

## Ledard Farm – another hydro application and some lessons for the National Park

### Description

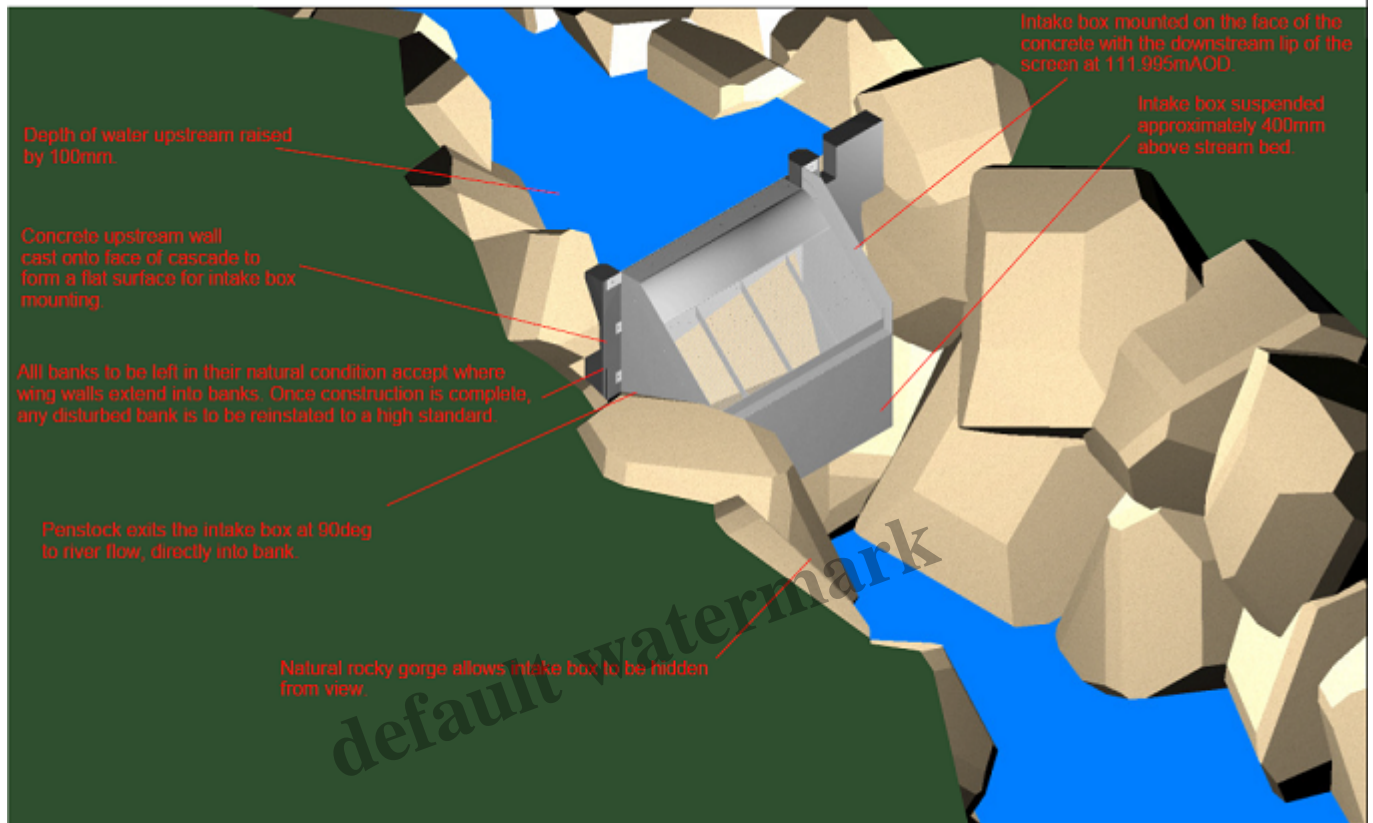
The proposal



At the end of March Vento Ludens submitted a planning application ([see here](#)) for an additional hydro intake on Ledard Farm which is owned by former Councillor and Loch Lomond and Trossachs National Park Authority Board Member Fergus Wood. I must admit to initial disbelief, having investigated the shenanigans that took place over the main hydro ([see here](#)) which resulted in the LLTNPA reversing its previous decision that there should be NO permanent track to the hydro on the east side of the Ledard burn because of the landscape impact. My fear was that yet more major landscape works were

being proposed but a quick look at the planning application showed the additional intake is tiny will be hidden 50m up the small burn and NO new track is planned..

Ledard Burn - Secondary Intake Design - Rendered Illustration

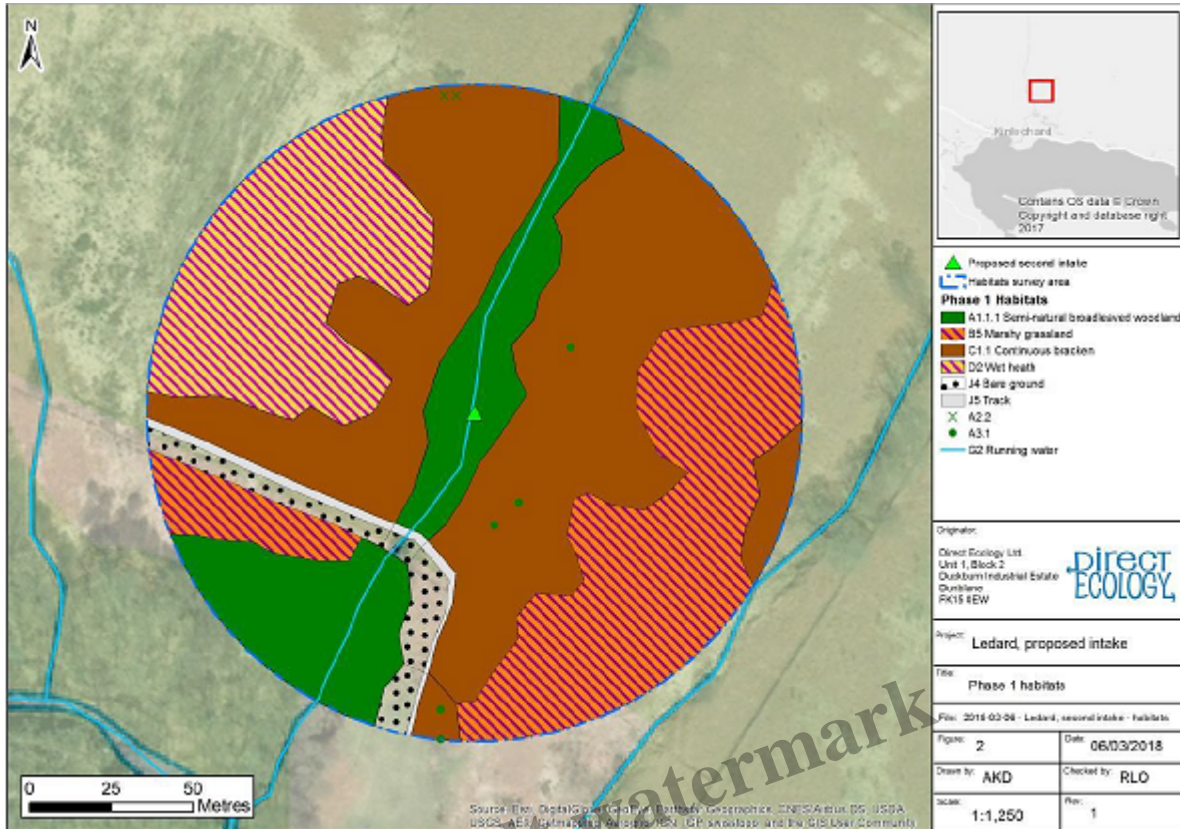


<b>Job Reference:</b> Ledard	Date: 28/03/2018 Scale: 1:20 Page: 4 of 4 Version: 3	<b>Revision Details:</b> Upper stainless mounting tabs increased in size. HOF discharge rectified. Q values rectified.	<b>Designer</b> Robert Brakes rob.brakes@hotmail.co.uk 07500360818	<b>Client</b> Vento Ludens
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Extract from planning documents showing design of intake which will create a small pool 1m deep

The landscape impact of this scheme therefore is likely to be minimal and its small size suggests its an afterthought – an attempt to maximise use of the generator that has been installed rather than something which was planned from the beginning but was kept secret (which is what appears to have happened with the track to the main intake). There are though, still reasons to be concerned which are nicely illustrated by the ecology report which accompanies the planning application:





Extract from Ecology Report on LLTNPA Planning Portal

This report was compiled in March 2018 and the grey line with dots shows bare ground. This should never have happened according to the Construction Method Statement for the pipeline approved by the LLTNPA:

### 6.4.1

## ***Methodology***

- The pipe will generally be installed in a trench, formed using excavated material.
- The turf will be removed and stored adjacent to the trench. The excavated material will be stored adjacent to the trench but separated by a bund. There will be some small amounts of 'surplus' material which will be used to backfill the trench and finished off by replacing top-soils and vegetation, to match the surrounding area.

Had the hydro pipeline been properly restored, there would have been no bare ground. This was also evidenced photographically in the Ecology Report:



*Photo 8: Access track and adjacent disturbed ground, where the track crosses the burn*

Photo from ecology report showing the disturbed ground above the pipeline and the more recent work to restore the track, by reducing it in width and lining some of the side with turf. There is some way to go with no central grassy strip, as recommended by the LLTNPA, as yet along the centre of the track

The LLTNPA therefore has evidence to show that Vento Ludens cannot be trusted to ensure all planning requirements are met. The Construction Method Statement for the hydro extension proposes they will monitor adherence to planning conditions *“The site manager will inspect each day”*. This is not good enough. The problem is that unless schemes are properly monitored, many of the plans are not worth the paper they are written on. I have therefore objected to the planning application on the grounds that independent landscape and ecological clerks of works need to be appointed to monitor what is going on AND they need to check on this EVERY day.

Meantime, I hope that the LLTNPA will publish on the planning portal documents to show what they are doing to ensure that the land on their former Board Member’s land is being properly restored. To the credit of staff, a number of documents have been published – a tighter approach appears to have been taken to approving Non-Material Variations to the original plans – but there is still a lack of any information to show whether the LLTNPA is content with the standard of restoration or not and if not what they are doing about it. This makes it very difficult for the public to make informed representations about what restoration is required.

## Transparency, planning and Board Members

In the Planning Application for the new hydro intake, Fergus Wood is named as the landowner but nothing is said about his being a former Board Member. Under our current system, this is not required, though in my view if someone used to be a member of a Planning Committee, it would help transparency if this was declared on planning applications. Its not long since Fergus Wood left the Board and its possible he still has some contact with planning staff.

Last year, while still a councillor and Board Member, Fergus Wood made another planning application, for a new campsite, on the shore of Loch Ard ([see here](#)) and ([here](#)). This was withdrawn just before the local elections but not soon enough to save Mr Wood from being rejected by the local electorate. I noted from this application that there had been pre-application discussions between Mr Wood and National Park planning staff and thought it in the public interest that these were made public.

A long saga ensued. The LLTNPA refused my information request, I asked for a review which was also turned down and therefore appealed to the Information Commissioner. Unfortunately, due to a technicality (my responsibility) – our FOI processes are quite complex – the Information Commissioner could not investigate the Appeal but persuaded the LLTNPA to allow me to go through the whole process again (the Information Commissioner's staff are fantastically helpful) and eventually, this February, the LLTNPA released the information ([see here](#)). I am very grateful to the LLTNPA staff concerned for co-operating with the Information Commissioner on this.

It is regrettable though that this response has NOT been published yet on the LLTNPA website although their initial refusal of the information last year was: anyone looking at the website therefore might be given the impression that the LLTNPA was justified in withholding this information. I suspect that is down to the LLTNPA Senior Management Team because the advice is very embarrassing for the National Park:



## Siting/Landscaping

The proposal would be assessed against Policy L1 of discussions on proposed siting and landscaping to ensure and enhances the special qualities of the Park. Partially existing road hedge and trees along the edge of the boundary character from the public road down to the road edge. From the public road directly to the north, the public road from the site (including across the loch to the west and south) and the site may be capable of sensitively accommodating a site. Careful consideration would need to be given to the siting of the car park to the north of the site next to the boundary to avoid impact. Whilst landscaping would assist in screening the site to ensure the established character of the loch shore is not lost. In application for planning permission a site meeting with Landscape Advisors would be welcomed.

On my site visit I also looked at the site directly to the north which also has the same flooding constraints however, in landscape terms it has established screening and is less visible from principal roads. It also has the benefits of a loch shore location with wide views. **recommend that this site be considered as an alternative site.** This could be discussed further at any future site meeting.

What the information shows is that LLTNPA planning staff advised a Board Member and member of the Planning Committee that there was a better site for his proposed campsite (well done the staff concerned), advice which Mr Wood then appears to have completely ignored when he submitted a planning application for the very land where issues had been identified.

Now Mr Wood has a right, as all of us do, to disagree with advice but when a Planning Committee member ignores the advice of his own staff, I think that is a serious matter, indeed in any world where conduct of Board Members was taken seriously, it should have led to his resignation. Instead, he wanted this covered up (this is how the LLTNPA put it):

*“The planning applicant has stated that he thought that the exchange of information with the planning officer at pre-application advice stage would be confidential, giving rise to an implied duty of confidentiality owed to him by the Park Authority. The planning applicant has also stated that the information exchanged with the planning officer and referred to in the pre-application enquiry response is commercially sensitive; he does not want potential competitors to know what his plans are, especially because he is going to submit a new application.”*

All this despite Scottish Government Guidance on the need for transparency in pre-application planning discussions.

## What needs to happen

The Convener of the LLTNPA states he is committed to improving transparency and governance in the National Park. I support those aims but in order to demonstrate to the public and developers that the LLTNPA has reformed its approach to planning, it does need to address past problems. Part of that should be a full and open inquiry about what can be learned from the various planning applications involving Mr Wood at Ledard Farm.

## Category

1. Loch Lomond and Trossachs

## Tags

1. landscape
2. LLTNPA
3. planning
4. renewables

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