

Flamingo Land's Mark III planning application on Loch Lomond in trouble

Description

I had hoped to cover the members debate that took place in the Scottish Parliament on 12th March about Flamingo Land's revised development proposals for Balloch on my way to the Alps two weeks ago, but doing that on the phone proved beyond me. It followed a previous members debate, also sponsored by local list Green MSP Ross Greer, which took place last June soon after Flamingo Land's new planning application had been submitted.

While the debate, like the previous one, was poorly attended by MSPs it appears to have helped publicise the impacts of Flamingo Land's proposed development and raise its political profile. Initially the number of objections to the revised application was relatively low compared to the 60,000 lodged against the original application, a record for Scotland, but there have now been over 55,000 objections lodged through the Greens. That matters. Whatever politicians and planners say about due planning process, the court of public opinion counts and helps counter the many flaws in Scotland's planning system.

The debate in the Scottish Parliament and its implications for the planning application

The motion proposed by Ross Greer (it was not voted on) was significant:

"That the Parliament recognises what it sees as the popularity of Loch Lomond and The Trossachs National Park as a result of the area's world famous natural landscape and wildlife; considers that, while this popularity brings economic benefits to local communities, it also results in challenges such as traffic and parking congestion, antisocial behaviour and disruption for residents; believes that Flamingo Land's recently revised plans for a massive tourist development at Balloch, including 104 lodges, two hotels, a water park and 372 parking spaces, would significantly worsen these problems, while providing insufficient benefit to the local economy; notes the work undertaken by Loch Lomond and The Trossachs National Park, VisitScotland and other stakeholders to encourage green tourism; considers that there is still much more to be done to achieve the collective aspiration for a more sustainable and respectful use of the park by visitors, and notes the calls on Loch Lomond and The Trossachs National Park to recognise what it sees as the overwhelming view of the local community, shared by the National Trust, Woodland Trust, Ramblers Scotland and others, and reject what it considers Flamingo Land's latest unwelcome application."

If you ignore the references to anti-social behaviour, which in my view are a complete red herring, the motion was far bolder and more critical than the rather tentative motion debated last year ([see here](#)).

Instead of noting concerns, a position which could be described as sitting on the fence, it called the application "unwelcome", in other words as having no redeeming features. After acknowledging the

recent changes to the application ([see here](#)), Ross Greer went onto the offensive:

“However, the ancient woodland is not safe from a sell-off, and, as is described in the Woodland Trust’s briefing, which was circulated to MSPs, other sections of ancient woodland are still under threat.

There are so many flaws in the third attempt at a proposal. The development would still be much bigger than the visitor experience space that is zoned in the national park’s planning policy, and it would be a scar on a world-famous landscape. The landscape and visual impact assessment admits that there would be adverse effects.

Flamingo Land keeps telling us that there would be no negative impact on access, but that would be simply impossible to achieve. A popular public space for informal recreation cannot be turned into a densely packed, branded and privately owned holiday lodge park without a loss of freedom to roam.

A busy attraction with 372 parking spaces certainly is not compatible with the park’s net zero objectives or the Scottish Government’s policy of reducing car use.

That encapsulates a number of the key issues:

- Scale. The development is far too big and the Loch Lomond and Trossachs National Park Authority (LLTNPA) should have NEVER earmarked so much of the remaining space in the village of Balloch for development.
- Private use versus public enjoyment. The LLTNPA has a statutory duty to promote public enjoyment NOT private interests but despite that joined Scottish Enterprise in appointing Flamingo Land as the preferred developer for the site and originally allowed its own land to be included in the original application ([see here](#)).
- Climate change and nature. I intend to cover the 372 proposed parking places in a separate post but they are completely inappropriate at the gateway of a National Park which is now being tasked with taking a far more proactive role in tackling the climate emergency and restoring nature.

On the local front, the contribution to the debate from Jackie Baillie, the local constituency MSP, who is usually very cautious on planning matters was also extremely significant:

“In the summer—indeed, at any point when the sun comes out—there is regularly gridlock on the A82 at Stoneymollan roundabout. As people head to Loch Lomond, that becomes worse past the roundabout. Traffic on the A811 is also affected. It does not take much traffic for the road to grind to a halt. Adding extra vehicle movements and visitors from a development of the size proposed will have an impact.”

The developers say that the impact will be minimal. They say that they will encourage active travel and will provide incentives to use the local rail services. That all sounds really good, but if I go on a self-catering holiday, I will take my car filled with what I need for the week or the weekend. The reality is that that encouragement might be helpful when people get on site, but their movements on and off site will have an impact. Local knowledge matters at times such as this—people need to be clear about that.

This demolishes the deeply flawed Transport Assessment which claimed that the existing road network

could support increased traffic attracted by the development ([see here](#)). While careful not to criticise Transport Scotland or West Dunbartonshire Roads Dept, it is interesting that the local MSP is only too aware of the traffic issues they have chosen to ignore. Jackie Baillie went on to ramp up the political pressure on the LLTNPA:

“I will be very clear, for the avoidance of doubt. If the application is to pass, the roads infrastructure needs to be addressed. Otherwise, to be frank, the application should not proceed. That is an absolute red line for me, because the local community has borne enough with the existing roads infrastructure”.

If that was not enough, there was another very significant contribution from Ivan McKee, the Scottish Minister responding to the debate, whose brief includes responsibility for tourism:

I am sure that members are aware that our national parks have a number of duties and driving objectives, including supporting their tourism economy. However, their underpinning aim, which takes precedence in any decision making, is to conserve and enhance Scotland’s natural and cultural heritage. I am confident that the Loch Lomond and the Trossachs national park will apply that aim to its assessment of the Lomond Banks project. Indeed, having that kind of rigorous scrutiny process is one of the reasons why these decisions can take so long.

The same planning rules apply to our National Parks as to other Planning Authorities in Scotland, except for a few specific cases (such as the presumption against windfarms within their boundaries). This probably helps explain why our two National Park Authorities have often appeared no different to any other Planning Authority but Mr McKee makes a key point. What SHOULD make our National Parks different is not the planning rules per se but their four statutory objectives. These include not just conservation, as referred to by Mr McKee, but also the promotion of public enjoyment of the areas special qualities, wise use of resources and sustainable development.

In other words, while LLTNPA’s planners need to evaluate Flamingo Land’s proposed development against the new National Planning Framework (NPF4), which takes precedence over their out of date Local Development Plan, they need to do so within the context of their four statutory aims. This means that instead of glossing over those aims, as they have tended to do in recent years, the planners and the LLTNPA Board need to start giving them far more serious consideration. The fundamental issue here is quite simple, how could the construction of such a large visitor attraction on the shores of Loch Lomond ever be compatible with the statutory purpose of Scotland’s first National Park?

Failures of governance within the LLTNPA under the spotlight

It was also good to see Ross Greer highlighting in the Scottish Parliament an issue about which Parkswatch has been campaigning for some time:

“There is one other issue relating to the park authority that I encourage the minister and his colleague Lorna Slater to look into. When there is a controversial planning application, objectors are normally able to contact their councillors directly and make their views heard. Even though councillors on the relevant committee—the planning committee—would not be allowed to express an opinion on the plans, feedback from residents is an important part of the process, so it is unfortunate that Loch Lomond and the Trossachs National Park is the exception. Unlike any of the more than 500 other councils and national parks in the United Kingdom, that park does not publicise direct contact details for its board members. I know that many of my constituents want to address board members directly,

and the fact that they have no means of doing so leaves an unacceptable democratic deficit.”

Unfortunately, the response from Ivan McKee showed limited awareness of the issues:

“I take on board Ross Greer’s comment about the issue of contacting board members, and I can inform him that board members can be contacted through the board’s email address. As for his other point on this matter, my understanding is that, with regard to email addresses, board members are not subject to the same provisions as exist in local government legislation.”

While the LLTNPA has recently set up a facility to forward emails from the public to Board Members, this allows their senior management team to monitor ALL correspondence between the two. In my view, that is a breach of what should be a fundamental right respect of Board Members, whether elected or not, the right of the public to communicate with the them in confidence, without staff seeing those concerns first. Given that all MSPs speaking in the debate agreed local views are very important, it is incredible that in the LLTNPA local resident have no means of passing them on confidentially to the people they have elected and makes whistle blowing to board members, whether by the general public or staff, almost impossible. That is corrupt and does not need legislation to change, only an instruction from Scottish Ministers.

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