

The story of Loch Lomond and Trossachs National Park Authority and the Flamingo Land development (1)

Description

I have written a number of posts over the last seven years about the Loch Lomond and Trossachs National Park Authority (LLTNPA's) involvement in the proposed Flamingo Land development at Balloch, on the south shore of Loch Lomond, but never put the whole story together. It deserves to be widely known before the LLTNPA Board are due to consider the "Mark III" Flamingo Land planning application ([see here](#)) on 16th September.

While much of the story is well evidenced, how the LLTNPA first became involved is less clear. It appears, however, that when Fiona Logan became Chief Executive of 2008, the year of the banking crash, the National Park started to take a more commercial turn. In 2011 the Herald reported that Wayne Gardner Young, who was involved in unlawful planning development at Balmaha ([see here](#)), had been talking to Ms Logan about a £100m theme park development on the shores of Loch Lomond ([see here](#)). While Balloch was arguably the only feasible site for such a large development, I have not been able to establish that fact or to confirm reports that at some stage Ms Logan visited the Flamingo Land theme park in Yorkshire.

Whatever discussions took place between Scottish Enterprise (SE), the LLTNPA and developers, Ms Logan stepped down as Chief Executive at the end of 2014 and was replaced by Gordon Watson, the Park's Director of Operations and former head of planning, in January 2015. Shortly afterwards, the West Riverside site at Balloch was put up for sale by SE in partnership with the LLTNPA:



Scottish Enterprise invites proposals for development of West Riverside, Balloch

Introduction

Scottish Enterprise, in partnership with Loch Lomond and Trossachs National Park Authority, are promoting West Riverside and the undeveloped sites within Loch Lomond Shores for tourism and leisure-based developments.

The aim is to create a quality-led destination that improves connectivity between the popular tourism destination of Loch Lomond Shores and the centre of Balloch. Development will be accommodation led and uses that may be considered are as follows:

- Hotel, hostel, lodge or holiday accommodation
- Specialist or tourism related retail
- Family orientated, active leisure activities.

West Riverside can be sold as a whole, or interest in smaller plots within the site will also be considered.

Extract from sales brief 2015.

The sales brief contained numerous references to SE's partnership with the LLTNPA. This partnership was not only promoting the sale of the West Riverside site, running along the west bank of the River Leven, but other "undeveloped sites within Loch Lomond Shores" owned by SE (including the ancient

Drumkinnon Woods included in Flamingo Land's first planning application).

INTRODUCTION

There are few landscapes more inspirational and with such global recognition as Loch Lomond. A rare development opportunity has arisen within Loch Lomond National Park as Scottish Enterprise, in partnership with Loch Lomond and the Trossachs National Park Authority, are now promoting west Riverside and the undeveloped sites within Loch Lomond Shores for tourism and leisure-based developments. West Riverside can be sold as a whole, or interest in the sub-divided individual sites will also be considered.

The aim is to create a quality-led destination that improves connectivity between Lomond Shores and the centre of Balloch. Development will be accommodation led and uses that may be considered are as follows:

- Hotel, hostel, lodge or holiday accommodation;
- Specialist or tourism related retail;
- Family orientated, active leisure activities.

To have agreed these broad parameters for the development in the sales brief, the LLTNPA must have been in discussion with Scottish Enterprise for some time about the future of the West Riverside site.....perhaps going back to when Gordon Watson was head of planning?

PLANNING AND DESIGN

Loch Lomond and The Trossachs National Park Authority are the planning authority responsible for West Riverside and any development concepts and plans will require their approval.

It should be noted that they are involved in this project and are fully aware of Scottish Enterprise's objectives.

Development will also need to consider appropriate design and quality standards given that it is situated within the National Park. These will include:

- The use of quality materials in-keeping with the wider built and natural environment i.e. stone, timber, slate etc;
- A high level of integration between different uses;
- Public realm that invites and encourages footfall between Balloch and Lomond Shores;
- Retaining and enhancing public access to the River Leven footpath;
- Where possible avoiding the need for gated areas where the public is excluded;
- Retention of the former Station buildings opposite Balloch Station;
- Retention of the access road and public slipway.

It is not clear whether it was just staff or whether the LLTNPA board was also "fully aware of SE's

objectives” because the development of the West Riverside site and neighbouring land was not discussed at any public board meeting. However, since the LLTNPA had developed its proposals for camping byelaws in 2013/14 over the course of 13 secret meetings ([see here](#)), one should not exclude the possibility that the then board were involved and secretly approved the whole process.

The LLTNPA’s involvement was not just limited to promoting land owned by SE for development, the land they owned and leased from SE at the pierhead was also included in the area for sale on the cover of the sales brochure:



This was no an accident as is shown by the content inside the brochure:

Site History

The site is located in Balloch. In total, the site extends to approximately 18 hectares and runs north-west/south-east direction from Balloch Road/Balloch Bridge to LLS/Ben Lomond Way. It was last in use in 1986 by British Rail who operated a railway link to the Pierhead, connecting with the Loch Lomond steamers. The existing Tourism Information Centre to the south of the site was in use as Balloch Station until this time. Some areas of land contamination exist as a result of the railway use.

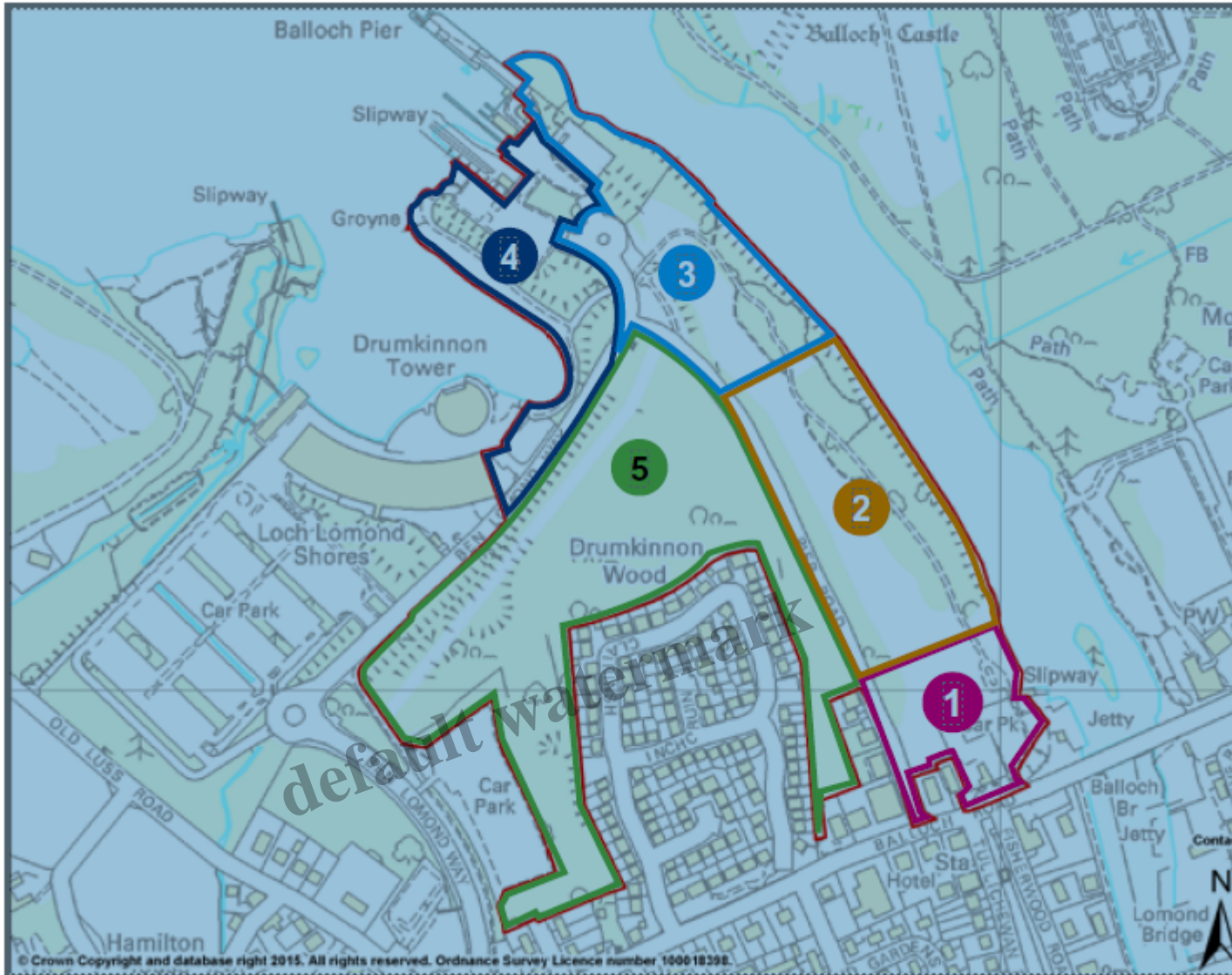
SE took ownership of the land from British Rail in 1989 by way of a statutory conveyance. In 2000 land to the north east of the site was developed by what is now the LLTNPA as parking facilities for the public boat launch facility and the Maid of the Loch. This land is the subject of concluded missives between SE and the LLTNPA, although the formal transfer of title has not yet taken place. The LLTNPA has granted a 25 year lease of the Maid of the Loch car park to the Loch Lomond Steamship Company (LLSC), a registered charity which owns and operates the Maid of the Loch.

The LLTNPA and LLSC have indicated their willingness in principle to consider a land transfer to allow inclusion of part of this area in the West Riverside development.

Interested parties may consider other layouts for the Pierhead area provided proposals retain sufficient car/trailer parking to support the Maid of the Loch and Duncan Mills Slipway.

The Old Station Building on Balloch Road is currently leased by SE to VisitScotland. The land adjacent is currently used as a public car park by local residents, train commuters, and visitors to Balloch. SE has leased the moorings on the River Leven abutting the site to three separate boat clubs.

The sales brochure shows the LLTNPA had even agreed what purposes the land it owned and leased at the pierhead should be used for:

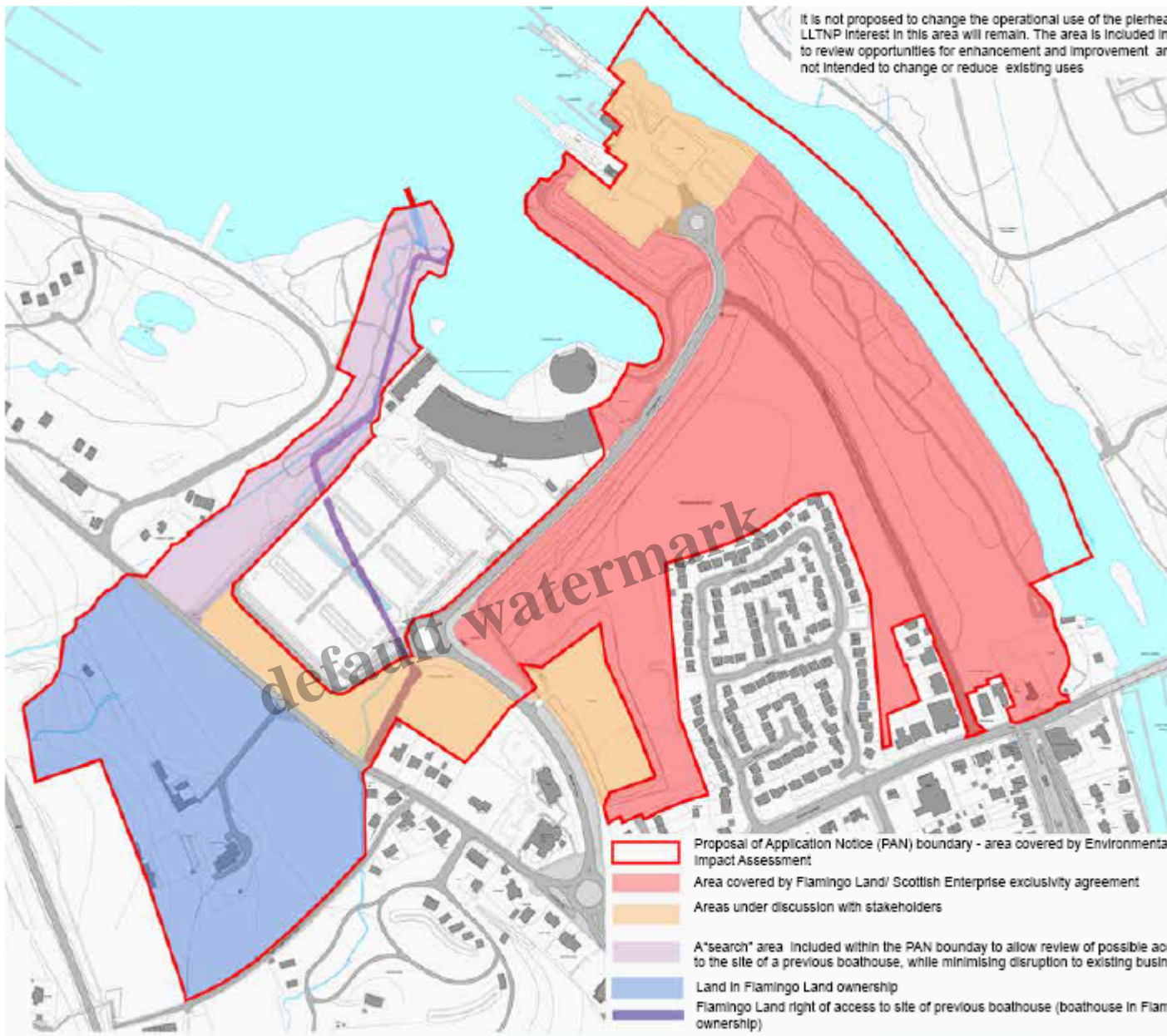


The different coloured areas set out the different purposes that SE and the LLTNPA had agreed for the Area.

The LLTNPA owned and leased parts of areas 3 and 4, with 3 being allocated for a hotel and 4 for an expansion of the retail development at Loch Lomond Shores.

This offer from the LLTNPA to sell its land at the pierhead and the proposals of what to do with it was taken without any public consultation or approval at a public board meeting. This decision, whether taken by staff alone or by the board in secret, explains why the land the LLTNPA owned and leased at the pierhead was included in Flamingo Land's first planning application:

LAND OWNERSHIP



Note the orange areas, “areas under discussion with stakeholders”, included land owned and leased by LLTNP at the pierhead. The application did contain the proviso that it was: *“not proposed to change the operational use of the pierhead and the LLTNP interest [i.e the boat launching facility and ranger boat area will remain”.*

But well before the LLTNP’s land appeared in Flamingo Land first planning application they had been, as SE’s partners, fully involved in the process that led to Flamingo Land’s appointment as preferred developer of the site. Unlike the sales brochure, which was at one stage publicly available, the information about the selection process was released in response to a number of Freedom of Information requests.

From **Alan Blackburn**

Reply

Forward

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Junk

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To Nick Kempe

17/1

Subject **FOI Response**

Dear Mr Kempe,

Thank you for your request for information received on the 19th September, made under the Freedom of Information (Scotland) Act 2002 (FOISA). We have applied the exemption under Section 39(2) of the Freedom of Information (Scotland) Act 2002 as we have determined that the information sought in your request is environmental information. We are therefore handling your request in accordance with the terms of the Environmental Information (Scotland) Regulations 2004 (EIRs). I confirm that Scottish Enterprise (SE) holds the information within the scope of your request. I have addressed your specific questions below.

- 1. Could you please confirm whether or not Flamingo Land was appointed as a result of public tender and if so when and where you can find the papers.**

I can confirm that Flamingo Land (FL) were not appointed following a public tender on Public Contract Scotland. Flamingo Land was appointed following a marketing campaign for West Riverside which contained installation of 'for sale' signage boards on the site itself, and through advertisements in both The Herald and Property Week in early spring 2015 and subsequent circulation of brochures of marketing particulars.

The marketing strategy divided West Riverside into five development areas and stated that Scottish Enterprise (SE) would fully consider any interest in individual plots 1 – 5 as well as whole site interests. Please see the attached marketing strategy for more information. A closing date of 26th June 2015 was set for the submission of development proposals to be considered. Expressions of interest were requested and subsequent development proposals were evaluated and scored by an evaluation panel in August 2015.

- 2. I would also be grateful if you could provide me with any internal papers/information from Scottish Enterprise that explains your decision to develop this site as a whole with one developer in preference to other options (e.g. a community development trust).**

In keeping with Scottish Government procurement guidelines, all land transactions of this nature undertaken by SE are conducted through an open market process to promote transparency and openness. At the 'closure of interest' stage, responses/submissions to the brief were received from leisure operators and developers. All the proposals were scored by an evaluation panel comprising of representatives from SE, LLTNPA and SE's Property Advisors (Bilfinger GVA) in accordance with the evaluation criteria and methodology outlined in the attached development brief.

The Flamingo Land submission generated the highest score against the evaluation criteria and was selected by the evaluation panel as the preferred bid. Flamingo Land demonstrated strong credentials and track record in delivering leisure developments. Their submission set out a mix of complimentary leisure uses for West Riverside, with a strong focus on the development and design objectives set out in the brief. In addition the company stated in their submission that they would adopt a structured Community Benefit strategy in taking their development proposals forward.

Please find attached the Tender Evaluation Matrix which sets out the criteria (and weighting) against which the proposals were scored. Please be aware that some information has been redacted under regulation 10(5)(e). A full explanation of why I believe this regulation to apply can be found below.

SE's response shows that the LLTNPA were on the panel which interviewed and scored five

developers bidding to buy the “West Riverside” site in August 2015 and evaluated the bid from Flamingo Land as being the best.

	A	B	C	D	E	F
1						
2	PROCUREMENT	Contract Ref:			Title:	West Rivers
3						
4			Price	Quality	Price Score	Quality Sco
5	Redacted under regulation 10(5)(e)	Tender 1	0.00	220.00	#DIV/0!	60.
6	Redacted under regulation 10(5)(e)	Tender 2	0.00	0.00	#DIV/0!	0.
7	Redacted under regulation 10(5)(e)	Tender 3	0.00	355.00	#DIV/0!	97.
8	Flamingo Land Ltd	Tender 4	0.00	365.00	#DIV/0!	100.
9	Redacted under regulation 10(5)(e)	Tender 5	0.00	155.00	#DIV/0!	42.
10						

Extract from scoring matrix referred to above – the names of the four other bidders has been redacted

Unlike Bilfinger GVA, the LLTNPA’s participation on the panel was not qualified by SE describing them as “advisors”. That fits with the sales brochure describing the LLTNPA as being partners in the project.

It then took a whole year before SE announced in September 2016 they had appointed Flamingo Land as preferred developer for the site. It appears that it was sometime during this year that someone in the LLTNPA realised that their level of involvement in the proposals to develop the West Riverside site and appointment of Flamingo Land was incompatible with their “quasi-judicial” role as the planning authority which would determine any planning application. That would explain why after SE announced Flamingo Land’s appointment the LLTNPA tried to distance itself from the role it had played in this:

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Statement on the recent announcement regarding West Riverside in Balloch

26 September 2016

Having received some inquiries regarding the planning status of the potential development recently at West Riverside in Balloch, we are taking the opportunity to clarify it.

Scottish Enterprise recently appointed [Flamingo Land Limited](#) as the preferred developer for West Riverside, Balloch, in Loch Lomond & The Trossachs National Park.

Scottish Enterprise kept the National Park Authority's tourism team informed at each stage and the process of selection of their preferred developer.

No detailed proposals have currently been submitted to the National Park Authority.

The National Park Authority is the planning authority and will take a view on proposals for development submitted as a planning application.

Prior to submitting a planning application, we understand the developer will draw up a 'master plan' and local consultation – a requirement for any application of this scale.

The Park Authority assesses all developments against the current planning policies and has no permission for any development that does not meet its aims. West Riverside is a site identified for tourism development.

Our recent [Balloch Charette](#) consulted the local community extensively for views on development and provides a strong context in which to ensure appropriate proposals for the site.

For information on the planning process and how to comment on planning applications visit [www.npa.gov.uk](#)

This statement is still on the LLTNPA website

The claim that SE had appointed Flamingo Land was only partly true, since the LLTNPA had been on the interview panel, as was the claim that SE had kept the LLTNPA informed at each stage of process when actually they had been partners from the start.

Following this I submitted a Freedom of Information request to the LLTNPA asking for any correspondence and information they held about meetings they had had with SE about Flamingo Land's appointment. Their response claimed their involvement in the appointment of Flamingo Land had been limited to "reviewing submissions" and the provision of advice:

Correspondence and meetings with Scottish Enterprise

Scottish Enterprise sought informal pre planning application advice and met with a member of the Park Authority's planning team in March 2015. Email correspondence to arrange this meeting is attached in Appendix A.

Planning officers have discussions informally and formally with interests in any of our allocated sites. Within this context the planning service offers free confidential pre application advice to anyone who is considering submitting a planning application. Details of this process can be found on our website at: <http://www.lochlomond-trossachs.org/planning/planning-applications/get-advice/pre-planning-application-advice/> This approach is commonplace across Scotland and used to help inform developer's decision making before committing to a planning application.

Scottish Enterprise invited the Park Authority's Head of Visitor Experience to be involved in the process of reviewing the submissions for the West Riverside site. This involvement was in an advisory capacity in relation to tourism considerations and separate from, and without prejudice to, any consideration of planning issues. The decision regarding a preferred developer was for Scottish Enterprise as landowner to make. The Park Authority actively works with businesses to promote opportunities for accommodation, infrastructure and facilities within the National Park. We have a specialist role, to promote facilities for the good of the Park and its visitors. Correspondence relating to these meetings is also attached in Appendix A.

This and following emails and agenda are from EIR 2016-051 response

This information response, however, FAILED to disclose ALL the information the LLTNPA held about the involvement of its planning staff in the appointment process. Another FOI request to Scottish Enterprise released some of the same emails which had been provided by the LLTNPA but also revealed another email from Planning Manager after the meeting in March 2015:

[Redacted]

From: [Redacted]@lochlomond-trossachs.org>
Sent: 30 March 2015 17:13
To: [Redacted]
Cc: [Redacted]
Subject: RE: West Riverside, Balloch - Planning Meeting

[Redacted]

Good to meet you last week. The following are my comments on the Balloch, West Riverside marketing brochure :

The key point – as I suggested at our meeting - is to give consideration to reducing the emphasis on the 'Drumkinnon Woods' element of the site – either amending the map graphic to adjust - or certainly amending the text under that section – there is just not scope for that level of development.

In 'Balloch Station' entry I would include references to 'public realm work' and 'integration with railway station'

Under 'River Leven' – emphasise 'connectivity of Balloch town with Lomond Shores'

Hope this helps

If you wish to run final version by us.

Many thanks

[Redacted]

Planning Manager
Development Management

Loch Lomond & The Trossachs National Park

[Redacted]

www.lochlomond-trossachs.org

Other emails show that the Planning Manager from the LLTNPA was Bob Cook who is still in post

This shows the planning had commented on the sales brochure- so why, if this was so innocent, did the LLTNPA wish to cover this up? And, more to the point, what other information did they fail to declare in their information response EIR 2016-051?

The second claim, that the LLTNPA were involved in reviewing submissions for the West Riverside Site, was dishonest as they had been involved in scoring too, as one of the emails they provided showed!

[REDACTED]

From: [REDACTED]
Sent: [REDACTED]@scotent.co.uk>
To: 27 July 2015 10:04
Subject: Mairi Bell
West Riverside - Scoring of Proposals

Hi Mairi,

[REDACTED]

[REDACTED] has asked me to drop you a note to check your availability for scoring/reviewing West F submissions week commencing 10th August? We plan to book a full day for this but depending on receive a full day may not be required.

I will circulate a scoring criteria and matrices in due course.

If you have any queries just let me know.

Best Regards,

[REDACTED]

[REDACTED]
Project Manager
Business Infrastructure
SCOTTISH ENTERPRISE

Direct line: [REDACTED]
Email: [REDACTED]@scotent.co.uk

Email from appendix 2 contains two references to "scoring"

The remainder of the underlined section in the FOI response claims that this involvement by the LLTNPA was limited to tourism considerations, which was also untrue since the LLTNPA had offered up the land it owned and leased at the pierhead to developers, and implied that any involvement of planning staff had been "informal". If that was true, there would have been no map in the sales brochure dividing the "Riverside site" into five different development zones!

Another email from Appendix A refers to a meeting between the LLTNPA and SE in September, i.e the month after the interview panel took place, about West Riverside, and almost a year before it was

announced Flamingo Land had been appointed preferred developer:

[REDACTED]

From: [REDACTED]@scotent.co.uk>
Sent: 03 September 2015 17:16
To: Pearson, Malcolm
Cc: Mairi Bell
Subject: RE: West Riverside, Loch Lomond

Hi Mairi,

[REDACTED]

I remember initially you had mentioned the afternoon of the 30th September as being a time that Stuart could attend? Is that still the case? If so, I will schedule a meeting in AC and circulate a meeting agenda.

Best Regards,

[REDACTED]

[REDACTED]
Project Manager
Business Infrastructure
SCOTTISH ENTERPRISE

Direct line : [REDACTED]
Email: [REDACTED]@scotent.co.uk

 Please consider the environment - do you really need to print this email?

Email from Appendix A

The reference to "Stuart" is significant. Unless and until the LLTNPA can prove otherwise, that would appear to refer to Stuart Mearns, then head of planning and now Director of Development at the National Park. That would make sense as the Agenda for the meeting which took place on 30th

September included "planning":

Agenda

West Riverside Meeting

Wednesday 30th September 2015 at 2.00pm

Scottish Enterprise Offices, Atrium Court, 50 Waterloo St, Glasgow G2 6HQ

- 1. Introductions**
- 2. Proposal Overview**
- 3. Planning**
- 4. Timescales/Milestones**
- 5. Construction Costs**
- 6. Land Price**
- 7. Abnormal Costs**
- 8. Gateway Centre/LLTNPA**
- 9. Maid of the Loch/Watersports Club/Abellio Scotrail**
- 10. Any other business**

If, however, the involvement of planning staff was solely in an advisory capacity, as the LLTNPA claimed, why would the head of planning be attending a meeting that was discussing the "proposal overview", the price of the land – one wonders if that includes the price of the LLTNPA's land as well as that owned by SE? – another property leased by the LLTNPA from SE (the Gateway Centre) etc? Unfortunately, I was unable to get answers to these questions from the LLTNPA since they claimed to have no minute of the meeting or any other record of what was discussed.

A follow up information request to Scottish Enterprise, however, was very helpful and revealed more:

From [Kerol Henschel <Kerol.Henschel@scotent.co.uk>](#)

Reply

Reply All



Forward

Archive

To Nick Kempe

Cc Andrew Smith <Andrew.Smith1@scotent.co.uk>

Subject **FOI Response**

Dear Mr Kempe

Thank you for your further questions in relation to the award of preferred developer status to Flamingo Land at West Riverside.

A response to each of your questions has been provided below:

1) Achievement of SE design objectives. Were these just set by SE or did the Loch Lomond and Trossachs National Park Authority (LLTNPA) endorse the 'SE Design Principles' set out in the scoring document in developing the marketing strategy as well as being part of the process to award Flamingo Land preferred developer status?

Loch Lomond and Trossachs National Park Authority (LLTNPA) endorsed the 'SE Design Principles' set out in the scoring document in developing the marketing strategy as well as being part of the process to award Flamingo Land preferred developer status.

The design principles were set out fully within the original marketing brochure (extract below) and both this and the scoring document were endorsed by LLTNPA.

PLANNING AND DESIGN

Loch Lomond and The Trossachs National Park Authority are the planning authority responsible for West Riverside and any plans will require their approval. It should be noted that they are involved in this project and are fully aware of Scottish Environmental Principles.

Development will also need to consider appropriate design and quality standards given that it is situated within the National Park.

- The use of quality materials in-keeping with the wider built and natural environment i.e. stone, timber, slate etc;
- A high level of integration between different uses;
- Public realm that invites and encourages footfall between Balloch and Lomond Shores;
- Retaining and enhancing public access to the River Leven footpath;
- Where possible avoiding the need for gated areas where the public is excluded;
- Retention of the former Station buildings opposite Balloch Station;
- Retention of the access road and public slipway.

2) Achievement of SE economic objectives. Did this include any requirements/score for payment of Scottish Living Wage to those employed by the preferred bidder?

No, there was no provision for a score to be assigned for payment of the Scottish Living Wage.

3) On what date was it actually agreed to appoint Flamingo Land as preferred bidder? You have kindly given me the interview date but the appointment was almost a year later and I would like to know how much of this period was negotiation to finalise who the preferred bidder was and how much was post selection. Related to this I would ask how many meetings took place with Flamingo Land before the date of appointment as preferred bidder and whether the LLTNPA was involved in any of these meetings.

Unsuccessful bidders were notified in September 2015.

SE & LLTNPA had one meeting with Flamingo Land prior to progressing the award of preferred developer status. This meeting took place in September 2015. SE held two separate progress meetings with Flamingo Land in October 2015 & February 2016. LLTNPA was not involved in these meetings.

Responsibility for “Design Principles” is primarily a planning, rather than a tourism matter, and the fact that the LLTNPA endorsed them before their inclusion in the sales brochure indicates that their planners had been involved for much of the process.

Even more significant, however, is the reference to the meeting on 30th September 2015 being “prior to progressing preferred developer status” and the revelation that this meeting included Flamingo Land. If it was Stuart Mearns who was present, that is completely damning but whatever the case the fact that LLTNPA were discussing land price, their own property etc with Flamingo Land shows just how far they were implicated in the proposed development. Their claims, therefore, to have acted purely in an advisory capacity are false.

The fact that SE subsequently met with Flamingo Land on two occasions without LLTNPA staff supports the theory that between September 2015 and September 2016 someone at the LLTNPA realised they had undermined due process, backtracked and began to try and cover up what had happened.

The LLTNPA’s conflicts of interest were raised as objections to the first Flamingo Land planning application and referred to in the report that was due to be considered by the LLTNPA board on 24th September 2019 (before the application was withdrawn at the last moment):

5.4.29 Conflict of Interest

- The National Park Authority owns land within the site and therefore has a conflict of interest.
- The National Park Authority sat on the panel that considered the application for the site and therefore has a conflict of interest.

Extract from report to LLTNPA board September 2019

The Committee Report considered these conflicts of interest as follows:

8.12.3 Ownership of Land: A significant number of the objections have raised concerns regarding the sale of 'public land' within the site as well as the sale of the land to one single company. Apart from the site at Woodbank (which is owned by Flamingo Land) the majority of the site is currently owned by Scottish Enterprise who are the joint applicants for this proposal. It is understood that this land would be transferred to Flamingo Land if planning approval is forthcoming. Issues for consideration as a Planning Authority relate to the existing and proposed use of the land, and associated impacts, and not the land ownership. Who owns the land, and indeed manages or controls land, and whether it is in public or private ownership is not a material consideration in the determination of the application. The loss of amenity space, whether it be in public or private ownership, is however a material consideration and this has been assessed within the Access and Recreation section of the report (see Section 8.9).

8.12.4 Conflict of Interest: In addition to the landownership issues referred to above concerns have been raised that The National Park Authority has a conflict of interest as it sat on the panel for selecting the developer for the site. It should be noted that Scottish Enterprise invited the Park Authority's Head of Visitor Experience to be involved in the process of reviewing the submissions for the West Riverside site. This involvement was in an advisory capacity in relation to tourism considerations and separate from, and without prejudice to, any consideration of planning issues. The decision regarding a preferred developer was for Scottish Enterprise as landowner to make. The Park Authority actively works with businesses to promote opportunities for accommodation, infrastructure and facilities within The National Park. This is always without prejudice to any future planning decision making made as the planning authority.

The first paragraph on ownership failed to mention the fact that the LLTNPA owned some of the land at the pierhead included in the planning application boundary or explain why the LLTNPA had failed to respond, as landowner, to an application that would affect their land. That this was wrong is proven by estates staff, who incidentally now work under Mr Mearns, having submitted a response to the current planning application outlining their concerns about the potential impact of the Flamingo Land development on the LLTNPA's land ([see here](#)).

The second paragraph attempts to claim the LLTNPA were on the interview panel in an advisory capacity in relation to tourism considerations contrary to all the evidence provided above.

After these claims were challenged, along with complaints about how they had managed the Hunter Foundation planning application at Ross Priory ([see here](#)), the LLTNPA issued a further news release in January 2021:

Statement on West Riverside and Hunter Foundation planning applications

Media statement on West Riverside and Hunter Foundation planning applications.

Gordon Watson, Chief Executive of Loch Lomond & The Trossachs National Park Authority, said the Authority takes its environmental responsibilities extremely seriously undertaking a wide range of measures to address the nature and climate emergencies, most recently demonstrated by our commitment to the setting our ambitious target for reaching net zero emissions by 2030.

“As a planning authority we also have a statutory responsibility to balance this with ensuring that communities and businesses can thrive. Our award-winning Local Development Plan, produced after extensive consultation, has policies and requirements ensuring development befitting a National Park while supporting the local economy where jobs and housing are needed.

“All planning applications are assessed against the plan and assessment includes thorough consideration of environmental factors. Environmental Impact Assessments are not required for every application but a screening process is carried out to determine when this is needed. The screening process for the application, undertaken by the Authority, concluded that an assessment was not required. A number of factors were carefully considered as part of the planning assessment and determination.

“The decision to appoint Flamingoland as preferred bidder for the West Riverside site was made by the Authority alone. While a former member of the National Park Authority’s tourism team did provide information to Scottish Enterprise before their decision, no member of the planning team or any member of the Authority was involved in their selection and there was no conflict of interest.

“The fact that the planning officer’s report on the Flamingoland application recommended refusal for reasons including unacceptable environmental impacts reflects this. The application was withdrawn before publication of our report and before the National Park Board could make a determination.

“Planning decisions can often be contentious and emotive, particularly in a National Park. However, we must follow the statutory process and take an objective view in assessing the merits of any proposed development.

“All information and comments submitted ensuring all parties are treated fairly. We do not choose to comment on individual submissions and must apply the same in our decision-making process regardless of who submits them.”

All the claims in the highlighted paragraph are wrong: the decision to appoint Flamingo Land as preferred developer was not just taken by SE; the “former [ie since retired] member of the tourism team did not just provide “informal tourism advice” to SE before their decision but was a member of the interview panel; and Stuart Mearns, as head of planning, appears to have attended a meeting which agreed the proposal.

Where the LLTNPA is right is where they state that Planning Authorities must take an objective view when assessing proposals. Rather than acknowledging they had failed to do that in respect to the West Riverside application, Gordon Watson the Chief Executive tried to cover this up.

I submitted complaints about this news release to James Stuart, then convener of LLTNPA board, in 2021 and then to Dr Heather Reid, who replaced him as convener, in December 2023. In both instances I requested the complaints be investigated by the board, rather than by staff as per the LLTNPA’s complaints procedure, as no member of staff should be expected to investigate their Chief Executive. Both Mr Stuart and Dr Reid passed the complaint to staff, ultimately managed by Mr Watson, to respond.

Extract from complaint 2021-001 response:

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Complaint about the content of a press statement issued by the National Park Authority in January 2021

The press statement referred to in your correspondence is on the National Park Authority website at: <https://www.lochlomond-trossachs.org/park-authority/blog/statement-on-west-riverside-and-hunter-foundation-planning-applications/>

The content of the press statement has been checked. Scottish Enterprise sought input from a member of staff from the National Park Authority's tourism team, as part of Scottish Enterprise's selection process to find a preferred bidder. The decision on the preferred bidder was made by Scottish Enterprise.

Following the announcement in 2016 by Scottish Enterprise of their preferred bidder, the National Park Authority issued a press statement in response to enquiries regarding the planning status of

LOCH LOMOND & THE TROSSACHS NATIONAL PARK AUTHORITY

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the potential development at West Riverside in Balloch. This statement included information about the involvement of the National Park Authority's tourism team in the selection process Scottish Enterprise used to select their preferred developer.

<https://www.lochlomond-trossachs.org/park-authority/blog/statement-recent-announcement-regarding-west-riverside-balloch/>

The information referred to in this complaint from the recent press statement has been a matter of public record since 2016.

Due process was followed by the National Park Authority Planning team in their consideration of the subsequent planning application, which was withdrawn before a determination was reached.

This complaint is about the accuracy of a press statement. No inaccuracies in the content of this statement have been identified. I therefore have to advise that this complaint has not been upheld.

It is not clear what content was checked but, instead of an investigation, the staff member referred to the 2016 news release and used information from that, which I have shown to be false, to justify the claims in the news release that was subject of my complaint. There was no attempt to check the claims in the first news release against the facts or against information the Park had already released to me under FOI. The claim that just because something has been on the public record for five years it is true is bunkum.

Responsibility for this fundamental failure in governance in my view lies not with the (nameless) investigator of the complaint but James Stuart who decided it was appropriate to ask someone to investigate their own boss. Mr Stuart still sits on the Strategic Advisory Group of Scottish Forestry ([see here](#)).

On the same day I received the official response to my complaint, I also received an email from Mr Stuart accusing me of causing distress to staff by submitting this complaint and in which he said he would not communicate with me again. While I potentially could have tried complaining to the Public Service Ombudsman, what I should have done is written the story I am writing now.

Since this is a matter of FALSE public record which is pertinent to the current planning application last year I decided to bring the attention to the new Convener of the LLTNPA, Dr Heather Reid, as part of my attempt to make her aware of other governance failures relating to the Cononish goldmine. I did not even get an acknowledgement of my complaint from Dr Reid and she, like James Stuart, handed the investigation to a member of staff ultimately managed by Gordon Watson. Their response consisted of two lines in letter that was primarily about the Cononish goldmine:



Mr Nick Kempe
[REDACTED]

Ref: FOI 2023-027
21st December 2023

Dear Mr Kempe

Email Correspondence – Friday 8th December 2023

Thank you for your email of 8th December. I can confirm that the email, and this response to it, has been shared with the Convener.

As previously outlined in our correspondence of the 24th November, the National Park Authority are satisfied that the delay in the publication of a monitoring report you referred to was nothing more than an administrative error, which was quickly resolved when the matter was brought to our attention.

Your suggestion that any planning performance report provided to Board Members which incorporates data using pre-determined deadline dates cannot be trusted is not considered to be correct.

I am satisfied that the complaints procedure has been followed appropriately in dealing with your previous correspondence. If you are dissatisfied with the handling of your emails of 15th, 23rd, 25th, 29th October and 2nd November 2023 (COMP 2023-021), then please see the information below about the Scottish Public Services Ombudsman (SPSO) as the final stage for complaints about public services in Scotland.

I am satisfied with the accuracy of the statement attributed to the Chief Executive on the LLTNP website to which you have referred and see no justification for its removal.

I note that you have made a Freedom of Information Request as part of this correspondence. This will be responded to within 20 working days of the day your request was received.

Instead of an investigation that looked at the facts – I had provided Dr Reid with much of the information I have presented here – the Park supplied a statement from a nameless individual stating they were “satisfied with the accuracy of the statement attributed to the Chief Executive”. Note how the statement is only “attributed” to Gordon Watson, leaving the door open for someone else to take the rap if ever attempts are made to hold him to account.

The implications of LLTNPA staff involvement for the Flamingo Land application

Planning authorities are supposed to be impartial and determine planning applications objectively, according to planning policy. Gordon Watson, the Chief Executive of the LLTNPA, was quoted in the Herald on Saturday in their excellent coverage of the Flamingo Land planning application as making that very claim (*“Authority will consider local views before making a decision says Park chief*):

“I want to offer my assurance that due process is being followed to the letter and I would strongly urge those with conflicting views to respect that process”.

What I hope this post has shown is that those assurances from Mr Watson are worthless. Whatever the report to the Board Meeting on 16th September states and recommends, no-one can have faith in its objectivity or the fairness of the process leading up to it. That is because of the backing senior staff, who are still in post, gave to the development, their partnership with SE to appoint Flamingo Land as preferred development and the way they have then tried to cover this up and have been allowed to do so by two conveners of the LLTNPA board.

What needs to happen if the LLTNPA want to take a sound decision in planning terms and not be open to legal challenge is a full investigation into staff backing for the development along. That should entail Gordon Watson, Stuart Mearns and any other staff that have been involved being excluded from any further participation in the planning and decision-making process. If there is no-one left in the planning department left to draft and approve the content of the report to the board, the LLTNPA should ask to “borrow” professional planners from another (uncompromised) planning authority to assess the application against the policies in National Planning Framework 4.

Instead of taking the opportunity of my complaint to exclude Mr Watson and Mr Mearns from the process, the current Convener, Dr Heather Reid, has handed them even more power. The proposed revisions to the LLTNPA Code of Conduct presented to the board in June effectively limited what any board member could say about the Flamingo Land application ([see here](#)). As a consequence board members have made it almost impossible to sort out the process before the planning meeting on 16th September.

To compound the error, Dr Reid then asked the board by email to hand over all arrangements for the meeting on 16th to staff ([see here](#)), i.e Mr Watson and Mr Mearns, the very people who cannot be trusted because of their role in the process.

It is important to stress that none of these points or their past history mean that Mr Watson and Mr Mearns will recommend approval of the planning application on 16th September. Both are likely to blow with the political wind and recent statements from park staff that no decision has yet been taken in this case are probably true. What will have happened is that the officer working on the report will have been asked to draft it in a way which finely balances the arguments for and against; this then allows senior managers to decide which way to turn at the last minute

This account of how LLTNPA staff were involved in developing plans with Scottish Enterprise for the wider Riverside Site and the subsequent appointment of Flamingo Land is however, only half the story. The second part, which will follow, is how the LLTNPA manipulated the wider development planning process and excluded the local community in order to facilitate the development.

[This post was updated on 24th August to include further evidence the LLTNPA had failed to disclose in their Information Response E!R 2016-051 ([see here](#))].

Category

1. Loch Lomond and Trossachs

Tags

1. flamingo land
2. Governance
3. LLTNPA
4. planning
5. Scottish Enterprise
6. scottish forestry

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nickkempe

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