

The Loch Lomond and Trossachs National Park Authority's decision to reject the Flamingo Land application - it's far from over yet

Description

On Monday 16th September, as widely reported in the media - the BBC gave it coverage on UK news - those of the board of the Loch Lomond Trossachs National Park Authority (LLTNPA) present duly accepted the recommendations of their officers, without amendment, and rejected Flamingo Land's planning application. This outcome was as I had predicted ([see here](#)).

After the meeting the LLTNPA issued a news release ([see here](#)) in which its Convener, Dr Heather (the weather) Reid was quoted as saying:

"Today the National Park Authority Board unanimously refused a planning application for a major tourism development at West Riverside and Woodbank House in Balloch - following a thorough, robust and transparent process."

The truth is the LLTNPA had long backed Scottish Enterprise's plans for Balloch, been partners in Flamingo Land's appointment for Balloch and, as recently as last December, given their backing in the National Partnership Plan to a development that had described as being "in the pipeline" ([see here](#) and [here](#)).

This post will argue that the board meeting and the events immediately before it were a stage managed affair, designed to try and restore some of the tattered reputation of the National Park Authority while making it as easy as possible for Flamingo Land to appeal to the Scottish Government.

Disappearing information

It took three days for the LLTNPA to issue the Decision Notice to Flamingo Land when they did they removed almost all the other documentation associated with their planning application from the planning portal and the public realm ([see here](#)).

Land At Pier Road, Ben Lomond Way And Old Luss Road, Known As West Riverside And Woodbank House
 (Lomond Banks) Balloch

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Screenshot 23rd September 2024. All the documentation submitted before and after the EIA has been removed from the Planning Portal.

All that's left of the nearly 400 documents is the decision notice itself and 64 documents comprising the Environmental Impact Assessment: all of the proposed plans, the responses from public authorities and the evidence submitted by both objectors and supporters of the development have been removed from the public realm. With Flaming Land indicating that they are likely to appeal the decision, this is not in the public interest and no-one concerned about what happens next has anything to refer to unless they happened to download all the documentation.

To illustrate the games being played with the public, unlike the Cairngorms National Park Authority the LLTNPA does not normally publish the internal advice provided by staff on planning applications. As a consequence I submitted an Information Request on 4th September asking for copies of all the advice referred to in the LLTNPA Committee Report published on 2nd September. On 13th September I received a response (EIR 2014-013) stating the information I had requested had been published on the planning portal on 11th September. The information was only public for eight days before it was removed and I was away I never got a chance to see it let alone download it!

Also removed from the LLTNPA's website is the video recording of the meeting. Like many others interested in the Flamingo Land planning application I was unable to attend on the day or observe the meeting online in my case because I was in Corsica, walking the GR20 and would have liked to have done so at a later date. I have, however, spoken to a number of those who witnessed the meeting and the site visit which preceded it and most of what follows is based on that.

The exclusion of locally elected member Sid Perrie from the meeting

In the week before the meeting the locally elected member for Balloch, where the proposed Flamingo Land development would be located, received a letter from Anderson Strathern who now appear to be acting as clerks to the LLTNPA Board advising him most strongly not to attend the meeting because of a claimed conflict of interest. That was most unusual because, as former Stirling Council leader and rep to the LLTNPA advised at the June Board meeting (in the discussion of the revised code of conduct) it is normally up to Board Members to declare whether they believe they may have a conflict of interest.

I have been advised by Balloch and Haldane Community Council that they understand Mr Perrie was given two reasons for this. The first was that he spoke at a public meeting held in opposition to the first planning application from Flamingo Land. I was one of the speakers on the panel for that meeting and sat alongside another person who is now on the LLTNPA Board and who was allowed to attend the meeting last Monday. It was the first time I met Mr Perrie and he only spoke from the floor!

The second reason given to Mr Perrie is that he had tried to challenge Martin Rooney, leader of the Labour Group which then ran West Dunbartonshire Council (it has since fallen apart) after they failed to listen to the concerns of the local community and object to the Flamingo Land planning application. I don't know what was said during that exchange but again it seems very clear that Mr Perrie was singled out because another current board member who did attend the Board meeting had been witnessed by several people in the past clearly speaking in favour of the development.

That board member then voted against the Flamingo Land planning application, just as did the other board members who just last December approved the National Park Partnership Plan which gave backing to the major developments in the National Park in the pipeline. This only goes to show that people can change their minds and using views expressed in the past or in particular circumstances to exclude someone from a meeting, without giving them an opportunity to explain why such views did not constitute a conflict of interest, is completely unwarranted.

The implications of what has happened to Mr Perrie are serious: it would mean that anyone expressing a view on proposed development in their area (for example someone who opposed the allocation of land for a particular purpose during the development of the Local Development Plan) who then stood for public office might then be precluded from participating in any subsequent planning applications for that piece of land on the grounds they had expressed a view.

In the event, I understand Mr Perrie chose not to attend the meeting rather than cause a rumpus but his absence was not without repercussions. He is the one member of the board who has recently been prepared to challenge staff and who might have used concerns expressed by others to strengthen the reasons for rejecting the Flamingo Land planning application.

Dr Heather Reid failed to explain any of this at the start of the special board meeting, instead apparently merely reporting that two board members had declared a conflict of interest (a third member had given their apologies when the date for the meeting was being arranged).

The other board member who was absent because of a conflict of interest was Shonny Paterson, the locally elected member for West Loch Lomond. Whether Mr Paterson was told not to attend the meeting or decided himself not to do so is unclear but I understand he is a first cousin of Jim Paterson, Flamingo Land's development director who recently made a completely unfounded attack on those opposing the development ([see here](#)).

The pre-meeting and site visit

There appears to have been a pre-meeting of the LLTNPA Board prior to the site visit which was not advertised and not mentioned in the document which agreed the procedure for the day ([see here](#)). The justification for this was unclear but perhaps it was to brief LLTNPA members about the policing arrangements for the day?

While the site of the proposed Flamingo Land development was only a short walk from the National Park HQ in Balloch, board members arrived in a minibus.

Whether this arrangement was designed to protect board members from the public or to prevent board members talking to anyone but Park staff is unclear. Perhaps the risk assessment for the site visit will reveal all? My initial view, just like the over the top and completely excessive approach to the health and safety requirements for the Cononish gold mine visit ([see here](#)), is this arrangement was designed to disempower board members and make them feel totally dependant on staff.

It is not that long ago since I and two other objectors (together with Scotgold's agents) were transported to the Cononish goldmine for the site visit prior to the decision on that application in the same vehicles as board members. It has come to something that no member of the LLTNPA Board, excepting Sid Perrie who lives there, is allowed to walk around the village of Balloch unaccompanied.

The meeting

The papers for the Committee Meeting are still on the Board section of the LLTNPA website ([see here](#)) but the normal introductory blurb has been replaced with the following statement:

16 September 2024 National Park Authority Board Meeting

A meeting of the Loch Lomond and The Trossachs National Park Authority Board was held at Lomond Parish Church on Monday 16th September 2024.

This meeting was used to determine 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 meeting was accessible for members of the public to attend in person and the meeting was livestreamed on our website for members of the public to view.

Site Visit

A Site Visit for this planning application took place on the morning of Monday 16th September 2024 prior to the Hearing and Determination Meeting.

Hearing and Determination Meeting

The hearing and determination meeting took place from 13:15hrs at Lomond Parish Church, Balloch, G83 8RJ.

The agenda and papers for the meeting, including the Report and Recommendation on the planning application, are available below.

I have never known the LLTNPA do this before, to alter information about a scheduled board meeting afterwards to say what had happened. That information normally appears in the minutes. Why the exception? Well there would have been no need to say the meeting was livestreamed had LLTNPA staff not removed the recording from the planning portal.

The amended entry does, however, provide a useful list of those who addressed the meeting, in favour of the application:

Steve Callan and Fiona Robertson
Agent on behalf of the Applicant In support of application

Rev Ian H Miller
Individual In support of application

Stewart Gibb
Helensburgh and District Access Trust In support of application

Anne Urquhart
Loch Lomond Steamship Company In support of application

James Fraser
Friends of Loch Lomond and The Trossachs In support of application

and against:

Ross Greer MSP

Representing those who submitted objections via the portal on the Scottish Green Party objection to application

Simon Ritchie

Woodland Trust Scotland In objection to application

Jackie Baillie MSP

Individual In objection to application

Jack Fordy

Bonhill & Dalmonach Community Council In objection to application

Ian Cowan

On behalf of Ross Greer MSP In objection to application

Each were given five minutes so Ross Greer, MSP, representing 150,000+ objectors and Jackie Baillie, MSP, who had undertaken a detailed survey of Balloch residents (now removed from the planning portal) both had the same time to make their case as the Rev Ian Miller, representing no-one.

If you are wondering about the Rev Ian Miller's interest he is the father of Andy Miller, who was Sales Director for Flamingo Land at the time of their planning application having previously worked for Mouldsdale Developments who were behind another large development proposed for the shores of Loch Lomond at Tarbet ([see here](#)). Optical Express and Mouldsdale Developments are still listed as supporters of the Friends of Loch Lomond and Trossachs ([see here](#)). Andy Miller went on to work for Argyll Holidays which was taken over by Cove UK which now own most of the holiday lodge parks on the west side of Loch Lomond.

The Rev Miller apparently quoted extensively from my post on Parkwatch in which I had argued the grounds officers had given for rejecting the application – except for flooding – were generally weak and used this to argue board members could easily overturn the recommendations of officers. (There are lots of people on the Save Loch Lomond Facebook page wanting to see his speech). Had I been at the meeting I would have argued the opposite: that the gaps in the Committee Report, its failure to assess properly whom Flamingo Land's proposed development would benefit (answer, not the local community), its lifetime carbon emissions and the landscape impact of a large aparthotel right on the shore of Loch Lomond meant the board should add to the reasons for objecting given by officers.

Unfortunately, the truth is that not anything that anyone might have said either in favour or against the development was going to make a blind bit of difference to board that never challenges its officers, although the presence of Jackie Baillie and Ross Greer was possibly sufficient to silence any of them who had previously been in favour of the development. Despite some barnstorming speeches, including from Prof Chris Spray about the importance of nature, Ronnie Erskine on the purpose of National Parks ([see here](#)) and Richard Johnson on the heightened flood risk that would be caused by the heightened Woodbank House development (which was discounted in the officers report), not one board member proposed an amendment to strengthen the reasons for objecting. The meeting was all show, no substance.

What next?

Flamingo Land are openly talking about lodging an appeal to the decision, so the saga is far from over. The possibility of an appeal succeeding is much strengthened by the LLTNPA's Board's failure to strengthen the reasons for objection.

There were in my view two main related obstacles to that. The first is financial, that Scottish Enterprise and Flamingo Land's business model requires a large development. The second is a consequence not of anything the National Park has done but of National Planning Framework 4: the proposed development is now in planning terms too big for the site (it leaves too little room for nature) while the central part of the Riverside site the area where Flamingo Land wanted to construct holiday lodges is on a flood plain.

That might have been enough to have sink the Lomond Banks development if other land Scottish Enterprise owns at Balloch, which is NOT part of their Exclusivity Agreement with Flamingo Land and was not part of the planning application, had not become available. First there is the former Gateway Way, which the LLTNPA decided over a year ago to try to hand back to Scottish Enterprise ([see here](#)) and now there is the land behind it occupied by the Treezone, on land also leased by the LLTNPA, which is up for sale as a business and recently announced it is to close its doors on 30th September:



It will be interesting to find out WHEN LLTNPA first became aware the treezone might close

Together, the two could still compensate Flamingo Land for the land they have lost on the Riverside Site and make the development a viable proposition once more. For those who are not aware, the first Flamingo Land application proposed its very own rival rope walkways in Drumkinnon Woods before development there was ruled out so. The Treezone is likely therefore to be very attractive to them. None of this I understand was reported to the LLTNPA Board at the Flamingo Land meeting last week and is not on the agenda for the board meeting due next Monday ([see here](#)).

Thankfully the new local Community Development Trust has registered an interest in both the Gateway Centre and the land occupied by the Treezone and that should make it very very difficult for Scottish Enterprise to extend their Exclusivity Agreement with Flamingo Land to cover all this ground.

Following the LLTNPA board meeting last week Ross Greer asked John Swinney in the Scottish Parliament if he would now cancel Scottish Enterprise's Exclusivity Agreement with Flamingo Land and received a lot of flannel in response ([see here](#)). Whatever Ministerial responsibilities in relation to an appeal by Flamingo Land against the Park's decision, it says something about the Scottish Ministers that they ever allowed Scottish Enterprise to sign an agreement designed to exclude the local community from the Riverside Side AFTER their much trumpeted Community Empowerment Act 2015 and Land Reform Act 2016 both of which were supposed to give local communities new rights over such land.

The more immediate issue, however, is ensuring the Scottish Government don't allow the LLTNPA to hand back any of the land the Park leases from Scottish Enterprise at Balloch and instead offer substantial support to the local community to come up with alternatives.

I hope that this post has shown that the LLTNPA board's rejection of the Flamingo Land Planning Application does not mean that it is at last, after twenty years of failure, acting like a National Park. Campaigners need to keep up the pressure not just on Flamingo Land but the need to reform Scotland's National Parks more generally. Readers can assist the local community in Balloch either by making a donation to the Loch Lomond South Community Development Trust through GoFundMe, <https://gofund.me/a0ba9180> or, if you live in the Balloch and Haldane Community Council area, by joining the Trust <https://forms.office.com/r/NAJCYjdMp>.

Category

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