

## How democracy in the Loch Lomond and Trossachs National Park is being destroyed – the Sid Perrie story (3)

### Description

This is my fourth post looking at how the Ethical Standards Commission has investigated the complaint made by Heather Reid about six emails which Sid Perrie, the locally elected member for Balloch, sent between 26 and 28th August 2024. As I explained in my first post ([see here](#)):

*After the arrangements for the special board meeting to determine the Flamingo Land planning application on 16th September 2024 had been signed off on the nod ([see here](#)), Sid made a last ditch attempt to get Heather Reid, the Convener of the LLTNPA, and other board members to consider the process and the conflicts of interest involved. Sid was concerned about the role of both staff, who had been involved in the appointment of Flamingo Land as preferred developer for Balloch, and Board Members who when approving the National Park Partnership Plan had given their backing to progressing one major development in the National Park – a reference to Flamingo Land.*

My second post ([see here](#)) looked at the allegation that Sid has shared private email addresses with two MSPs and Scottish Ministers, contrasting that ‘crime’ with how Heather Reid had immediately shared Sid’s first email expressing concerns about staff, with those staff. My third post (2.5) ([see here](#)) showed how Heather Reid had committed exactly the same ‘crime’ herself but apparently failed to inform the Ethical Standards Commissioner (ESC) of this.

This post focuses on what has been treated as the core of the complaint investigation, that the language Sid used in those emails was a disrespectful and unjustifiable breach of the Code of Conduct for Board Members. It argues the real ethical issue, which has implications for democracy across Scotland, is the right of board members and local authority councillors to hold staff to account.

### An example of the issues Sid Perrie was trying get the LLTNPA Board to address

In August 2024 ([see here](#)) I described and evidenced the involvement of the Loch Lomond and Trossachs National Park Authority staff in the appointment of Flamingo Land as preferred developer for Balloch and my failed attempts to get first James Stuart and then Heather Reid, as Convener of the Board to investigate this. I will not repeat that story here – Sid included the link in his first email to the Board, Scottish Ministers and MSPs – but its worth noting that the two statements issued by the LLTNPA issued in 2016 ([see here](#)) and 2021 ([see here](#)) about their involvement in the Flamingo Land appointment are still on their website. The second includes this claim by the Chief Executive Officer Gordon Watson:

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

As I explained last year:

*“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.”*

Among the evidence I provided to substantiate this were FOI responses from Scottish Enterprise in 2016 which stated LLTNPA staff had played a full role on the interview panel which recommended appointing Flamingo Land and then at the meeting afterwards which confirmed the appointment. In the light of the information, how would you as a reader describe Gordon Watson’s claim that the decision to appoint Flamingo Land as preferred bidder for the West Riverside site was made by Scottish Enterprise alone?

I ask because initially I described what Gordon Watson said as a lie but a journalist, fearing for me, cautioned me about using that word so I changed it.

## **Sid Perrie’s first email on 26th August**

It was these issues, as well as the LLTNPA voting to support a major development in Balloch as part of the National Park Partnership Plan, that Sid was trying to get the board to address when he sent his first email to Heather Reid on 26th August (my direct interest in this, having written the blog post, is obvious).

Sid is far less of a feartie than I am, has a way of seeing right to the core of a matter and expresses himself in a forthright manner:

Dear Heather,

I am writing to you to inform you officially about a conflict of interest in the way The National Park Authority has been handling the Flamingoland/Lomond Banks planning application. \*Please note that I make no comments whatsoever about the merits or otherwise of the planning application itself\*. This conflict of interest and subsequent actions of the Park Authority lays the park open to Legal, moral, financial and reputational risk. The code of conduct obliges me to obey the law of the land and if I do not report this conflict of interest and its corollary of misconduct in public office then I too would be complicit in this lawbreaking, as you will be too if you don't take decisive action on the information I am about to impart.

I refer you to the following article.

<https://parkswatchscotland.co.uk/2024/08/19/the-story-of-loch-lomond-and-trossachs-national-park-authority-and-the-flamingo-land-development-1/>

It can be found at, Posts from Parkswatchscotland for 08/20/2024, but I suspect you knew that already.

This article contains irrefutable evidence that the west riverside planning proposal is in fact a joint enterprise between Scottish Enterprise and the Loch Lomond & Trossachs National Park. Not a place a planning authority should find itself in. This planning proposal has been compromised and conflicted from the very start.

Further when this conflict of interest was first reported to James Stuart the board convenor, through the complaints system he failed or deliberately failed to properly investigate the allegations and

instead abused the supposedly 'open and learning' complaints system and then he wrongfully prevented Mr Kempe from contacting Park staff and Board Members in future. An erroneous and illicit practice which you have mistakenly continued to this day.

In answer to these allegations Mr Gordon Watson produced a masterpiece in half-truths, evasions, fallacies and obfuscation. No matter, the sophisticated denials cannot conceal the truth, it was not true. it was misconduct in public office. This was further compounded because this false information was then published in the Glasgow Herald and the Helensburgh local paper to, I believe.

This year it was discovered that a misleading post containing the false denial of the conflict of interest was still on the National Park website, making it a live issue and still within the remit for the Commissioner for Standards. Mister Watson refused to remove the inaccurate and misleading post. Mr Kempe contacted you and asked you to investigate this misconduct. You passed this request to the National Park Authority to investigate the allegations, despite the fact that that the National Park Authority and James Stuart had previously failed to properly investigate the compelling evidence provided by Mr Kemp and had in fact and in deed covered up this conflict of interest and the false and misleading statement issued by the Park Authority. The chair of the board and the Park Authority

Heather, you must surely have read the evidence from Mr Nick Kempe before you decided to pass the responsibility onto Mr Watson and the Park Authority? At any rate Heather, you are now fully aware of Mr Kempe's allegations and if you don't take decisive action to stop this planning farce you too will be guilty of misconduct in public office. As will all the board members, the government ministers and MSP's who are now aware of this situation. I will not be a party to this law breaking.

Breaking news, there have been new revelations, released today. The law has been broken again by LLTPA. Read about it here: It concerns failure to release Freedom of Information emails requested concerning Flamingo Land and Scottish enterprise.

This is a statutory crime.

Find it here:

<https://parkswatchscotland.us12.list-manage.com/track/click?u=79f90929a02cf325f1cdbcf94&id=1362af9dbb&e=59ee0cdaa2>

## The ESC's investigation of Sid's email

The ESC chose the parts of Sid's email that I have underlined for special censure:

78. The statements of “planning farce”, “regulatory farce”, “statutory crime”, “guilty of misconduct”, “reputation...trashed”, “there will be an enquiry and a court case”, and “criminal actions” are very serious and not to be used lightly in any context. It is not implicit but express that there is wrong-doing on the recipients’ part. The language used is objectively threatening, particularly given that it is copied to all? the members, MSPs and Scottish Ministers who are all senior public office holders and/or appointees, heightening its seriousness.

The ESC’s investigation made no attempt to investigate Sid’s complaint that there had been misconduct and law breaking in public office. Instead it focussed on the language Sid had used. If everything Gordon Watson had done was above board why â?? to take just the example highlighted above â?? did he cover up the involvement of his staff in appointing Flamingo Land as preferred developer for Balloch?

Whatever you think of the exact wording Sid used, Sid was not using these terms lightly, he was deadly serious. The problem is that the ESC seems to have been wilfully blind to the possibility that there could have been any wrongdoing on the part of LLTNPA staff and that the Flamingo Land planning application had only got as far as it had as a result of governance failures on the part of the LLTNPA board, particularly its conveners James Stuart and Heather Reid.

79. The Commissioner also takes the view that the Respondent’s statements about the CE in the same email are also disrespectful and discourteous of the CE and undermines the CE as an individual employee, raising concerns about his performance, conduct or capability in public. The Respondent has failed to raise his concerns on such matters in private with senior management as appropriate, contrary to paragraph 3.8 of the Code.

This paragraph has staggering implications for our whole system of democracy. The ESC clearly not believes it is inappropriate for any board member to raise concerns about the â??performance, conduct or capabilityâ?• of the Chief Executive â??in publicâ?• but also that Sid drawing the attention of two MSPs and Scottish Ministers to his concerns counts as doing so â??in publicâ?•. That was hardly â??publicâ?•, more the height of discretion. How could any board member ever whistle blow if the Code of Conduct for public life bans them from alerting MSPs and Scottish Ministers to concerns?

The ESC’s assertion that the right person for Sid to have addressed his concerns about the Chief Executive was with that same Chief Executive is farcical. Twice I complained about Gordon Watson’s claims the LLTNPA were not involved in appointing Flamingo Land and twice those complaints were investigated by staff managed by him rather than by the LLTNPA board as I requested. The results were predictable, two farcical investigations. I pitied the staff forced to undertake them.

It is the LLTNPA board who should have held the Chief Executive to account. That is why Sid’s email was addressed to the convener and other board members only for Heather Reid, as I showed in

my first post, to forward it to staff seven minutes after receiving it.

The last sentence in paragraph 79 of the ESC's report is also highly misleading. Sid had been trying to raise his concerns about the role of staff in the Flamingo Land planning process with first James Stuart and then Heather Reid since being elected as the board member for Balloch. He had had no success. Here is an example;

**From:** Alexander Perrie

**Sent:** Tuesday, September 5, 2023 12:51

**To:** Heather Reid

**Subject:** Re: Letter

Heather I had already expressed myself about my thoughts on the previous board chair Sharing a PA with the park CEO. I consider that inappropriate and it should actually be treated as a criminal offence for a board chair and CEO to share a PA. You assured me that you didn't have a PA when we met in the NPHQ after you became chair. I was at that meeting you refused me safe space to discuss my concerns about the behaviour of the National park and how they were conducting a planning application. Nothing about the planning application itself, only about the National Parks behaviour. You refused to talk about it, refused to give me that safe space. My concerns have only become deeper since that time.

Extract from Sid's Subject Access Request which he passed to myself and Alannah Maurer before going off sick

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Heather Reid appears to have always refused to meet Sid without staff present. That made it impossible for him to raise with her concerns about staff. Confidentiality has been made even more difficult because Heather Reid and Gordon Watson share a personal assistant. This means Gordon Watson has access to all the Convener's emails and diary arrangements.

80. It is clear the comments made by the Respondent about the CE are that he "produced a masterpiece in half-truths, evasions, fallacies and obfuscation" when NK had previously raised LLTNPA's conflict of interest. The Respondent goes on: "No matter, the sophisticated denials cannot conceal the truth, it was not true. It was misconduct in public office." He also refers to this as "false information".
81. These are accusations that are particularly serious, given it called into question the integrity of the CE and expressly labelled him as being a liar or dishonest. This is an attack on the CE's character and honesty which is or could be highly damaging, not only to his reputation as an individual but to the LLTNPA itself, **!** given he is the most senior officer. **!**

The ESC's investigation has made no attempt to investigate whether the Chief Executive, Gordon Watson, is in fact a liar and dishonest and if not, whether the claims he made in public about the LLTNPA not being involved in the appointment of Flamingo Land were "false information". The last sentence makes it clear the ESC's main concern is not the truth but the reputational damage to the Chief Executive. The logical conclusion is that the ESC is now treating Chief Executives and other senior officials as being above the law.

How Heather Reid responded to Sid's email raising these serious concerns is not considered in the ESC report. Apart from forwarding Sid's email to staff, she sent several emails which are not included in Appendix 3 to the ESC's report "complaint material". I only have them because Sid passed on the LLTNPA's response to his Subject Access Request.

**From:** [Heather Reid](#)  
**To:** [Christopher Spray](#); [Ronnie Erskine](#); [Sarah Drummond](#); [Claire Chapman \(claire.chapman@tabardit.co.uk\)](#); [Colin Lee](#); [Martin Earl](#); ["william.sinclair@argyll-bute.gov.uk"](#); [Maurice Cory](#); [Hazel Sorrell](#); ["rbrock@pkc.gov.uk"](#); [David Mackie](#); [David Fettes](#); [Iain Shonny Paterson](#); [Richard Johnson](#)  
**Cc:** [Douglas Smith](#)  
**Subject:** Email Correspondence from Sid Perrie  
**Date:** 26 August 2024 11:57:25

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Dear Board Member,

I am writing in respect of the email that was sent to you by Board Member Sid Perrie earlier this morning making serious but unfounded allegations against the National Park Authority and its staff. I have today met with senior officers and our external legal support and I can confirm that the National Park Authority does not have a conflict of interest in relation to the Lomond Banks planning application (2022/0157/PPP). The Report and Recommendation of the Director of Place on that application will be published on 2 September 2024 and the site visit, hearing and determination will take place before the Board on 16 September 2024. I would advise you that it is important that you do not respond to Mr Perrie's email or forward it to any other party or respond to any media enquiries in relation to it. I will be issuing a formal response to Mr Perrie later today and will share a copy of that email with you.

Kind regards,

Heather

Sid's email to Heather Reid and board members describing his concerns about the planning process had been sent at 9.03. This email shows that in less than three hours Heather Reid had forwarded that email to the staff concerned, met with them and apparently the LLTNPA's legal adviser, taken the word of staff that the allegations and concerns expressed by Sid were unfounded and then told the Board to say nothing more.

Imagine if the first action of a senior police officer, on being sent an extensive dossier about an alleged crime, was not to read that dossier but forward it to the primary suspect, meet with them, take their assurances they weren't responsible and close the case! If that happened in the police we would call that corrupt.

Having left Sid out of her 11.57 email, an hour and a half later Heather Reid responded to him formally copying in Scottish Ministers and the two MSPs (and in doing so also sharing the 'private emails' of board members as I explained in my last post):

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**From:** [Heather Reid](#)  
**To:** ["Alexander Perrie"](#)  
**Cc:** ["claire.chapman@"](#); ["Colinlee@"](#); ["david.fettes@"](#); ["david@"](#); ["Hazel.Sorrell@west-dunbarton.gov.uk"](#); ["earlm@stirling.gov.uk"](#); ["maurice.corry@argyll-bute.gov.uk"](#); ["navidforoutan@"](#); ["rciohson@"](#); ["sarahdrmmnd@"](#); ["william.sinclair@argyll-bute.gov.uk"](#); ["ronni.erskine@"](#); ["C.J.Spray@"](#); ["IanShony.Paterson@argyll-bute.gov.uk"](#); ["Mairi.Gougeon.msp@parliament.scot"](#); ["Ross.Greer.msp@parliament.scot"](#); ["jackie.baillie.msp@parliament.scot"](#); ["ministerforca@gov.scot"](#)  
**Subject:** RE: Conflict of interest  
**Date:** 26 August 2024 13:42:33

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Dear Sid,

I, senior staff and our legal advisor have carefully considered the substance of your allegation. It is considered that your allegation against the Park Authority and its staff is unfounded. Further, it is not accepted in any way that the National Park Authority nor its staff have a conflict of interest in relation to the determining of the planning application in principle for development at West Riverside and Woodbank House (REF 2022/0157/PPP) by Flamingo Land Ltd.

Accordingly, the Report and Recommendation of the Park Authority's Director of Place will be published on 2<sup>nd</sup> September 2024 and the Board will proceed with its site visit, hearing and determination of that application on 16<sup>th</sup> September 2024.

Regards,

Heather

Heather Reid

Convener

**Loch Lomond & The Trossachs National Park**

[www.lochlomond-trossachs.org](http://www.lochlomond-trossachs.org)

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While failing to consider Heather Reid's response to Sid Perrie, paragraph 31 of the ESC's report provides a convoluted and not very clear account of how Heather Reid responded to similar concerns raised by Balloch and Haldane Community Council the next day:

31. The Complainer confirmed to the ESC that she shared the communication from BHCC with all Board members, copying the SO, in the morning at 09.11 on 27

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August 2024. She provided a copy of her email which verifies this. However, it does not show that she attached a copy of the BHCC's letter dated 26 August 2024 to the Board members. The ESC queried this, and the Complainer clarified that she had not attached a copy. The SO confirmed there was no attachment. The Complainer's email at 09.11 "drew attention to the BHCC email and letter during the night with an explanation as to why it was not circulated by me the afternoon before [due to training] and what the next steps were...what my 09.11 email did do was highlight at least 2 Board members who had not received the BHCC letter and email and [the SO] arranged for it to be forwarded to them." The 09.11 email shows that she "will be discussing the claims...with senior staff and legal counsel today. I will then reply to the BHCC and Board members." The Complainer responded to the BHCC at 15.56 on 27 August 2024 and circulated it two minutes later to members at 15.58. Her response confirmed there was no conflict of interest for LLTNPA members to declare when considering the planning application.

The important sentence for the purposes of this post is the last. It shows that the ESC accepted, without any investigation of the facts, that there were no conflicts of interests that needed to be addressed before the Flamingo Land planning application was considered. The ESC then referred to this response, that Heather Reid had "refuted" the concerns expressed by the BHCC, to justify not doing any further to investigate the concerns Sid had tried to raise:

105. The Commissioner considered also whether the Respondent's conduct, inclusive in particular of his threats and allegations, could be based on his value judgment rather than a statement of fact. This is important because case law has provided that a value judgment does not require a significant basis in fact. This means that even if the Respondent's opinion is incorrect, the Respondent is within his right to express himself in this way. The Commissioner understands that the Respondent's repeated accusations of there being a conflict of interest is largely on the basis of NK's blog article (which BHCC Chair also shared with members) which was refuted by the Complainer in her response to the BHCC on 27 August 2024 at 15.56. This nonetheless shows the Respondent had some basis in fact for his views, even if misplaced or incorrect.

The fact that the ESC concludes "the Respondent had some basis in fact for his views" but accepted Heather Reid's assertions these were "misplaced or incorrect" tells you everything that was wrong with this investigation.

## What needs to happen?

If anyone should be in the dock before the Standards Commission, it should be Heather Reid not Sid Perrie. Unfortunately, as I will explain in a further post, my attempt to help Sid Perrie by lodging a complaint about how Dr Reid silenced him at the Board Meeting in June 2024 was dismissed by the ESC.

I have already asked the ESC to withdraw their report into this case, which procedurally they can do, but they declined. I will now ask again. Unfortunately it appears both the ESC and the Standards Commission know that legal support to contest what they are doing is so expensive (£250 an hour and probably close to £100k for a case like this) that they will continue to accept the word of the Park establishment and squash any attempt to hold that establishment to account.

It is also past time that Jackie Baillie, MSP, and Ross Greer, MSP offered whistle blower protection to Sid and started raising questions about the process in the Scottish Parliament. Both were included in the email from Heather Reid, quoted above, so if they had time to read that email both should be aware that Heather Reid immediately discussed Sid's concerns with the staff responsible and agreed with them his concerns were unfounded. Do these two highly intelligent MSPs really believe that the Park's legal adviser could have dismissed all Sid's concerns in the space of a morning?

As for the Scottish Government, who are ultimately responsible for the governance in the LLTNPA, they should have initiated a full-scale investigation into the handling of the Flamingo Land planning application years ago. Their response if asked to do so now will be predictable: "we cannot comment on live planning applications".

Democracy in Scotland is being eroded step by step. I hope to show in further posts how the Code of Conduct for those in public life, which was originally intended to strengthen democracy, is now being used to undermine it and strengthen the power of the state.

### **Category**

1. Loch Lomond and Trossachs

### **Tags**

1. Governance
2. LLTNPA
3. planning
4. Scottish Government

### **Date Created**

December 19, 2025

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