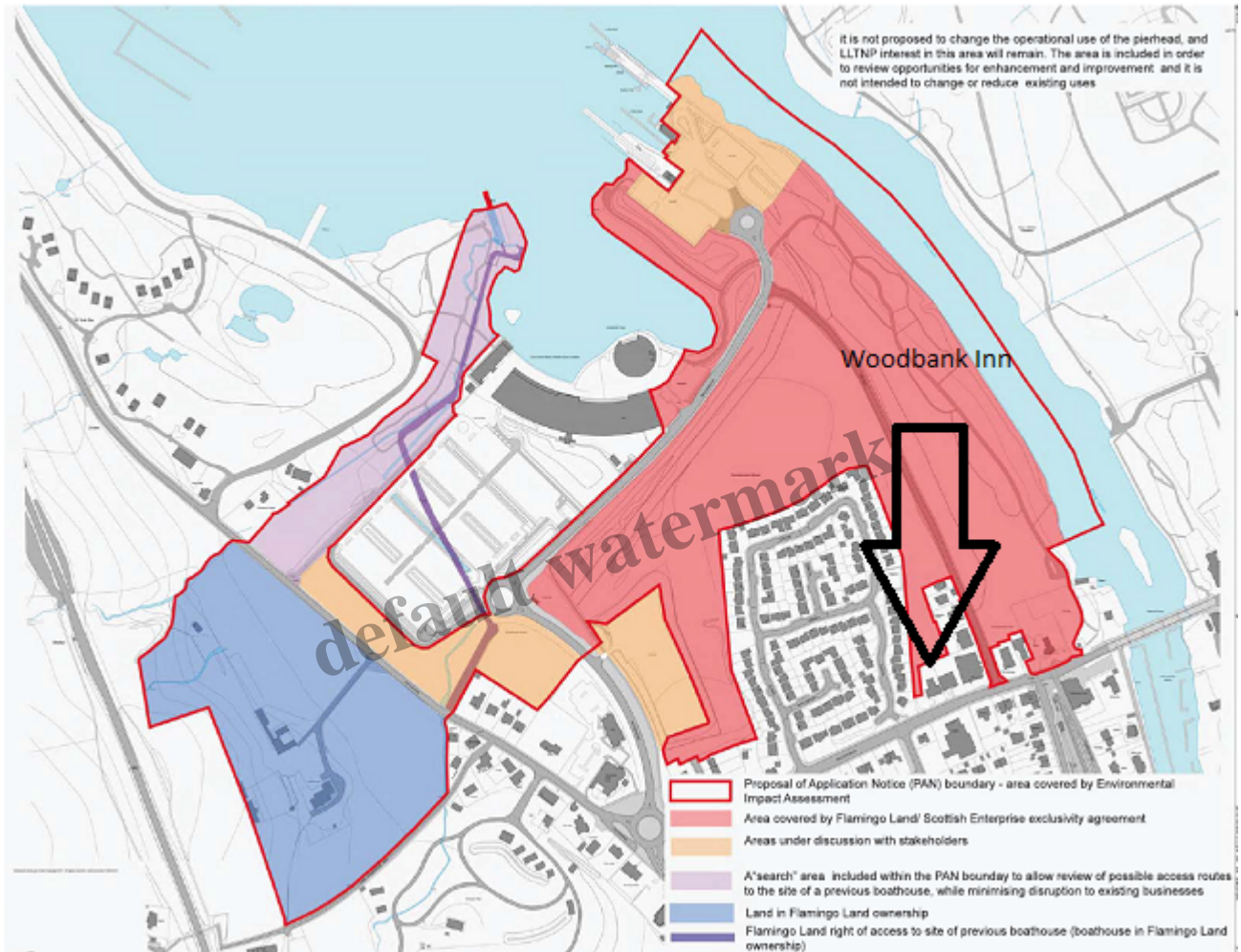


Board Member interests and National Park decision-making


Description



Arrow shows location of Woodbank Inn relative to the proposed Flamingo Land development


Yesterday the Loch Lomond and Trossachs National Park Authority planning committee considered a planning application from David McCowan, an elected Board Member and member of the Planning Committee ([see here](#)). David McCowan represents the people of Balloch and West Loch Lomond and the planning application was to build a three storey extension onto the Woodbank Inn, on Balloch Rd, at the back of the Riverside/Flamingo Land site in the area he represents.

In contrast to the planning applications involving former Board Member Fergus Wood ([see here](#)) and ([here](#)) everything has been done by the book. David McCowan declared his interest fully on the application form from the start, whereas in Fergus Wood's case the original application form dated 3rd March was changed by LLTNPA at a later date as a result of a request from his agent ([see here for full letter](#)):



JHW/jw/1530
6th April 2017.

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Dear Sirs

Proposed Camping Pods and Tent Site Development at The Loch Shore, Ledard Farm, Kinlochard, ref 2017/0097/DET.

In our application for detail planning approval ref. no 2017/0097/DET submitted in March 2017 we unfortunately misinterpreted section 17 of the form and indicated that our client Mr Fergus Wood was not an elected member of the Board when in fact he is a Stirling Council representative on the Board of the Loch Lomond and the Trossachs National Park and thus also sits on the Planning Committee .

We have now completed the form correctly and enclose the revised page 5 which we would be grateful if you would substitute for the erroneous page 5 previously submitted.

Instead of revising the date on the application form to reflect the change, the LLTNPA inserted the declaration they received on the 10th April into a superseded application form dated 3rd March which was given the date 13th March on the Planning Portal. So, the good thing about the David McCowan application is it helps show up the failures in governance around Fergus Wood's campsite application (which I have asked the LLTNPA to address).

While there were a number of objections to the application by residents who will also be impacted on by the Flamingo Land proposals – they must feel hemmed in from all sides – I will not consider the

merits of the application here, only its implications in terms of Board Member interests and accountability.

Now I should say here David McCowan is one of few members of the old Board I have time for. He is one of two locally elected LLTNPA members who makes any contribution at meetings, has consistently spoken out about litter problems in the Park and argued for a much broader approach than the one that has treated campers as the cause of every problem. He has also been good enough, since James Stuart became convener, to come over and speak to members of the public after Board Meetings.

David McCowan's application to extend the Woodbank Inn, however, raises issues about his ability to represent his constituents in future. This is not about the Woodbank Inn application in itself, but rather about the relationship between his business, this application and the proposed development of the Riverside Site by Flamingo Land. For in making the application, David McCowan must have made some judgement about the potential impact of Flamingo Land on his business which in turn must affect his ability to participate in any discussions about the merits of the proposed development of the Riverside Site. On the one hand, if he supports the Riverside development, the suspicion must be that he is doing so because he thinks Flamingo Land will attract more people to Balloch and that will benefit his business. On the other hand, if he opposes the development, that will be interpreted as him not wanting a competitor to his business. In other words, by making this application – even though its to his credit that this has come before rather than after the Flamingo Land application – I don't see how David McCowan can objectively participate in the Flamingo Land deliberations. Whatever his motivation, there is scope for complaints to the Commissioner for Ethical Standards from all sides while the Board Members Code of Conduct makes it clear that Board Member interests must not affect the planning process.

If you accept this logic, this means David McCowan cannot take further part of the decision-making process in what is likely to be the biggest single development proposal which will ever effect his constituents. Its arguable too that making a planning application is not the crucial factor and just through owning this business on the very edge of Flamingo Land he has an interest such that he should not participate in discussions. David McCowan's interests therefore raise fundamental issues about democracy and accountability. A key question is whether residents of Balloch have a right to expect their locally elected member should listen to and then represent their views on the Riverside Site (accepting that local opinion may be divided) without being affected by his own interests? If you think they should have that right, the logic seems to me that if David McCowan can no longer represent his constituents. This is not just about the Flamingo Land Planning Application, its about the National Park Partnership Plan which is due to be discussed at the December Board Meeting: one of the key targets in that is the development of the Riverside Site.

The simple solution would be for David McCowan to resign. Even though it may now be too late for an

election to be organised before Flamingo Land submit their planning application, it should be possible to hold an election before the application goes to Committee. Alternatively he could decide to stay in post till July, when local members are up for election, and either stand down then or let the electorate decide. The problem with this option is that its hard to see how he can effectively represent his constituents between now and then. This then raises the question of what rights local constituents have if they are not happy with David McCowan's ability to represent them and in particular whether they should have a right to recall him as their representative. This is not a legal option at present but I think it should be, not just for National Parks but for all elected representatives. At present a very limited power to remove elected representatives exists where they have been convicted of certain criminal offences but I think it should also cover situations where a members interests prevent them from serving their electorate (Kezia Dugdale heading off into gameshow land is another possible example).

While I do not know David McCowan on a personal basis, I have now talked to him briefly on a couple of occasions and as well as finding him likeable have had respect for him up till now. While I suspect he may have thought about some of the issues raised here, unfortunately I don't he think he sits on a Board which has as yet developed a strong ethical sense. The old Board tried to cover up the Owen McKee case ([see here](#)) and the new Board at present appears to be sitting on the fence as regards whether any action should be taken against Fergus Wood. I am not sure therefore there is anyone on the Board with whom David McCowan could talk through the issues described here. I hope this post will prompt him to think further about his position, prompt the Board to openly discuss the issues raised and prompt the local community to consider and express what they want from their local representatives.

One question I believe local electorates need to consider more are the implications of people with significant business interests within the National Parks serving on their Boards. While I am not equating David McCowan in any way with either Owen McKee or Fergus Wood, all three were democratically elected to the Board (while Fergus Wood of course was also removed from the Board when his local electorate chose to vote for other candidates in the Council elections earlier this year). Business people may or may not make good local leaders but the challenge is how can their personal interests be kept separate from the interests of the National Park and the people they represent?

Category

1. Loch Lomond and Trossachs

Tags

1. flamingo land
2. LLTNPA
3. planning

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