

The recommendation to reject the Flamingo Land planning application is not what it seems

Description

Late yesterday the Loch Lomond and Trossachs National Park Authority (LLTNPA) published an 187 page report ([see here](#)) with additional appendices for the board meeting on 16th September recommending board members reject Flamingo Land's proposed development at "Lomond Banks". While a welcome victory for campaigners, before anyone celebrates too much the reasons given at the end of the report for rejecting the planning application are very weak. That opens up the possibility of a successful appeal by Flamingo Land to the Scottish Government.

While many of the reasons given for rejecting the application sound green and in tune with National Planning Framework 4 (NPF4), in reality they have little substance. For example rejecting the application because there is insufficient compensatory planting of the trees that would need to be felled and because the development does not provide for enough restoration of nature are "issues" that can easily be fixed. All Flamingo Land needs to do to support a successful appeal is that LLTNPA officers failed to make them aware of these requirements and commit to addressing them.

Much more significant than these weak reasons for rejecting the application are the strong reasons for doing so that are left out. They don't include, for example, the impact on landscape (building an aparthotel and leisure complex on the shores of Loch Lomond is deemed acceptable), traffic and parking (the extra traffic that will be attracted by the development is deemed offset by improvements to the path network!) or access rights.

As I predicted in the first part of my story on the Flamingo Land Application ([see here](#)) the conclusions of the report (Section 9) are presented as "finely balanced" but with very little evidence for any of the arguments which allowed the LLTNPA's senior management to feel the political wind before deciding which way to go. That wind increased to Force 7 last week when Jackie Baillie, local MSP and Deputy Labour leader in Scotland, came out against the development ([see here](#)).

In my view, therefore, the key issue facing campaigners over the next two weeks is how to persuade the LLTNPA board to strengthen the reasons staff have given for objecting to the Flamingo Land application. The problem is the evidence suggests that most of the board members are now under the thumb of the Park's senior management team, particularly in respect of the Flamingo Land Planning Application, and are incapable of challenging anything they say or do.

HOW the arrangement for the board meeting on 16th September were agreed.

After the LLTNPA issued a news release on 16th July announcing their board had "agreed today" to hold a special meeting to determine the Flamingo Land planning application ([see here](#)) – a decision that turned out to have been agreed "by post" and in unexplained "exceptional circumstances" – I

submitted a Freedom of Information request to the LLTNPA asking for all they held about how this decision had been made. In response, I was sent a number of emails:

From: [Heather Reid](#)
To: [Chris Kane](#); [Chris Spray](#); [Claire Chapman](#); [Colin Lee](#); [Councillor Shonny Paterson](#); [David Fettes](#); [David Mackie](#); [Hazel Sorrell](#); [Martin Earl](#); [Maurice Corry](#); [Navid Foroutan](#); [Rhona Brock](#); [Richard Johnson](#); [Ronnie Erskine](#); [Sarah Drummond - LLTNPA](#); [Sid Perrie](#); [william.sinclair](#)
Cc: [Anna MacLean](#); [Gordon Watson](#); [Jane Kemp](#); [Kenny Auld](#); [Samantha Stubbs](#); [Simon Jones](#); [Stuart Meams](#); [Douglas Smith](#); [committeeclerk](#)
Subject: Board Meeting 16th September - Update
Date: 16 July 2024 09:00:53
Attachments: [Proposed Procedures for Determining Planning Application 2022.0157.PPP.pdf](#)

Dear Members,

It is proposed that the Board meeting scheduled for the 16th of September be used to determine the major Planning Application 2022/0157/PPP relating to land at Pier Road, Ben Lomond Way and Old Luss Road, known as West Riverside and Woodbank House (Lomond Banks), Balloch. This Planning Application will be determined by the full Board as opposed to the Planning and Access Committee under Standing Order 41c of the Board and 8b of the Planning and Access Committee.

For clarity, please find attached, in Board paper format, the information which sets out the process for establishing the meeting and **members are asked to formally respond to the recommendations by replying to this email** to either approve or reject them as set out.

If a majority of Members (9) give approval, the recommendations will be approved. This decision by correspondence is being undertaken in line with Board Standing Order 51 which allows a Board decision to be dealt with through correspondence in exceptional circumstances.

There are four key things to note about this email from Dr Heather Reid, the Convener: first the time the email was sent, 09.00.53; second that NO deadline was given for responses; third the paper that was attached was six sides (it now seems to have disappeared from the LLTNPA website); and fourth there was no explanation of the exceptional circumstances that justified the paper being agreed by email.

Just two and a half hours later Dr Reid sent another email (apologies I failed to download the screenshot but this is the text as provided in FOI 2024-032) – I have underlined key bits:

From: Heather Reid

Sent: Tuesday, July 16, 2024 11:25:18 AM

To: Chris Kane Chris Spray; Claire Chapman; Colin Lee ; Councillor Shonny Paterson ; David Fettes; David Mackie; Hazel Sorrell; Martin Earl; Maurice Corry; Navid Foroutan; Rhona Brock; Richard Johnson Ronnie Erskine; Sarah Drummond – LLTNPA; Sid Perrie ‘william.sinclair’.

Cc: Anna MacLean <Anna.MacLean@lochlomond-trossachs.org>; Gordon Watson <gordon.watson@lochlomond-trossachs.org>; Jane Kemp <Jane.Kemp@lochlomond-trossachs.org>; Kenny Auld <kenny.auld@lochlomond-trossachs.org>; Samantha Stubbs <Samantha.Stubbs@lochlomond-trossachs.org>; Simon Jones <Simon.Jones@lochlomond-trossachs.org>; Stuart Mearns <stuart.mearns@lochlomond-trossachs.org>

Subject: Re: Board Meeting 16th September – Update

Thank you to the Board members who have been able to respond to this decision this morning.

The date has now been confirmed with associated details on our website. A press release has also been issued on our website.

**Best wishes
Heather
Heather Reid
Convener**

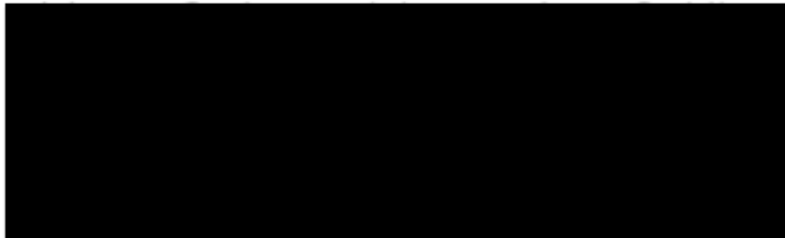
How likely would it be that 9 members of the board needed to make the decision (all busy people many of who have a day job) would have read Dr Reid's first email within two and twenty five minutes of it being sent, then read the paper, possibly had a think about it, replied and Dr Reid then had time to count up the responses and issue the news release? Â Â Having been in management, on boards etc I reckoned "no chance!"

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From: Martin Earl [REDACTED]

Sent on: Tuesday, July 16, 2024 9:02:02 AM

To:



CC: Heather.Reid@stirling.gov.uk

Subject: Re: [External] Re: Board Meeting 16th September - 1

Hello Heather,
I approve the recommendations as laid out
Regards
Martin

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I then looked at the time the responses were sent. Martin Earl, the Deputy Convener, nominated by Stirling Council had apparently read the email and scrutinised the 6 sided paper within two minutes! Superman! But he had nothing like the powers of Claire Chapman, Convener of the Planning Committee and Colin Lee who apparently replied BEFORE Dr Reid sent her email.

From: Claire Chapman [REDACTED]

Sent on: Tuesday, July 16, 2024 8:14:02 AM

To: Heather Reid [REDACTED]

CC: [REDACTED]

Subject: RE: Board Meeting 16th September - Update

Dear Heather

Thank you for the mail and the proposal.

I confirm my approval of these recommendations.

Regards

Claire Chapman

From: Colin Lee [REDACTED]

Sent on: Tuesday, July 16, 2024 8:22:02 AM

To: Heather Reid [REDACTED]

CC: [REDACTED]

Subject: Re: Board Meeting 16th September - Update

Dear Heather

They both must have been on holiday in a different time zone! Still, 14 mins for Claire Chapman – impressive!

Whatever the explanation for this charade, it is quite clear that many board members have only been too happy to undermine the National Park's formal governance procedures – not one who replied questioned what the exceptional circumstances requiring this decision by post were – and appear incapable of any critical scrutiny delegating all power for how the hearing into the Flamingo Land application would be heard to staff.

Its still not clear what arrangements staff will recommend. A letter was sent after the news release yesterday to people who had commented on the application asking them to register if they wish to speak to the board meeting within a week. Staff will then decide who speaks.

That's the same staff (Gordon Watson and Stuart Mearns) who have managed the planning system at Balloch in way that appears designed to try and get the Flamingo Land Planning application through ([see here](#)). The Park has also recently issued public statements about the need for "balance" at the meeting. This appears to mean that Ross Greer MSP, representing 150,000 objectors, or Jackie Baillie MSP whose survey of the local community found most against or the local community council will be "matched" against objectors who will be given equivalent time. If correct, this means it is going to be extremely hard to influence the board at the meeting.

And if objectors try and find a way to contact board members directly (none have public emails) Dr Reid has told them they mustn't communicate with members of the public or even each other!

Ensuring Impartiality Ahead of the Board Meeting

I would like to remind all Members that this is a live planning application and as such Members should be extremely cautious about public comment, either to the press or to members of the public. Members may well be approached to discuss the application - I would urge you to contact the NPA's Communications Team (PR&Media@lochlomond-trossachs.org) or the Proper Officer (committee.clerk@lochlomond-trossachs.org) if you are contacted and are unsure how to respond.

Avoidance of predetermination or the perception of predetermination is a key part of the planning process. Members need to avoid pre-judging or demonstrating bias (or be seen to pre-judge or demonstrate bias) or indicating/implying support for or opposition to the application prior to the appropriate meeting where the application will be considered. As a result, Members should not discuss the merits of the application with the public, press or each other prior to the meeting.

What this means is that LLTNPA Board Members have been told by staff that the only arguments they can listen to and consider are those presented by the Director of Place, Stuart Means, in the Committee Report. Dr Reid has so far failed to answer the question whether the Stuart, who attended the meeting with Scottish Enterprise on 30th September 2015 to discuss Flamingo Land's appointment, was the Director of Place or not.

While campaigners should try and strengthen the reasons why the LLTNPA Board refuse the Flamingo Land planning application on 16th September, once that is over the Scottish Government needs to intervene and sort out the long history of mismanagement and failed governance in the LLTNPA.

Category

1. Loch Lomond and Trossachs

Tags

1. flamingo land
2. Governance
3. LLTNPA
4. planning

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September 3, 2024

Author

nickkempe

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