



Mr Nick Kempe
nickkempe1@gmail.com
EIR Ref: 2016/043

27th September 2016

Dear Mr Kempe

REQUEST UNDER ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004

I refer to your request for information, received by email on 30th August 2016.

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 under the terms of the Environmental Information (Scotland) Regulations 2004 (EIRs). In this case the public interest in maintaining this exemption and in dealing with the request in line with the requirements of the EIRs outweighs any public interest in disclosing the information under FOISA.

Your specific requests and the response from the National Park Authority are provided below.

“I would be grateful therefore if you could provide me with the following information:

- the dates of all monitoring visits by LLTNP staff to check progress with the construction works/adherence to the planning conditions and any information you hold on which other public authorities (e.g SEPA) have made monitoring visits.”

There are four separate hydro schemes, Allt Fionn, Derrydarroch, Upper Falloch and Ben Glas. Work to complete these schemes is ongoing, with schemes either still under construction or with reinstatement of the site ongoing. It is emphasised that planning officers continue to monitor the situation at each location, and it is important to understand that the work is not complete.

The dates of monitoring visits by Planning officers are as follows:

22.11.2012
17.12.2012
22.05.2013
08.08.2013
14.01.2014
01.04.2014
01.04.2015
19.08.2015
26.08.2015
26.08.2015
26.01.2016

LOCH LOMOND & THE TROSSACHS NATIONAL PARK AUTHORITY

National Park Headquarters, Carrochan, Carrochan Road, Balloch, G83 8EG Long: 4°34'24"W Lat: 56°00'12"N
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17.02.2016
27.04.2016

The Park Authority does not hold information on site visits made by other public authorities such as SEPA. Accordingly I have to advise under R10(4)(a) of the EIRs that this information is not held.

“ the records of all such visits and any correspondence that has ensued with the applicant or other public authorities.”

Site visits take the form of visual assessments by planning officers. Follow up actions are taken as required. Correspondence arising from site visits are excepted from release under R10(4)(e) of the EIRs as this would involve making available internal communications.

Consideration has been given as to whether there is a greater public interest in the release of this information. It has been concluded that there is a greater public interest in allowing experienced planning officers with the required skills to monitor the progress of unfinished sites to be allowed to undertake their duties, without the expectation that any internal communications, relating to their ongoing work to ensure the successful completion of the sites, will be released into the public domain.

“any further detailed assessments/plans/proposals provided by the applicant as required by the original granting of planning permission and the Park's response (apart from those published on the planning section of your website in February 2016 and September 2014).”

As part of the ongoing work at the four sites, there have been further planning applications as follows:

2012/0344/DET	Proposed permanent access track	Allt Fionn Hydro Scheme
2013/0151/DET	Construction of 0.8km of permanent access track	Upper Falloch Hydro Scheme
2013/0153/DET	Construction of 6km of permanent access track	Derrydarroch Hydro Scheme
2015/0335/DET	Amendment to 2009/0249/ECN to re-route pipeline and retain permanent access track spur to intake	Ben Glas Hydro, Glen Falloch

“ any internal communications/reports on the progress or adequacy of the amelioration works/compliance with planning conditions.”

As explained above, planning officers continually review progress, monitor compliance with planning conditions, and liaise with conservation colleagues to highlight any issues. Internal communications on the progress of their work has been excepted from release under R10(1)(e) of the EIR's as the request involves making available internal communications.

Consideration has been given as to whether there is a greater public interest in the release of this information. There is a visual impact caused by the construction of hydro schemes. The Scottish Government and the Park Authority have imposed conditions on this work, which is monitored by planning officers.

It has been concluded that the public interest in the release of internal communications on the progress of this work, is outweighed by the greater public interest in permitting planning officers
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with the required skills and experience to be allowed to monitor this work, without the requirement to release internal communications on this into the public domain.

-“more specifically, I would be grateful if you could tell me:

1) a) when the proposal to paint the exposed blue pipe to the Derrydarroch powerhouse dark green will be implemented?”

There has been no request for this pipe to be painted as there will be woodland planting in the vicinity which will screen the pipeline over time.

“ b) whether the LLTNPA has any plans to ensure that all the other exposed blue pipes that are part of the Glen Falloch schemes are painted an appropriate colour as per your Best Guidance Practice on Renewables.”

The Park Authority’s Supplementary Planning Guidance on Renewable Energy projects is taken into account when assessing a range of factors, including the visual impact of a hydro scheme on the landscape. As explained above, the Glen Falloch schemes are not complete and planning officers continue to monitor all aspects of these schemes, in consultation with the Park Authority Woodlands, Ecology and Landscape Advisers.

“ 2) if you could provide to me any information regarding the change of plan to the woodland planting on the south side of river opposite the Derrydarroch powerhouse which in February 2016 showed the track passing between two woodland planting enclosures? Instead of this there is no a single woodland enclosure through which the access track passes.”

Several draft options for woodland planting at this location were considered before the relevant condition was signed off, with the approval of the Park Authority Woodlands Adviser and Landscape Adviser. Monitoring of the overall site including visual impact is continuing.

“3) whether the LLTNPA has measured the width of the access tracks to the various hydro schemes and, if so, your assessment of whether these meet planning requirements plus any further information you hold from the applicant about the landscaping and profiling of the access tracks.”

The width of the access tracks would be measured should there be an identified requirement for this. The width has been brought in from construction width to operational use. Information on the landscaping and profiling of the tracks can be found in the relevant track planning applications listed in the table provided above. As explained above, this work is ongoing.

“the amount that the LLTNPA has received in fees for the planning applications for the Glen Falloch Hydro schemes.”

Details of fees in relation to planning applications are provided below. Please note that these fees are not recovering the full cost.

2009/0249/ECN	No fee, this was a section 36 consent and the Park Authority were consultees		
2015/0335/DET	Amendment to 2009/0249/ECN to re-route pipeline and retain permanent access track spur to intake	Ben Glas Hydro, Glen Falloch	£2020

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2012/0344/DET	Proposed permanent access track	Allt Fionn Hydro Scheme, Near Inverarnan	£1595
2013/0151/DET	Construction of 0.8km of permanent access track	Upper Falloch Hydro scheme	£1920
2013/0153/DET	Construction of 6km of permanent access track	Derrydarroch Hydro scheme	£1920

Yours sincerely

Information Officer
info@lochlomond-trossachs.org

Review Procedure

If you are dissatisfied with this response, or the way in which the Authority has dealt with your request, you are entitled to ask the Authority to review its decision. Please note that in order for a review to take place you must:-

- Lodge a written request for a review within 40 working days of either the date on which you received a response from the University or the date by which you should have received a response under the terms of the Environmental Information (Scotland) Regulations 2004, whichever is the later.
- Include your name, address for correspondence, a description of the original request, and the reasons why you are dissatisfied; and

address your review request to the Governance & Legal Services Manager:

Amanda Aikman
 Loch Lomond & The Trossachs National Park Authority
 National Park Headquarters
 Carrochan
 Carrochan Road
 Balloch
 G83 8EG
 E-mail: info@lochlomond-trossachs.org

Please note that links provided to information available elsewhere are intended to assist you. Requests for information held by other public authorities, and any complaints regarding access to such information should be addressed to that authority. These review procedures relate only to information which is directly under the control of Loch Lomond & The Trossachs National Park Authority.

The review of your request will be handled by staff who were not involved in the original decision. You will receive notice of the result of your review within 20 working days.

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If you are not satisfied with the response to your request for review, you can contact the Scottish Information Commissioner, the independent body which oversees the Environmental Information (Scotland) Regulations 2004, at:

Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS
Tel: 01344 464 610
Website: www.itspublicknowledge.info
E-mail: enquiries@itspublicknowledge.info

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