
7. Scottish Enterprise

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