

The case of the Ledard Farm campsite and the LLTNPA's continued cover-ups for Board Members

Description



The carpark for Ben Venue, which was featured in the Stirling Observer ([see here](#)), had been cleared up by the time I visited it 8 days ago. I had a discussion with Fergus Wood, the Board Member who own Ledard Farm afterwards and he said the layby had never been blocked to hillwalkers. While that had been suggested in the Stirling Observer article, that was not the point I had made on parkswatch which was that a condition of the planning permission for the Ledard hydro scheme (as far as I could ascertain) was that the layby was NOT to be used to store materials. The concern was that a development involving a Board Member had breached planning conditions, which in my opinion, sets a very poor example. That the layby has been cleared up suggests there was a breach of planning

conditions and much of the credit for redressing this lies with the local publicity given to the issue by the Stirling Observer.

For the last couple of weeks I have been having a dialogue with the National Park Authority about their refusal to release information about pre-application discussions which took place with Fergus Wood about the proposed campsite at Ledard Farm (which was to be located just through the gate in the photo). Fergus Wood withdrew that planning application in May. Unfortunately, we have been unable to reach agreement and I have now submitted an appeal to the Scottish Information Commissioner. In gathering the paperwork for that appeal I found that the planning documentation on the Park's Planning portal ([see here for current information](#)) had been changed since my post of 11th April which drew attention to potential conflicts of interest between Mr Wood's involvement in the development of the camping byelaws and his application for a campsite ([see here](#)). In my view this change has been done in a way that is misleading, covers up for the failure of the original application to state that Mr Wood, the applicant, was a Board Member and appears to involve falsification of documents. The rest of this post considers the evidence for this and the implications.

In my post of 11th April, I included an extract from the Planning Application form which I downloaded from the LLTNP planning portal on 10th April. This showed that under the Member Interests section of the application form the "No" box had been ticked. The form was dated 3rd March 2017. You can see the full form I downloaded [here 2017_0097_DET-Application_Form-100279676](#). I was surprised to discover therefore, when checking my appeal to the Information Commissioner, that there was a new Application form on the planning portal in which the "Yes" box under Member Interests had been ticked and which included text which said Fergus Wood was on the Board. You can compare the two versions of the form below:

17. Planning Service Employee/Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority? Yes No

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority? Yes No

If you have answered yes please provide details:

not applicable

DECLARATION

I, the applicant/agent certify that this is an application for planning permission The accompanying plans/drawings and additional information are provided as part of this application.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed

I, the applicant (or agent) hereby certify that notice has been given to other land owners and for agricultural tenants Yes No N/A

... Architects. Date: 3rd March 2017.

Extract from form downloaded 10th April

17. Planning Service Employee/Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority? Yes No

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority? Yes No

If you have answered yes please provide details:

Mr Fergus Wood is a Stirling Council representative on the Board of the L.L. and the T.N.P.

DECLARATION

I, the applicant/agent certify that this is an application for planning permission. The accompanying plans/drawings and additional information are provided as part of this application.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed.

I, the applicant/agent hereby certify that requisite notice has been given to other land owners and/or agricultural tenants. Yes No N/A

Name: John H. White Architects. Date: 3rd March 2017.

Extract from Application Form as it currently appears on Park portal

I was even more surprised to see both forms were dated 3rd March 2017.

I then checked further and saw there were two versions of the application form on the portal, the second headed "superseded" was easy to miss.

default watermark

| | | |
|-------------|------------------------|--|
| 24 Apr 2017 | Contributions | Correspondence from Shirley Leek |
| 14 Apr 2017 | Contributions | Correspondence from Nigel Bonnett |
| 11 Apr 2017 | Consultation | Response from Roads Stirling |
| 05 Apr 2017 | Consultation | Response from SEPA |
| 05 Apr 2017 | Contributions | Correspondence from James Kennedy and Gillian Lester |
| 03 Apr 2017 | Contributions | Correspondence from Anne McNally |
| 02 Apr 2017 | Contributions | Correspondence from Mr and Mrs Arthur Jones |
| 28 Mar 2017 | Consultation | Response from Environmental Health |
| 27 Mar 2017 | Plan | Proposed Site and Location Plan |
| 27 Mar 2017 | Plan | Proposed site plan |
| 27 Mar 2017 | Receipt & validation | NPA application now valid |
| 13 Mar 2017 | Application | Cover letter |
| 13 Mar 2017 | Application | Superseded: Application Form |
| 13 Mar 2017 | Supporting information | Planning statement |
| 13 Mar 2017 | Supporting information | Photos and location |
| 13 Mar 2017 | Supporting information | Report on tree condition |
| 13 Mar 2017 | Plan | Proposed plan and elevations |
| 13 Mar 2017 | Supporting information | Phase 1 Habitat survey |
| 13 Mar 2017 | Application | Application form |

Screenshot from planning portal

Now I was pretty certain that when I downloaded the form on 10th April there was only one version of the application form on the portal. While I did not take a screenshot at the time, it seems hardly credible that the agents for Mr Wood would have submitted two application forms on the same day, the first say Mr Wood had no interest, the second saying that he had an interest, that both were then date stamped 13th March but one went on portal first and was later marked "superseded".

I then realised that the version of the application I had downloaded on 10th April had NO “superseded” in the title (and there should be proof of this in my computer’s download history – I am away from home – which I would be very happy to make available to investigators). What therefore appears to have happened is that sometime after my post and before the application was withdrawn, a member or members of National Park staff renamed the original application form by inserting the word “superseded” in the file name and then created or processed a new version of the application form where the Members Interest boxes were both ticked yes.

I don’t know whose idea this was or who authorised the changes but they appear to me to be fraudulent and intended to give the impression Fergus Wood had declared his interests at the time the planning application was made. I would stress here that I have no evidence that Fergus Wood was involved in this at all, although what should have happened is when he realised he had failed to declare interests properly, he should then have written to the Park, apologised and any amended paperwork should have then shown the correct date. That would have removed any cause for complaint. However, certain LLTNPA staff and Board members don’t think like that. Instead they try to cover things up which makes matters a lot worse if they get found out.

The significance of this cover-up is that its the third that I am aware of involving a Board Member. First there was Owen McKee, the chair of the planning committee who traded in Cononish goldmine shares ([see here](#)). Second, was the falsification of the minute of the Board meeting which decided the byelaws to say that Board Members with property in the proposed camping management zones had declared an interest when they had not ([see here](#)). And now there is Fergus Wood’s campsite planning application.

These attempts to cover up for Board Members are part of a much wider malaise, where information and records are changed or misrepresented to ensure the Park gets its own way. This has been evident through the whole camping byelaw saga, for example in the way the results of the Your Park consultation were falsified, but also seems common practice in the planning system where myself and a couple of co-contributors have noted documents have a strange habit of disappearing. I would recommend anyone interested in a planning application to always take screenshots of the planning portal and download all relevant documents. Its a pain in the neck, shouldn’t be needed but if you don’t do it, you have no redress. Unless I had downloaded the Ledard Farm planning application I would have no proof any changes had been made.

What needs to happen

First, the LLTNPA needs to conduct a full investigation into the Ledard Farm campsite planning application, how and when this was changed and who was involved/responsible.

Second, the new Board needs to make it very clear to the senior staff team that any falsification of records will be treated as gross misconduct.

Third, It could then, try and re-establish a reputation for probity. A review of the way complaints have been addressed might be a good place to start. For example it could carry out the long outstanding investigation which is needed into who was responsible for falsely recording that Board Members had declared an interest at the meeting which approved the camping byelaws. (When I wrote to Linda McKay, after the Commissioner for Ethical Standards found she had no knowledge the minute had been changed, asking that she conduct an investigation into who was responsible she passed the letter on to Gordon Watson to respond. He declared the matter closed, which suggested to me he was fully aware of who had changed the minute but it was not in his or the Park's interests to address this). I suspect there are many other examples.

Fourth, it should make a commitment to operate far more openly, publish more information and stop abusing Freedom of Information law to withhold information from the public (every appeal I have made so far to the Information Commissioner has resulted in information being released but its a long a thankless process). This would help provide public audit trails which would help staff and Board Members who are honest and want to do the right thing.

Fifth, the Board could ask the new Governance Manager – the post has recently been advertised – to put ethics, including truth, at the heart of the governance of the National Park Authority.

Category

1. Loch Lomond and Trossachs

Tags

1. Governance
2. LLTNPA
3. secrecy

Date Created

October 5, 2017

Author

nickkempe