

Flamingo Land at Balloch – conflicts of interests or corruption?

Description

Scottish Enterprise will not be a co-applicant in the planning process. However, it will continue to respond to any requests for information and is committed to working to support the delivery of any development which benefits the local community and wider economy.

Ten

days ago the Green MSP, Ross Greer, issued a news release ([see here](#)) after being informed by Fiona Hyslop, the Cabinet Secretary for the Economy, that Scottish Enterprise “*will not be a co-applicant in the planning process*” with Flamingo Land for their proposed new development at Balloch. The story was picked up a couple of days ago by the Daily Record ([see here](#)) who revealed that Scottish Enterprise had decided to do this to avoid “*any perception of a conflict of interest*”. Far from that being the case, I argue here that this move is actually part of a concerted and cynical attempt by government to smooth the way for the Flamingo Land development going ahead.

Scottish Enterprise’s real “conflict of interest” at Balloch

In December, Scottish Enterprise announced they had renewed their Exclusivity Agreement (EA) with Flamingo Land with a news release that contained a number of incorrect statements and misleading claims ([see here](#)). The EA commits Scottish Enterprise to selling the land they own at Balloch to Flamingo Land, should the latter get consent for a revised planning application. As importantly, it commits Scottish Enterprise not to talk to anyone else. By renewing the EA therefore, Scottish Enterprise has deliberately shut out the local community from developing alternative proposals, despite knowing these have existed for some time, and paved the way for the Planning Application to go ahead. SE’s withdrawal of its name from any new planning application does nothing to change what is fundamentally wrong in this case.

What will change, however, is that since SE is no longer the applicant, it need no longer hold information pertaining to the planning application. What it doesn’t hold cannot be released into the public domain through Freedom of Information requests. Ms Hyslop’s claim, therefore, that SE will continue to respond to requests for information is highly misleading. The change appears designed to make it much harder for the public to find out what is going on since private organisations, such as businesses, are exempt from our Freedom of Information laws even when working closely with public authorities.

Legally, Public Authorities have every right to submit planning applications, both for land that they own but also for land that they don’t, as you don’t need to be a landowner to submit a planning application. Let us accept, however, Scottish Enterprise’s misleading claim that if their name was on this application there could be a conflict of interest:

- what does that then say about conflicts of interest in the first planning application which jointly

- submitted in the names of Scottish Enterprise and Flamingo Land?
- would this not warrant the Scottish Government now instigating an inquiry into how Scottish Enterprise managed conflicts of interest in the first planning application?
- and if there was a conflict of interest, should not Scottish Enterprise now be trying to recover the £116,549 ([see here](#)) it had grant-aided to Flamingo Land up until November 2018 to develop the site?

The Scottish Government's responsibility for the Flamingo Land conflict

That it was the Cabinet Secretary responsible for Scottish Enterprise who revealed they would not be “co-applicant” for the planning application suggests that this decision was agreed at the highest levels. Yet in the same letter Ross Greer, Fiona Hyslop, claims that sale of public land “*is an operational matter*”:

The decision by Scottish Enterprise to enter into an agreement with Flamingo Land Ltd for the sale of the land is an operational matter for the agency. I understand that Flamingo Land Ltd intends to bring forward revised plans for the site and think it worth reiterating that the sale will only proceed if planning permission is granted for its proposals. Any new valid planning application would be assessed by the Loch Lomond and The Trossachs National Park Authority. It would be assessed against the Local Development Plan, and other material considerations (including those raised in any representations) would be taken into account in deciding the application.

If operational, why was it that Fiona Hyslop revealed this information? Even more telling is that the Scottish Government believes the sale of prime pieces of publicly owned land, such as those owned by Scottish Enterprise at Balloch, should be an “operational matter”. There is a fundamental conflict at Balloch between Scottish Enterprise, whose main mission is to subsidise business and promote development at any cost, and the statutory aims of the Loch Lomond and Trossachs National Park, which are to promote conservation and enjoyment of the natural environment and sustainable development. After the outcry about the first planning application, the Scottish Government could have told Scottish Enterprise that the type of intensive development they were proposing at Balloch was not appropriate for a National Park. They could have forced Scottish Enterprise to transfer the land to a new owner. Instead, they have allowed SE to sign a new EA with Flamingo Land. It's very difficult to avoid the conclusion that, when it comes to land, the Scottish Government is putting the interests of business before people and place

Conflicts of interest and the Loch Lomond and Trossachs National Park Authority

Unfortunately, the LLTNPA has long acted like a second rate development agency instead of a National Park. In its enthusiasm for promoting tourist developments it allowed itself to become involved in designing the selection process, scoring the tenders and then appointing Flamingo Land as the preferred developer at Balloch ([see here](#)). This created a fundamental conflict of interest with its role as a Planning Authority, which is to protect the National Park.

There was a reason for the LLTNPA news release at the beginning of January, in which their Chief Executive falsely claimed the “*decision to appoint Flamingo land as preferred bidder for the West Riverside site was made by Scottish Enterprise alone*” ([see here](#))

. Like Scottish Enterprise – and probably in cahoots with them – senior LLTNPA officials are now trying to persuade the public that are able to take objective decisions in respect of developers. Hence why Mr Watson was so keen to stress that *“the planning officer’s report on the Flamingoland application recommended refusal for a number of reasons including unacceptable environmental impacts”*. Actually, as I showed 18 months ago ([see here](#)), LLTNPA officers only recommended rejection of the Planning Application on some relatively minor grounds: the height of the hotel at the Pierhead; the intensity of the development of Drumkinnon Woods; and concerns about the listed building, Woodbank House. The recommendations to reject the application appear designed to allow Flamingo Land to submit a slightly modified application in future ([see here](#)).

Following my post quoting from the news release, I wrote to James Stuart, Convener of the LLTNPA asking him to investigate Mr Watson’s false claim that the decision to appoint Flamingo Land *“was made by Scottish Enterprise alone”*. A few days later I followed this up with a request that Mr Watson’s only slightly less misleading in the Helensburgh Advertiser ([see here](#)) that the toilets and car parks in the National Park were open should also be investigated. I deliberately didn’t complain because, under the LLTNPA complaints process, where a complaint cannot be resolved to the satisfaction of all concerned, that complaint is investigated by a member of staff. In my view the complaints process is not fit for purpose because no member of staff should ever be tasked with investigating allegations against the person to whom they are ultimately accountable, their Chief Executive.

A week ago, on 19th April, I received a response from the LLTNPA stating that my emails would be *“managed under the National Park Authority’s complaint investigation process”*. In my view that was abusive, both to myself, as a member of the public, who had had deliberately not made a complaint, and, more importantly, to the member of staff who would be tasked with interviewing their ultimate line manager, their Chief Executive. The next day, I wrote back to Mr Stuart, who as Convener of the Board is duty bound to hold his Chief Executive to account, and asked him to reconsider. I have not had the courtesy of an acknowledgement, hence why I have decided to go public.

Governance in the LLTNPA is, I am afraid, a total and utter farce. In justification for ignoring my request that the Board investigate the behaviour of their Chief Executive, the LLTNPA stated *“the re is no requirement for complaint investigations to be managed by a member of the Park Authority Board, the Convener will in this case ask a member of the Board to review staff’s complaint findings.”* So, not only was the LLTNPA proposing that a member of staff would have to investigate their Chief Executive, they would then have to justify their findings to a Board Member. Talk about piling the pressure onto the poor staff member asked to do this, unless of course a boot-licker was chosen for the task. In neither case could there be an objective investigation. In any organisation that wasn’t corrupt, investigations or complaints about their Chief Executive would either be investigated at Board level or another organisation would be called in to do so.

Unfortunately, there appears no means of sorting this out while the Scottish Government, who should be holding the LLTNPA to account, seem to be as muddled about due process as the LLTNPA. I would cite the Court findings in the Rangers case and the botched Alex Salmond investigation as evidence for this. The corruption of government in Scotland goes right to the top.

While treating my email as a complaint, against my will, the LLTNPA has managed to ignore its own complaints process. This states that where the complaint is about a senior manager *“we will..... where appropriate, discuss your complaint with you to understand why you remain dissatisfied and what outcome you’re looking for”*.

If James Stuart had rung me about this, I'd have been most happy to discuss. Unfortunately, however, those in control at the LLTNPA appears to have no interest in what outcomes the public might be looking for (like an alternative plan for Balloch or Ross Priory), only how they can smooth the way for developers.

As a final governance point, I don't even have any assurance that Mr Stuart has seen or read my emails. The response I received came from a member of staff who appears to work directly under the Chief Executive. Unlike in the Cairngorms National Park Authority and every Local Authority in the country, where if you have a serious concern you can contact Board Members/Councillors independently and talk to them confidentially, in the LLTNPA all communications appear to be channelled through staff. There is something very rotten in Mr Watson's kingdom

Category

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