

## Democracy and the planning system – the National Park, West Dunbartonshire Council and Flamingo Land

### Description

I was honoured to be on the platform last night for the Save Loch Lomond meeting in Balloch about the proposed Flamingo Land Development..... along with five elected politicians. There were some great contributions which you can view on Independence Live ([here](#)). Flamingo Land, Scottish Enterprise and local SNP politicians, possibly in thrall to the SNP establishment's neo-liberal development agenda ([see here](#)), declined invitations to attend. To their credit a number of individual SNP members did attend and did speak out against the development.

A number of questions and part of the discussion revolved around democracy in our Planning System. More specifically, this concerned what is wrong with the Loch Lomond and Trossachs National Park Authority democratically and whether West Dunbartonshire Council might address the democratic deficit which has allowed Flamingo Land to get this far despite extensive opposition. This post takes a look at the issues, including WDC officers' recommendation to the Council meeting on Wednesday that elected Councillors should support the Flamingo Land Planning Application.

### The democratic deficit in the National Park

When the Scottish Parliament set up our National Parks, it viewed democracy as being very important. As a result, instead of creating another quango with an unelected Board, it agreed 1/3 of members would be directly elected and 1/3 would be Councillors nominated by constituent Local Authorities. That meant only 1/3 of Members would owe their appointments entirely to Scottish Ministers. Unfortunately, as several people voiced at the meeting, this has not prevented the LLTNPA behaving like an unaccountable quango.

As an illustration of this, one of the questions asked was how can local people influence the Loch Lomond and National Park Authority? I responded by explaining that the way the Park Board operates makes this very difficult indeed. For example, apart from Councillors, whose contact details are given on their own Council websites, there is no way of contacting Board Members. This is in contrast to the Cairngorms National Park Authority who provides an email for each Board Member. Unlike local Councillors, locally elected Board Members don't hold any "surgeries" and, on a day to day basis, are uncontactable unless you happen to know them personally.

Nor, unfortunately, do locally elected members in the LLTNPA see it as their business to represent constituents interests (unlike in the CNPA where locally elected members have been vocal about local housing issues for example). Indeed, I understand that Willie Nisbet, vice-convenor of the Park and the locally elected member for the south-east side of Loch Lomond, when asked about representing local views explains that his primary duty is to Scottish Ministers (I would be very happy to publish a response from Mr Nisbet if I have got this wrong). In the case of Flamingo Land, both Willie Nisbet and

David Cowan, the locally elected member for Balloch, declared interests in the development at the last LLTNPA Board Meeting ([see here](#)) and will take no further part in the decision making process. That leaves local residents without a voice, unlike in Councils where local councillors are a key means by which local people's voices are heard in Planning Applications.

Its worse than this though as evidence obtained through a Freedom of Information Request last year ([see here](#)) shows that the LLTNPA has played an active role in trying to disenfranchise local people. During the flawed election process for local members ([see here](#)), they provided a statement for Stirling Council (who organised the elections) advising candidates that if they expressed any view about forthcoming Planning Applications that would preclude them from taking part in the decision making process:

*“The Code of Conduct for Board Members of Loch Lomond and The Trossachs National Park Authority, particularly at Section 7, is explicit that Board Members need to ensure a proper and fair hearing and to avoid any impression of bias in relation to the statutory decision-making processes. Board Members must not prejudge, or demonstrate bias in respect of, or to be seen to be prejudging or demonstrating bias in respect of, any such decision before the appropriate Authority meeting that is making the decision.*

*Therefore, if you, as a candidate in the upcoming Board member elections, publicly express your view on any decision that is due to be presented to the Board, and if you are subsequently elected as a Board member you will be conflicted and therefore not able to take part in the discussion and decision-making.”*

This is wrong legally as its up to the Board Member, not the LLTNPA, to decide whether they are “conflicted or not”. However, what it effectively told candidates is that they could not stand on a ticket of opposing the Flamingo Land application. That is a negation of our democratic system. Its small wonder that David Cowan, the existing member, was re-elected without any effective opposition.

There was some discussion on the panel last night about Planning being a quasi-judicial process and the importance of those involved not to be seen take sides/express views on applications before recommendations are received from officers. In my view this effectively plays into the hands of developers because it means local representatives are unable to represent local residents' views. While Board Members are being prevented from opposing developments, no constraints are put in the way of Board Members taking decisions that facilitate developments. Flamingo Land plays a key role in the Park being able to deliver other targets Board Members have promised to deliver to Scottish Ministers:

Local Development Plan Vision	Outcome of policies	Indicators - what will v
<p><i>High quality visitor accommodation in a range of locations,</i></p> <p><i>more places to camp and experience the outdoors,</i></p>	<ul style="list-style-type: none"> <li>• Delivery of key strategic visitor experience sites at Callander, Balloch, Arrochar &amp; Tarbet and Drymen.</li> <li>• New and improved visitor and recreational facilities and infrastructure that will help deliver the high quality visitor experience.</li> <li>• New tourism development that enhances the visitor experience of the National Park and offers a bespoke and high quality product.</li> </ul>	<p><b>Strategic Locations - A</b> status across all the LD</p> <p><b>Number and type of to</b></p> <ul style="list-style-type: none"> <li>• <b>Total number o</b> catering, hotel, c</li> <li>• <b>Campsites, car</b> approved and n</li> <li>• <b>Hotels – Numbr</b> built/available s</li> <li>• <b>Self-catering –</b> shown on a grap</li> </ul> <p><b>Location and type of t</b> area (village/town, walk and no. of approvals by expansion, diversificatio</p> <p><b>Location of Developm</b> detailed permission, cor 5 years.</p>

Extract from revised LLTNPA Local Development Plan Monitoring framework March 2019

If Park Board members are already committed to delivery of development on the Riverside Site as one of the “key strategic visitor experience sites” how does that not prejudice their ability to take an impartial decision on Flamingo Land? In Parkspeak, why doesn’t that make them “conflicted”?

LLTNPA officers, however, in their Local Development Plan Action Programme Mid-term Review, also dated March 2019, now appear to be trying to claim that its not the Park but the local community which is driving the development of the Riverside Site:

*“Following the 2016 Balloch Charrette there has been a strong drive from partners and the local community to rejuvenate the centre of Balloch and develop West Riverside.”*

If any LLTNPA Board Member was properly connected with the local community or had attended the meeting last night, they would know that was an absolute lie. There is now a yawning chasm between the LLTNPA and the local community over the Flamingo Land/Scottish Enterprise Planning Application. The 250 or so people present last night were asked if the Balloch and Haldane Community Council, which has supported the development, represent their interests and the unanimous response back was “no”.

There is a real crisis of democracy in the National Park.

## **West Dunbartonshire Council and the Flamingo Land Application**

The WDC Community Party Councillor and panel member, Jim Bolla, asked whether the best way to address the democratic deficit in our National Parks might not be to return planning functions to Local Authorities and bring them under democratic control? Part of my response was to argue that one of the reasons there have been over 57,000 objections to Flamingo Land is precisely because people instinctively appreciate National Parks should be different. That has helped create a potentially very powerful alliance between local and national interests.

Jim, who was absolutely right to say Flamingo Land is all about democracy, in a sense answered his own question when he called on those present to lobby the WDC meeting which will consider the Planning Application on Wednesday. While I wouldn't dispute that local Councillors are generally more democratically accountable than Park Board Members, they still don't necessarily represent constituents interests or views. This is demonstrated by the Lomond South Ward, which covers Balloch. WDC Councillor Sally Page, who was also on the panel, has long opposed Flamingo Land. However Jonathan McColl, who happens to be leader of WDC Council and therefore in a very powerful position, while declaring under public pressure last year that he personally was opposed to the development, appears to have done nothing to stop it.

This is reflected in the papers to the Council Meeting on Weds ([see here](#)). These recommend that the Council, as a statutory consultee, support the application while getting basic facts wrong and offering no critical analysis.

*“The proposed development of West Riverside and Woodbank House are key projects identified within the Balloch Charrette Action Plan and have potential to make a significant contribution to the visitor economy of Balloch”.*

**Comment:** this is a distortion of the truth. Neither Scottish Enterprise nor the LLTNPA revealed during the charrette process that they had appointed Flamingo Land as preferred developer of the site ([see here](#)). The truth is Flamingo Land's plans did not arise from the charrette process and indeed they have rejected the two key proposals that were made in the charrette report for the Riverside Site, a riverside walkway and a pedestrian bridge over the River Leven. The report of the Charrette has a section on Woodbank House which starts: *“Despite not being discussed at length during the Charrette Workshops, Woodbank House has been identified within the Local Development Plan (LDP) as a significant site for the village, offering visitor experience development opportunities”.* An action plan

was then developed for Woodbank House. It has no legitimacy. The charrette is being used to con local councillors into believing there was proper local consultation for these two sites and the local community supports the proposals.

*“The investment of £37.75m in the construction phase and the creation of 354 Construction jobs during the development period is to be welcomed.”*

**Comment.** As Cllr Sally Page observed, £37.75 is not a large amount for a development of this size and raises lots of questions about its likely quality. Other speakers, like Jackie Baillie MSP and Ross Greer MSP, wondered about how much further public funding would be given to Flamingo Land to help the development proceed. Its alarming that WDC officers don't appear to have realised that the construction jobs have evaporated and are now estimated as 33 Full Time Equivalents ([see here for full analysis](#)). This should not come as a surprise, most elements of the construction, such as holiday lodges, are likely to be built off site then shipped in.

*“Tourism related jobs of 80 full time and 50 part-time jobs with a further 70 seasonal jobs created annually will be a real boost to the West Dunbartonshire economy. It is understood that it is the applicant's intention to recruit locally with opportunities and training being accessible to local people.”*

**Comment.** Nowhere does the Committee Report state that these will be low wage jobs, many of which will be insecure, and that while Flamingo Land has now said it will pay the Scottish Living Wage to its own staff it has recently (wrongly) claimed in a WDC meeting that it cannot require this for contractors (who may comprise a significant proportion of the workforce).

*“Key walking and cycling routes such NCN Route 7, the John Muir Way, and West Loch Lomond Cycle Way will be enhanced and widened to Sustrans standards. The enhancements to these shared walking and cycle routes will also bring benefits the wider community and this is a welcome addition.”*

**Comment.** No questions are raised whether channelling these routes through the new Riverside chalet park will improve the recreational experience – it won't. There is no consideration about how converting the Lower Stoney-mollan single track road into an access road for the five new luxury houses on the southern edge of the Woodbank Site will impact on the recreational experience. At present its an important pedestrian route used to access the A82 and beyond and followed by the John Muir Way. Most important of all, however, is there is NO consideration of how the development of the open space in the Drumkinnon Woods and on West Riverside will impact on the recreational experience of local residents and visitors. The Committee Report is highly selective and biased.

*“An important connection is the proposed public route through the site, connecting Balloch as a whole with the development at Lomond Shores. This requires to be designed in such a way as to encourage public access and reduce the use of the car, bringing more opportunities for the residents of Balloch and the surrounding area. We are pleased that there are improvements proposed to the riverside walkway and its accessibility. The introduction of a monorail between Station Square and the Pierhead will provide better connectivity between Balloch and Loch Lomond shores and will assist in supporting an evening /winter economy together with the proposed tourism and commercial developments in this area. Bike hire, available at Station Square, will encourage more movements by bike and will be a welcome addition to the facilities proposed at this location. The area of West Riverside is an important asset to local people and it is requested that unrestricted public access is maintained to the river and through Drumkinnon Wood at all times when the development is operational and that efforts are made to manage public access during the construction period.”*

**Comment:** the request that unrestricted public access be maintained to the river and designed in a way to reduce use of the car is pathetic. What Balloch needs is improved public transport not an expensive monorail gimmick whose only benefit will be to the developer. The Report almost immediately contradicts itself by going on to say:

*“it is accepted that the majority of people will come by car thus having a significant impact on the local road network. Mitigation measures of an Access and Parking Management Strategy and an enhanced Signage and Variable Message Signage (VMS) installed at key approaches to the site will assist in reducing the impact of the development on the road network and minimise unnecessary routing through the local roads of Balloch and neighbouring towns of Alexandria and Jamestown”.*

**Comment.** Local residents who face gridlock at present on popular holiday weekends will be greatly re-assured.....as they will by this:

*The Transport Assessment submitted by the applicant has been independently assessed by consultants for the Roads Service. This independent roads assessment is evidence based and found to be acceptable.....[ to whom? ].Concerns are expressed that the impact of this development has not been fully assessed at peak times such as good weather weekends and during the summer months to determine the associated amenity and environmental effects on the wider area. [So?????.....err, silence]*

**“Parking Provision**

*The parking proposed as part of the development will provide additional parking for the development and will supplement existing parking already provided in the local area and help to avoid on street parking. There is a recognition that while parking demand must be catered for, overprovision is equally unacceptable in the overarching effort to encourage uptake of sustainable travel modes over private car.”*

**Comment.** Just how does increasing parking provision contribute towards the “overarching effort” to encourage sustainable travel over private car use? What about the climate emergency declared by the Scottish Government? Shouldn’t all new developments in and around built up areas like Balloch be carbon neutral and why can’t WDC say this?

*“Monitoring and management of the existing parking areas requires to be ongoing as each land use/activity is developed to prevent future parking issues.”*

**Comment:** this strongly suggests that the Transport Assessment isn't really acceptable and that the WDC Roads Dept has not properly assessed the traffic impacts of the development (it might not be their fault, they might not have the resources).

## Omissions from the WDC report

WDC's 3 page draft response ([see here for full response](#)) being presented to Councillors confines itself to the alleged economic benefits of the Flamingo Land development, pedestrian access and cars and parking. It fails to consider other important consequences of the development for the people of West Dunbartonshire, including:

- the health and social impacts (resulting for example from the removal of greenspace and increases in traffic)
- the impact on the Council's and other facilities. Flamingo Land has hinted that their water resort might be made available at a discount to WDC residents and local schools. What would then be the impact on the Council's own pools. Will this be used as an excuse to close public leisure facilities and will Flamingo Land's prices then rise?
- whether the housing element of the development, which is contrary to the Park's Local Development Plan, is really needed as housing targets for Balloch have already been met?
- or why the five houses by the Stonymollan Rd and 15 flats which will be built behind the restored Woodbank House facade contain no affordable housing provision?
- the impact the development will have on the amenity of local residents and their ability to enjoy their own homes both during the construction period and in the longer term

What's even sadder is that it appears that West Dunbartonshire Council officers, just like the LLTNPA, seem unable to see that much better alternatives are available if only there was the political will to engage with local people, be driven by their ideas with a view to ending up with something that's in both the local and the national interest.

I hope the voices of local people will be heard and listened to tomorrow and that Local Councillors act like democracy matters.

## Category

1. Loch Lomond and Trossachs

## Tags

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2. Freedom of Information
3. Governance
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