



Mr Nick Kempe
nickkempe1@gmail.com
EIR Ref: 2017/003

2nd February 2017

Dear Mr Kempe

REQUEST UNDER ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004

I refer to your request for information, received by email on 5th January 2017.

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.

In the decision notice for this hydro a number of conditions were set including that the developer should submit a number of documents to the local planning authority. I can find nothing about the Ardoch scheme on the Stirling council planning portal and I am therefore writing to you to enquire if you have the documents.

“if so, if you could provide the Construction Method statement (not the original one that is on your website but the one required by the Decision notice of December 2013) “

The Construction Method statement is attached in Appendix A. Contact telephone numbers have been redacted from this document in accordance with Regulation 11(2) of the EIRs and Data Protection Principles.

“and also the design plan for the track referred to in that document.”

A map that shows the track specification, is attached in Appendix B.

“It would also help me if you could clarify if the reference to local planning authority in the Decision Notice was a reference to Stirling Council“

This is not a reference to Stirling Council.

“if so, whether you would expect these documents to appear on the Stirling Council planning portal and what arrangements you have in place to ensure the conditions you set are met.”

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
t: 01389 722600 f: 01389 722633 e: info@lochlomond-trossachs.org w: lochlomond-trossachs.org

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These documents will not appear on the Stirling Council planning portal. Planning officers continually review progress, monitor compliance with planning conditions, and liaise with conservation colleagues to highlight any issues.

“If the reference to the local planning authority in the Decision Notice was a reference to the LLTNPA, I would request why most of the documents required are not on your planning portal (and why the plans for pipe bridge fencing are on your website)?”

The Park Authority is the relevant Planning Authority. Post decision information is not published. The plans for pipe bridge fencing were put online in error and have been removed.

“My understanding is all of this information should be in the public realm and an additional question therefore is why much of it is missing at present?”

Post decision information is not required to be published, which is consistent with many planning authorities across Scotland.

Yours sincerely

Governance & Legal Team
Loch Lomond & The Trossachs National Park Authority

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 Authority 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:

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

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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.

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
Online appeal portal: www.itspublicknowledge.info/Appeal

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