

## Flamingo Land and the privatisation of public space at Balloch

### Description



The revised 'illustrative masterplan' for Balloch, with the publicly owned Riverside Site centre and Woodbank House on the left. One should not be fooled by the green look, anyone can add some blobs with the right software, it's what's underneath and between them which matters.

After announcing a 'major application' update last week ([see here](#)), the revisions to the Flamingo Land planning application appeared yesterday evening. There are about 40 new documents on the planning portal ([see here](#)), all dated 5th April rather than the 17th April when they were made public by the Loch Lomond and Trossachs National Park Authority. An emailed [Contributor Re-Notification Letter](#) informed the 1000 or so people who had previously submitted objections on the Park's planning portal that **there are now 28 days to object** i.e. till **Wednesday 15th May**. The email contained a

ridiculous secrecy clause at the bottom *“The content of this email and any attachments is confidential”!*

The notification letter outlines what the LLTNPA claim are the main changes that have been agreed through secret negotiations between the Park and Flamingo Land since the Planning Application was suspended 8 months ago. The letter emphasises that technically its the same application as originally lodged, one for planning permission in principle to develop the entire area (see map above), and that previous objections stand. Unless, however, people respond to the new proposals the LLTNPA is likely to claim that the changes have addressed the main concerns.

There are a further 37,677 people who have now submitted objections to the proposals via the Greens ([see here](#)) who won't have received the Park's notification letter. Parkswatch will be working with the Greens, Save Loch Lomond and the many other people and organisations who oppose this development to highlight over the next few weeks what is wrong with this proposal in PLANNING terms. There is no need to submit objections immediately and its better that objections are as well informed and specific as possible and as many people as possible take time to consider what is being proposed.

The underlying issue, however, is POLITICAL, its about land ownership and land-use and concerns questions such as:

- why is the Scottish Government wanting to sell off public land?
- why is the Scottish Government allowing public green space in a National Park to be converted into private real estate?
- why are our Public Authorities falling over themselves to create a new laird in Balloch? (The map provides graphic evidence for how the owner of Flamingo Land, Gordon Gibb, is being handed a stranglehold over the south east corner of Loch Lomond).

This post will take a further look at those issues.

## **The Riverside plans in context – the privatisation of public land in the UK and Scotland**

Last week I finished reading *“The New Enclosure”* a book by a geographer called Brett Christopher which is about *“the appropriation of Public Land in Neoliberal Britain”*. Its fascinating, but not an easy read – it took me three months! I was interested to understand how the proposed sale of the Riverside site by Scottish Enterprise fitted into the wider UK picture. The book appears to be the first comprehensive survey of what has happened to public land since Margaret Thatcher came to power. So far, this is not an issue that appears to have been investigated by the Scottish Land Commission ([see here](#)) which was set up in 2017 to look at land ownership issues in Scotland.

Almost half of all land which was owned publicly at the end of the 1970s has now been sold off, about 2 million hectares or 10% of Britain's land mass. Local Authorities, and Scotland is no exception, have been particularly hard hit and have lost over 60% of their land. Much local authority land initially went into home ownership, with lots of people becoming *“landowners”* for the first time – Thatcher's dream. Ownership of housing has since started to become concentrated once again,

with the growth of private landlords and buy to let replacing local authorities.

The book explained that renting of property in all its forms has, according to the Office of National Statistics, been the 'industry' that has added most to economic 'growth' in Britain since the 1970s. That was new to me and quite astonishing - its not the sort of thing I would normally consider as economic growth. Between 2005-14 renting grew more than twice any other sector, including banking and finance. While banking in that period was affected by the 2008 crash, the growth in renting also exceeded the growth in banking between 1992-2004. In terms of private rented housing, add to this the fact that rents have increased far more than wages, and you start to understand growing inequality, why so many people are now living in poverty and why many young people are unlikely ever to be able to afford Thatcher's dream.

So, what's the connection with Flamingo Land? Well, its a business based on rent - hotels and holiday rental, rather than residential - which will extract money from visitors and redistribute this to its very rich owner. In other words Flamingo Land fits the standard UK model of 'economic development'. Its unlikely to benefit anyone locally apart from a few low paid service jobs. What's more, it is proposed to sell the Riverside Site to Flamingo Land at a huge discount, just like Council Housing.

Land has been a bigger political issue in Scotland than the UK, partly a result of history but also because of the extraordinary and sustained efforts by Andy Wightman to record and expose what has been going on. Politically that has resulted in the creation of the Scottish Land Commission. The focus, however, has generally been on the large PRIVATE estates which own a huge proportion of Scotland. While this is undoubtably a major issue for rural communities, which have often been stifled by such ownership, far less attention has been paid to what has been happening in the areas where most people live. There, as Brett Christopher states, the approach in Scotland is not that much different to the rest of the UK. Indeed, as the Herald revealed last week, Edinburgh now has a higher proportion of Air B n B than London (again, Andy Wightman, who is a green MSP has been at the forefront of exposing this). Meanwhile Commonsense this week had an excellent article on vested interests in the housing market ([see here](#)).

Brett Christopher's book describes in detail the enormous and sustained efforts that have been made in Whitehall to sell off public land and the ideology that lies behind this (the public sector manages and uses land 'inefficiently'). While the SNP Government has ostensibly been trying to follow a different model - starting with the buy out of Skye Bridge and resulting in the end of the Right to Buy in 2016 - by accepting the logic of austerity, it is having to accept the sell off of more and more public land. There are two sides to this, the sale of assets to fund revenues to prevent the collapse of public services and the lack of money for capital development. Both drive privatisation.

In England this has been vigorously pushed by the Cameron and May Governments, with Public Authorities being forced to dispose of land for housing and other purposes which is then simply hoarded by developers (the former torpedo station at Arrochar, which is still derelict provides an earlier local example of this) . In Scotland generally its a bit different, but the same party that just a few years ago decried the use of the Private Finance Initiative as being such a bad deal has now mortgaged the assets of Glasgow City Council, i.e sold them with a right to buy them back, in a sort of PFI in reverse. The cost will be phenomenal and paid for by the people of Glasgow while the benefit will go to the private rentiers.

It would, however, I believe be wrong to suggest that the Scottish Government is ONLY being forced to sell off land as the Riverside Site because of UK austerity. In fact, what's been happening is that while the Scottish Government has set up the Scottish Land Commission on the one hand, it has quietly allowed Public Authorities to sell public assets on the other. Brett Christopher states that while there are very different patterns of land ownership in Scotland and England, including public land the privatisation logic has been the same. (There are still a significant number of farms in England owned by Councils, while the state in Scotland owns large amounts of crofting land)

## **Scottish Enterprise, the Riverside Site sell-off and the neoliberal privatisation agenda**

The ideology behind that logic, which is extensively explored in the book, is that the state is a poor manager of land, that the private sector makes best use of land (think of all the landed estates) and that Government talk of community ownership is just window dressing (the growth in community ownership has been miniscule compared to the sale of public land). While originally government land sell-offs apart from council housing were at market price, pricing land out of the reach of other public authorities or local communities, there is now a long history of discounted sell-offs. Recently the UK Government has been making it even easier for the private sector to develop land by seeking planning permission before the land is sold and providing all sorts of other financial assistance to help the market work. That is all another way of saying the state has been subsidising rentiers to become even richer at the expense of the rest of us.

This is just what has happened with Flamingo Land. Scottish Enterprise has given no consideration to any public sector development or management of the land despite having far greater resources than other public authorities ([see here](#)). Despite the reams of Scottish Government policy about the importance of community ownership and control, Scottish Enterprise has made no serious attempt to engage or support the local community to develop alternatives. Instead its proposing to sell a large chunk of public land in a prime position for a knock down price - £200k was the figure quoted to Jackie Baillie MSP and towards the end of last year had contributed £116,549 to costs that would otherwise have had to be paid by Gordon Gibb, the millionaire owner of Flamingo Land and Tory party donor ([see here](#)).

In February I received a follow-up response by email ([see here](#)) to my information request about the support Scottish Enterprise was giving Flamingo Land from Steve Dunlop, Scottish Enterprise's Chief Executive. He has refused, once again, to provide the Exclusivity Agreement SE signed with Flamingo Land stating it contained commercially sensitive information. That deliberately avoids the point. The issue is that the public should have a right to know what a public authority has agreed in respect of the sale of what is a public asset. The public interest here should outweigh any private commercial interest but that is not how neo-liberal Scotland works. SE did however provide the Schedule to the Exclusivity Agreement which lists what SE agreed they would help fund ([see here](#)). All the amounts paid have been redacted despite some of these previously being made available!

Scottish Enterprise's explanation for all this is very interesting. Making joint planning applications with the private sector is standard practice and the decision to do so was taken by the Senior Responsible Officer. That and the Exclusivity Agreement effectively ruled out ANY community

alternative. Yes at Scottish Enterprise this is treated as just an operational matter not requiring Senior Management Team let alone Board approval. No wonder local communities never get a shout. Promoting private interests BEFORE public interests appears built into the heart of what Scottish Enterprise does.

Mr Dunlop goes on to say:

*The Exclusivity Agreement is the legal agreement between Scottish Enterprise and Flamingo Land Ltd. (Iconic Leisure Ltd).*

**Comment:** the ONLY company by the name of Iconic Leisure Ltd on the companies house website was dissolved back in 2013. SE appears to have signed an agreement with a company which does not exist.

*The original response provided extracts from the agreement which related to the joint application. The response also confirmed that SE has not financially contributed towards planning costs.*

**Comment:** this is sophistry, Scottish Enterprise has contributed to the costs of reports that were needed to progress the development.

*I confirm that SE has not provided grant funding to ILC.*

**Comment:** ILC again, a company which does not exist.

*SE has contributed to the costs of a specified list of technical reports. This is common practice and good value for the public purse as SE can use the reports for potential future developments should ILC decide not to proceed.*

**Comment:** it may be common practice but a bung to a millionaire is just that. Scottish Enterprise could have insisted that Flamingo Land agreed to share all these reports as a condition of signing an exclusivity agreement and could have then got them for free. This is far from value for money. Perhaps time that the Scottish Parliament inquired into some of Scottish Enterprise's common and standard practices to see whether these are in the public interest.

## **The Riverside sell-off and Scottish Government policy on land**

In 2017 the Scottish Government published its Land Rights and Responsibilities Statement ([see here](#)). Its a key policy document which among other things informs the work of the Scottish Land Commission and which Scottish Ministers have a legal duty to promote.

The lead Minister responsible is Roseanna Cunningham, the Environment Secretary, who is also ultimately responsible for National Parks. In her foreword to the statement she said:

*Scotland's land is one of our most valuable assets, vital to our national prosperity and to our wellbeing as individuals and communities. In an inclusive and progressive Scotland, it is only right that everyone benefits from it.*

**Comment:** so how does the Scottish Government flogging off the Riverside Site at Balloch help achieve this?

*The Scottish Land Rights and Responsibilities Statement, the first such statement in the world, will help shape the thinking on land issues in Scotland over the coming years. In keeping with the terms of the Land Reform (Scotland) Act 2016, the Statement adopts a human rights approach to land rights and responsibilities and it signals our determination to continue leading the way in ensuring that Scotland's urban and rural land contributes to inclusive and sustainable economic growth and to social justice.*

**Comment:** so what about the rights of residents at Balloch and the 38,000 people or so who have objected to this development?

What's more:

- How does selling off the Riverside Site fit with *the Government's commitment to on-going and long-term land reform*?
- How does privatising the land ensure that *more people and communities can benefit from (the) land*?
- How does the creation of a new laird at Balloch result in *a more diverse pattern of land ownership and tenure*?
- How does Flamingo Land contribute to the the statement by the First Minister, in her programme for Government speech in 2014 where she made clear, *Scotland's land must be an asset that benefits the many, not the few*?

The Scottish Land Commission, while its not looked at privatisation as such as far as I can see, last year published a very interesting report on public interest development in land ([see here](#)). Many of its recommendations are very relevant to the way the Flamingo Land sell-off and development has been managed:

- Introducing a Public Interest Test for significant land transfers/acquisitions
- Requiring land holdings over a certain scale to engage on, and publish, a management plan
- Taking into account the effects of concentrated ownership in the implementation of the forthcoming Community Right to Buy Land to Further Sustainable Development
- Reviewing and investigating policy options to encourage a more diverse pattern of private ownership and investment
- Creating more robust mechanisms to ensure local democratic influence on and benefit from, land use change

Roseanna Cunningham could do no better than use Flamingo Land as a test case for the policies the Scottish Government claims it supports.

## **The wider implications if the land is privatised**

If the Riverside Site were sold, that will hand Flamingo Land great power. There will, for example, be nothing to prevent the company submitting further development proposals in future. Its not difficult to

envisage what these might be. For example, supposing the holiday lodges don't work, having got rid of the public park, it will be much easier for Flamingo Land to argue that some of the site should be sold off for housing. Developers play a long game when it comes to land and it would be naive to respond to the current proposals for the Riverside Site without thinking about what Flamingo Land might do in future. The only way to stop this happening is to retain the site in public ownership.

The LLTNPA have been very keen to emphasise that public access will be maintained throughout the site. That, however, is not true. The masterplan above shows how the site along the Riverside will be dominated by lodges connected by paths which are built to serve the interests of people staying there not the public. The experience of walking past lodges and the people using them will be totally different to crossing or using the open space that exists at present and totally off-putting. Moreover, its not difficult to foresee that as soon as there as is a break-in or some other incident, such as people when drunk making a noise outside the lodges, Flamingo Land will claim that this land is now, as a development, exempt from access rights. I predict that within two years if this goes ahead the only de facto access will be the path round the shore. That will be a massive loss of public rights.

Brett Christopher provides evidence for how public access has been reduced in London where many public spaces have been sold off. The Greater London Authority Planning and Housing Committee in an inquiry found that *“privately managed space tends to impose a different set of rules from those apply to spaces in public ownership”*•which ended up excluding people. The Occupy movement found out this to their cost in 2011 when they tried to protest outside City Hall and the surrounding space on the Thames. This had been public land but was then hived off to *“More Land”*•and policed by private security services. In England, after lobbying from developers, the 2015 Infrastructure Act has made it far easier to extinguish Rights of Way. The same forces are at work in Scotland, although our legal system is very different.

## What needs to happen

Fundamentally, the Flamingo Land Development is about who gets to decide what happens on land in Scotland and is a political issue. While its important that people object to the revised Planning Application, its even more important that people who are concerned force our politicians to treat this as a political issue, a question of whether its in the public interest to hand over public land to private interests.

The challenge at present is, that apart from a few honourable exceptions, our politicians are NOT treating Flamingo Land as a political issue. The latest evidence for this comes from the papers the LLTNPA has lodged on the planning portal which includes a commentary on West Dunbartonshire Council's response to the application ([see here](#)). WDC's main interest in the implications of the development appears to be traffic. There is nothing about the implications of the land being sold off for local residents whom the Council is supposed to represent.

Ultimately, while Flamingo Land will no doubt have to go through the planning process, the decision about what is allowed to happen will be determined politically. If our politicians are allowed to sit back and let the neo-liberal logic behind land sell-offs and the planning process take its course, the development will go ahead. If they believe, however, that the proposed development risks them losing power, they will oppose it. Its up to the public to decide whether or not to make this a political issue.

Personally, I believe there is every reason to do so.

### **Category**

1. Loch Lomond and Trossachs

### **Tags**

1. land reform
2. LLTNPA
3. Local communities
4. planning
5. Scottish Enterprise
6. Scottish Government
7. Tourism

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### **Author**

nickkempe

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