

## Flamingo Land's Mark II Planning Application at Balloch (3) – local opinion and how it has been undermined.

### Description

The evidence from the Loch Lomond and Trossachs National Park Authority (LLTNPA) planning portal ([see here](#)) shows that local opinion remains firmly against the Flamingo Land Planning Application but is not being properly represented in the planning process. This post takes a look at the issues within the context of the historic failure by public authorities to support an alternative community driven approach to development in Balloch.

### Responses to the Flamingo Land Planning application

I have not yet read through every single comment on the revised application but an objection lodged on 28th October provides a very useful summary:

“As of the 12<sup>th</sup> October 2022 there have been 479 submissions to the Loch Lomond and Trossachs National Park (LLTNP) via their online portal. Of the 479 submissions..... 413 were submissions from organisations and the public. Of the 413 submissions, approximately 10% (41) were in support of the development, and 90% (372) were **NOT** in support of the development, or, required further information.”

Further analysis showed that the “41 submissions that were in support of the development had one common theme, that of increased employment for Balloch and the surrounding area” whereas the objections have covered a far wider range of issues. If it wasn't for the promised employment, it appears there would be almost no support for this development. That begs the question, isn't there a better way?

These figures don't include the 33,075 people who had, by today, registered an objection using the online facility set up through Green MSP, Ross Greer ([see here](#)).

While it is not always possible to tell from individual responses where someone lives, earlier in the summer local MSP Jackie Baillie conducted a local survey to ascertain what people thought locally and this ([see here](#)) was lodged on the planning portal on 17th July along with an accompanying letter to the LLTNPA Chief Executive, Gordon Watson ([see here](#)):

*“As you will be aware, opinion is divided in the local community, and I therefore decided to carry out a paper and online survey of local residents to establish their views. Copies of the survey were distributed to almost 3,200 households covering Balloch, Haldane, Tullichewan, Levenvale and Jamestown. This generated 377 responses with 31% in favour of the development, 68% against and 1% failed to indicate a preference.”*

*Annex A sets out the analysis of the responses and I will forward the actual responses once personal data is removed to meet GDPR requirements.*

*The development is therefore not supported by the majority of the local community.*

*Whilst I am not opposed to development per se, I believe that the key question is whether this is the right development for the area”.*

Jackie Baillie’s letter then highlights four areas of major concern expressed by local people about the development:

- increased traffic;
- the quality of the jobs and the impacts on other local businesses;
- anti-social behaviour and the need for improved policing; and (not least)
- environmental concerns.

## **The failure of Balloch and Haldane Community Council**

Jackie Baillie’s findings were replicated by a survey carried out by Balloch and Haldane Community Council (BHCC) and lodged on the planning portal on 8th September ([see here](#)):

“BHCC distributed 3,000 surveys to every household in our area, we received 410 responses, 103 in favour of, 305 against and 2 void, this equated to 25% in favour of, 74% against and 1% void”.

In fact BHCC found more people opposed to the development than Jackie Baillie. However, they then went on to say:

“We did not feel this was a true local representation of the Community as only 10% of households had voted against. BHCC have therefore made the decision to support the application”.

This was totally a scandalous abuse of power and probably unlawful, as is demonstrated by West Dunbartonshire Council (WDC)’s scheme for the establishment of community councils ([see here](#)) approved in May. This describes the legal responsibilities of community councillors as follows:

## 2. Statutory Purposes of Community Councils

Section 51 (2) of the Local Government (Scotland) Act 1973 states that "The purpose of a Community Council is to determine the aspirations and views of local people, organise these effectively to clearly represent opinions and present ideas for development and make proposals for improving people's lives. They have clear rights as legitimate community bodies to express these with local authorities and other public bodies providing services for its area and work for service improvement where appropriate."

This involves finding out the views of the community which the Community Council represents, on matters which these authorities are responsible, and advocating for, or taking action in the interests of, that community wherever it is justifiable and practical.

Since Community Councils were created by virtue of the Local Government (Scotland) Act 1973, other statutory duties have been created for public bodies to engage with local communities. These seek to ensure that community views are heard by public bodies and influence how they meet community needs. The scope of these additional duties confers rights on communities in local areas and those sharing other common bonds of identity or because of protected equality characteristics.

Having ignored the law, the Community Councillors who made the decision and were up for re-election decided not to stand again. In the absence of other nominations the BHCC has effectively been dissolved while its website has vanished. The BHCC is now classified as inactive on the WDC website ([see here](#)). This means that there is little public information available about who were the community councillors responsible for this undemocratic decision, apart from the chair Murdoch Cameron who was awarded an MBE for services to the local community. Meanwhile the documentation relating to BHCC's longstanding support for Flamingo Land is no longer in the public realm. (If you search for BHCC on the web and then click on the results you get a "Page not Found" message).

I have been party to correspondence with WDC about the behaviour of the community councillors in which officials claim they have no means of recourse: "action cannot be taken against community councillors once they resign or where community councils no longer exist". Clearly, something is very wrong with the law.

BHCC's failure to represent local opinion on planning matters, however, has been a long-standing problem which has been well known in WDC. This was demonstrated at the public meeting held on 24th June 2019 about Flamingo Land's first planning application where, when asked, the 250 or so people present voted unanimously that the BHCC, in supporting the proposed development, did not represent local opinion. WDC has had three years to intervene and address these failures of governance but has failed to do so and is now claiming its hands are tied.

Meantime in October some of the former community councillors went to the press ([see here](#)) claiming they had been subject to hate mail. There was no acknowledgement that they might have invited this by ignoring local opinion. They also blamed their critics for not standing for the council when the fact is that in the past they have ejected people from their meetings for daring to disagree with them.

Had those community councillors given notice that they had intended to stand down, far more people from the local community might have been prepared to considering standing to give the community council a fresh start. WDC could now call new elections to give local people a representative voice on the Flamingo Land application and “present ideas for development” that would have local support. So far, however, there is no sign of them doing that.

That is consistent with WDC’s own failures to represent local opinion or respond to local concerns. For example, back in June WDC’s roads department in responding to the Flamingo Land application provided not a single critical comment about the potential impact of the proposed development on traffic in Balloch (which will be subject of a future post).

## **What’s wrong and what needs to happen**

Three years after the first Flamingo Land application nothing has been done to try and make the right type of development, as Jackie Baillie put it, one that helps to improve local people’s lives while representing the national interest, happen at Balloch.

Primary responsibility for this failure lies jointly with Scottish Enterprise and the LLTNPA. Together they developed the process ([see here](#)) that resulted in Flamingo Land’s appointment as preferred developer for the Riverside Site, while bypassing the local community. After the withdrawal of the first planning application the LLTNPA then remained silent while Scottish Enterprise renewed their Exclusivity Agreement with Flamingo Land ([see here](#)), scotching the possibility of an alternative development that was right for the area.

In these circumstances, it was even more important that West Dunbartonshire Council pro-actively supported local people. But unfortunately they have failed to follow up their objection to the first Flamingo Land planning application which was forced on them by the strength of local opinion and the valiant efforts of Jim Bolland and former councillor Sally Page. They have also failed to sort out the BHCC whose members appear to have been captured by the developer.

The result has been not a single public authority – despite the LLTNPA’s claims ([see here](#)) that having active and informed communities is core to its work – has done anything to support the local community to form a view about what should happen on the Riverside Site since the flawed Balloch charrette in 2016 ([see here](#)). Instead, it has been left to individuals in the local community to highlight concerns.

It is wrong to blame local residents, as the outgoing BHCC community councillors tried to do, for these organisational failures. It takes a considerable amount of effort to develop representative and democratic community organisations. It is not reasonable to expect volunteers to do this unassisted, with all the other pressures people face in their daily lives. Nor is there much likelihood of people getting involved in community organisation if their views are then ignored by public authorities, as the LLTNPA has recently done with its decision to market the former National Park Visitor Centre at Luss ([see here](#)).

. In respect of the planning system, while financial support is given to developers, everything is stacked against local communities.

The challenge for all those who oppose Flamingo Land's proposals is that until such time as there is a representative community organisation for Balloch, supported by our public authorities, there is almost no chance of delivering the right type of development for the area or the National Park. The absence of a strong community organisation, such as exists on Rum ([see here](#)) where local residents have forced the Scottish Minister to the table, means objectors will always be on the defensive.

It is time now for those local politicians who have been prepared to speak out about the planning application to show a lead and call for the creation of a new community council and a community development trust for Balloch. If those processes were initiated now, that would empower the local community to start to progress alternatives, with appropriate support from our public authorities, once Flamingo Land's latest planning application is rejected, as I hope it will be.

### **Category**

1. Loch Lomond and Trossachs

### **Tags**

1. flamingo land
2. LLTNPA
3. Local communities
4. planning

### **Date Created**

November 17, 2022

### **Author**

nickkempe

default watermark