

The planning scandal of the Ledard Hydro scheme and LLTNPA Board Member Fergus Wood

Description



Construction
Complaints that walkers have had difficulties parking at the lay-by near Ledard Farm

Villagers angry over mess at car park for hillwalkers

John Rowbotham

Angry villagers claim construction traffic is restricting access to a lay-by regularly used by walkers.

Contractors vehicles and piles of building material has been left at lay-by on the B829 near Kinlochard.

It is understood the builders have been working on a hydro scheme on Ledard Farm, owned by former Trossachs and Teith councillor Fergus Wood.

Strathard Community Council raised the problem with Stirling Council, and one concerned resident told the Observer: "This lay-by is heavily used by walkers for Ben Venue and the lochside.

"The impact of the hydro scheme has lead to damage to tarmac and at times lack of access to the lay-by."

The resident said planning consent for the hydro project allowed the lay-by to be used for turning large vehicles but not storing or picking up aggregate, pipes, etc.

He claimed the condition had at times not been complied with and raised the matter with Stirling Council and Loch Lomond and Trossachs National Park.

Mr Wood said: "The lay-by in question has been used by construction traffic both by vehicles working on my project and vehicles working on the major project at Stronachlachar.

"At no time has it prevented hill walkers parking their cars before climbing Ben Venue. The lay-by is on my land but is available for public use."

A spokesperson for Loch Lomond and The Trossachs National Park said: "We are aware of the issue and have raised it with the developer and the local authority who have responsibility for adopted roads."

Stirling Council environment and housing committee chairman Jim Thomson, said: "We have recently had representations from the community council regarding their concerns over the condition of a lay-by on the B829.

"Our development control team has been monitoring the area and visit the site regularly.

"The contractor was under the impression the lay-by was not part of the adopted road.

"As soon as we received the complaint, the contractor was made aware the lay-by was part of the adopted road. The stone was removed and no further stone, or material, will be stored at this location. The lay-by is now operational as before."



Response Fergus Wood

Retiring Loch Lomond and Trossachs National Park Authority Board Member and former SNP councillor Fergus Wood was featured in the Stirling Observer last week due to his alleged failure to

abide by planning conditions set by the National Park Authority for the hydro scheme at Ledard Farm which he is reported as describing in the article as "my project". Fergus Wood is a paid Director and part owner of Ledard Farm Ltd which appears to own Ledard Farm. Fergus Wood has been a member of the Park's planning committee since at least 2013 and possibly since c2007 when he joined the Board. (Councillors have traditionally sat on the Park planning committee but the LLTNPA's removal of all Board records pre-2014 from its website has made it very difficult for the public to ascertain basic information like who was on what committee when).

The LLTNPA, as planning authority, required Fergus Wood as applicant at the time, to submit a Traffic Management Plan for approval as a condition of the planning permission. This unfortunately has not been published on the Park's planning portal, which makes it difficult for the public to submit specific complaints about breaches of planning permission, but will almost certainly have included requirements that the public layby should be kept clear. Fergus Wood was also required to submit details of:

- d) **Construction site facilities including the location of equipment, materials storage and location of workers;**

Its almost inconceivable that the Park would have allowed this on a public road.

Its also almost inconceivable that Fergus Wood, as a former councillor and member of the planning committee, would not understand the reasons for these conditions and as a local resident (the layby is opposite where the side road leaves the B829 for Ledard Farm) did not observe what was happening. The first scandal therefore is that a member of the Park's Planning Committee apparently knew the contractors/developers of the hydro scheme on his land were in breach of planning conditions and yet did nothing to stop this.

A second scandal is that Fergus Wood still hasn't stopped the breach of planning conditions despite the publicity and despite the claim (article above) by his former colleague on Stirling Council, SNP councillor Jim Thomson, that the problem had been sorted (see the letter below, which appeared in the Stirling Observer today).



While Fergus Wood is about to retire from the Park Board, having lost his Council seat after ignoring the views of the local community over his proposed campsite ([see here](#)) and ([here](#)) (the planning application was subsequently withdrawn), the LLTNPA cannot ignore this blatant breach of its own rules involving a Board Member. To do so will bring them into further disrepute. Board Members should be setting an example for any planning application which involves them because otherwise they undermine the very system of which they are supposed to be custodians.

An even bigger scandal however appears to be brewing at Ledard Farm.

The new planning application to retain a track used to construct the Ledard hydro scheme

In August, Baby Hydro Ltd, acting as agents for Vento Ludens Ltd submitted what appears to be a retrospective planning application ([see here](#)) to retain a construction track along the line of the approved pipeline to the hydro intake ([see here for all papers 2017/0270/DET](#)). None of the earlier planning applications related to the hydro scheme published on the Park's planning portal appear to have included authorisation for a temporary construction track here. While I have asked the LLTNPA to clarify this, a note of a telephone conversation by the applicant on the application form states *it was agreed therefore that a retrospective planning application was required*. If a retrospective planning application on a Board Member's land is not bad enough, what's worse is the LLTNPA Planning Committee had explicitly rejected an earlier proposal for a permanent track along this very route because of the visual impact it would have had. The full story is quite complicated but is important to understand what is going on.

The original proposal for the hydro scheme was for an access track to approach the intake from the east along the line of the pipeline. This was rejected by Park officers and all credit to the landscape adviser for their strong recommendations on this because of the visual impact:

Landscape & Design

7.14 The visual impacts of this scheme have been resulting in important revisions. A previous proposal of the burn in open grassland, to access the intake via an existing forestry track through new extension through an existing firebreak in the area around the intake, both to the west and east of the intake should include some compensatory planting (and regeneration).

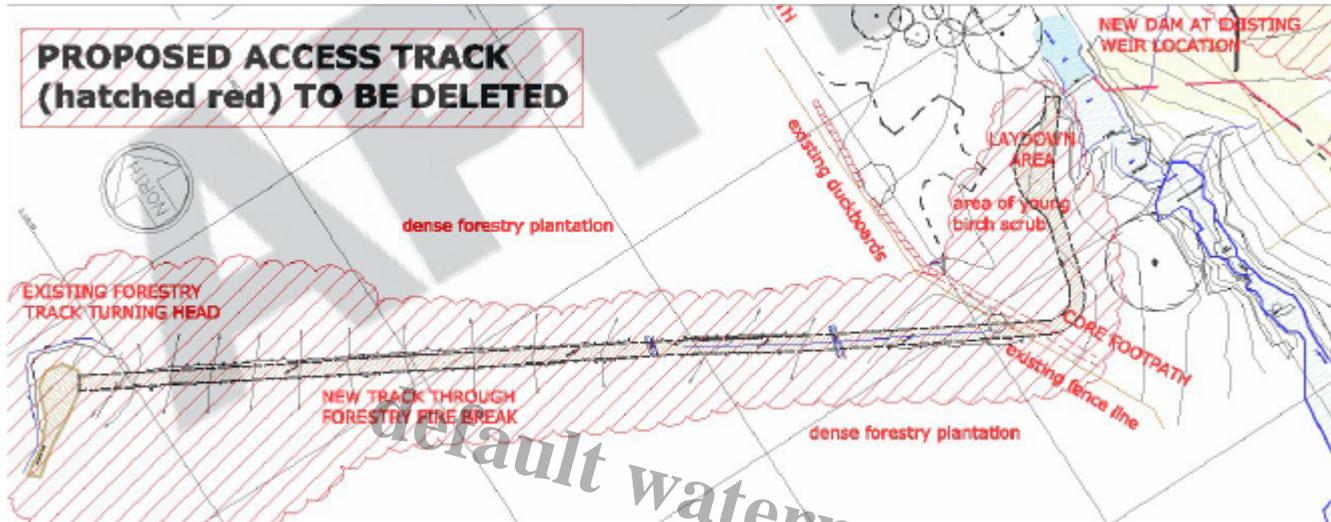
Extract from committee report December 2014

As a consequence of these pre-application discussions, the revised scheme included proposals for access to the intake from the west side of the burn (on land not owned by Fergus Wood). This was approved by the LLTNPA planning committee in December 2014. (Because the applicant was a Board Member the decision was made by the full planning committee and not delegated to staff as now happens with most hydro schemes in the Park).



The is the best illustration I have found in the planning documents to explain the history. The original open fields above the wood â?? which were very visible, hence why this option was rejected. The pr and then added a short section of new track along a ride (the L-shaped bit of red line on the left). T lines.

After receiving planning approval, a significant number of alterations were submitted in the name of Fergus Wood to the original plans. These were treated as Non-material Variations and dealt with by officers (you can see all the published planning documents relating to the original application at [2013/0267/DET](https://www.dumfries.gov.uk/Document/2013/0267/DET)). Most of the NMVs approved were insignificant but then in 2016 an application was made to remove the access track which had been approved on the west side of the burn completely.



Staff approved this and in doing so were fully in accordance with the Park's Supplementary Guidance on Renewables which states:

It is expected that any new access tracks required for the construction will be fully restored unless there is overwhelming reason why they should be retained for the operational phase of the development.

The fact that no alternative proposals for an access track were submitted at the time would have led staff to believe that Fergus Wood had decided there was no "overwhelming reason" for permanent vehicular access to the intake. Its not far from the farm and it could be maintained by occasional visits on foot. I suspect if staff had known that a further application might be submitted a year later along the line of the route that had already been rejected they would have been very alarmed.

Within the original planning application for the hydro scheme there were no proposals that I can find for temporary construction tracks. The Construction Method Statement, which was approved by officers after the planning committee, also made no reference to temporary tracks being needed to construct the pipeline. From what I have been able to ascertain from the published documents and its not good that the position is not 100% clear the pipeline was to be created by "tracked excavator":

6.4

Penstock

The penstock will consist of a circa 400 structure to the power house.

Due to the terrain and steep incised nature of the penstock from the intake structure out of the site, significant cutting. Over this length there may be rock to form the cutting, depending on ground conditions.

A detailed method statement for this cutting will be following determination of actual ground conditions and methods to ensure the risk of mobilisation of

6.4.1

Methodology

- The pipe will generally be installed in a trench.
- The turf will be removed and stored. Excess material will be stored adjacent to the excavation. There will be some small amounts of 'surplus' material and finished off by replacing top-soil.
- The pipe will be installed, backfilled and the exposed excavations and avoid the pipe. The the penstock route.
- Individual pipe lengths will be laid on the ground by ATV and welded together into longer sections.

Being a small hydro scheme with a small diameter pipe it should have been possible to dig the ditch and bury the pipe without a track â?? a good thing. However, because the position is not 100% clear I have asked the LLTNPA to clarify if any approval was given to Fergus Wood or his agents at the time for temporary construction tracks and if so where this is recorded.

The new planning application is for a track along the line of the pipeline â?? ie the very line that the LLTNPA rejected three years ago because of the visual impact! However, formally Fergus Wood appears not to be involved. Not only is the application in the name of Vento Ludens Ltd, the form includes this declaration:

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

So, Fergus Wood, as a Board Member has no formal interest in this development â?? which incidentally would allow staff rather than the full planning committee to decide this application -and yet another part of the form shows he is still the landowner!

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate B

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) Regulations 2013

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application was made at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application was made.

Name:

Mr Fergus Wood

Address:

Ledard Farm Limited
Ledard Farm, Ledard Farm, Kinlochard, Stirling, UK, FK8 3TL

Date of Service of Notice: *

16/08/2017

Now, Fergus and Francesca Wood used to be directors of a company called Hydrocrofters Ltd whose address was Ledard Farm. I suspect this was the company that was originally intended to deliver the hydro scheme but the two Woods resigned from the Company in May and Companies House records it as being dissolved on 26th September 2017 (bizarre, I know, that is in the future! â?? but in the unregulated world of capitalism at Companies House lots worse is allowed to happen!). It appears possible therefore that Fergus Wood has sold or leased the hydro scheme to Vento Ludens but kept the land. As landowner, however, he is responsible for what is going on on his land, and he appears to have admitted this when referring to the scheme as â??my projectâ??. I think it inconceivable that the developer would construct a track on his land without his permission..

Its worth noting this is not the first time Fergus Wood has failed to declare an interest as a Board Member on a planning application form. He also failed to declare an interest when he applied to build a campsite on his land last year (see links above).

The planning application form records there was a telephone call, office meeting and site meeting with park officers and, if the reference to agreeing the need for a retrospective planning application is correct, what the LLTNPA has once again failed to do it enforce its own planning conditions. Sometimes retrospective applications can be justified instead of taking enforcement action but in this case officers should have known that the Board Planning Committee had previously rejected a track here, so why ask for a new application to be submitted? I think we should told not just how this decision was made but by whom? I somehow doubt it was the staff involved who had done a fantastic job first time round stopping a track from being created here.



Photo 7: upper section of track at about 105mm elevation looking north west

Photo from current planning application of the new track which Fergus Wood wishes to retain. It appears the pipeline has been buried on the left side of the track.

In view of all of this disregard of the planning system, its not a surprise that the photo above shows is that in constructing the ‘‘temporary’ construction track and pipeline normal good practice has been ignored. LLTNPA staff are normally very good at specifying both soils and turves should be stored properly to enable effective restoration. Spot any turves here? Moreover the track has been cut through a bank on the right, leaving oversteep sides, which are very difficult to restore and will leave an even greater landscape scar unless the slope profiles are fully restored. Again, what sort of example is this from a Board Member?

The reasons given by the applicants for keeping the track they have unlawfully created are not credible:

The need for a track is to allow quad, all-terrain vehicles to operate the intake structure associated with the Ledard wash-over screen may require manual cleaning from time to time, a replacement part in future, or gravel sediments may need to be removed (under Controlled Activities Licence) to help maintain silt and to allow the intake to work effectively.

The hydro is close enough to walk to for occasional cleaning. If an ATV can carry in a large sluice gate at some indeterminate time in future, it can do so off road. Occasional use of ATVs has far less impact on both vegetation and the landscape than this track will. If Fergus Wood ostensibly accepted for a whole year he could manage the hydro without a track, so can the new applicants.

What needs to happen

If you are concerned about what is happening at Ledard Farm, please submit an objection to the current planning application. This will help put pressure on the LLTNPA to take what has happened seriously. Just click on the comments box on the [planning portal for application 2017/0270/DET](#). In my view the most important point to get across is nothing has changed since the Board originally decided a track was inappropriate.

Following on from the Owen McKee case, where the former Planning Convener was found to have been trading in Scotgold shares without declaring this ([see here for example](#)), it is absolutely crucial that the LLTNPA is seen to undertake an open investigation into Fergus Wood's involvement of breaches of planning permission arising from works at Ledard Farm. This must not be covered up, as the Park tried to do with Owen McKee, and my view is Fergus Wood should be suspended from the Board until this has been fully investigated.

The LLTNPA also needs to be taking effective enforcement action to redress current breaches in planning conditions at Ledard Farm. This should start Monday. While having accepted the retrospective application for a track, the Park will need to go through due process but because of Mr Wood's landownership any decision needs to be taken in public by the full planning committee and

not officers (and we should not accept the excuse that because Fergus Wood's term on the Board is about to terminate this is no longer necessary).

I would also like to see an investigation cover Mr Wood's involvement, since the day he joined the planning committee, about enforcement policy and enforcement decisions (or rather lack of them) made by the LLTNPA. In my view, the LLTNPA uses its enforcement powers far too rarely. When there are Board Members sitting on the planning committee who apparently don't want planning requirements to apply to their own land, its quite reasonable to ask whether their own self-interests have not corrupted the entire system.

After Owen McKee and with Fergus Wood, its time there was a full review of the Park's Planning Authority functions. With new Board Members about to be appointed, it provides an ideal opportunity for change.

Category

1. Loch Lomond and Trossachs

Tags

1. camping
2. hill tracks
3. LLTNPA
4. Local communities
5. planning
6. renewables

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