



Mr Nick Kempe
nickkempe1@gmail.com
EIR Ref: 2017/050

7th July 2017

Dear Mr Kempe

REQUEST UNDER ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004

I refer to your request for information, received by email on 11th June 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 request and the response from the National Park Authority are provided below.

Ledcharrie Hydro development

“1) All the documents the developer was required to submit as part of the planning consent and the LLTNPA's response (eg whether you accepted them or not). I believe these documents should all be available to the public on the planning portal but I understand from previous FOI responses that the current position of the LLTNPA is you will not make planning documents public unless legally obliged to do so.

As advised in previous correspondence, there is no requirement to publish post decision information. The Park Authority publishes the decision notices for all planning applications on our online planning portal, which is in keeping with Class 3 of our publication scheme. Should anyone wish further information on a particular planning case, this can be requested and will be processed in accordance with our responsibilities under the Data Protection Act 1998 and Freedom of Information legislation on a case by case basis.

While you stated that this development appears complete from the developer's perspective, the Park Authority does not consider that this development is complete as monitoring of the site is ongoing - correspondence and monitoring is ongoing with the developer to review reinstatement works.

The documentation submitted by the developer to comply with conditions set out in the planning decision has been withheld from release under R10(5)(b) of the EIR's as the information relates to live operational activities which are currently being monitored by the Park Authority. Not all conditions have been discharged.

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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The public interest in the release of the information has been considered. It has been concluded that there is a greater public interest in the Park Authority being able to monitor and take steps to deal with any issues which may be arising with failure to discharge all of the required planning conditions, and to use all enforcement powers at its disposal, should this become necessary, which could be prejudiced by the release of this information.

2) The dates of all monitoring visits made by LLTNPA and any reports on implementation provided by the developer.

Dates of monitoring visits to Ledcharrie hydro:

- 8th September 2015
- 1st Mar 2016
- 20th Sep 2016
- 29th Mar 2017

The developer provides monitoring reports on the implementation of the development. This information has been withheld from release under R10(5)(b) of the EIR's as the requested information includes specific details of the ongoing operational activities of this development and the Park Authority is actively monitoring the restoration phase of the scheme.

The public interest in the release of the information has been considered. 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 this live development to be allowed to undertake their duties, and to have the facility to take enforcement action, should this become necessary, which could be prejudiced by the release of this information.

3) Any correspondence the LLTNPA has had with the developer about their failure to meet planning requirements.”

This correspondence has been withheld from release under R10(5)(b) of the EIR's of the EIR's as the requested information relates to operational activities which are being currently being monitored by the Park Authority. As advised above, a further visit to this development by planning officers is planned.

The public interest in the release of the information has been considered. It has been concluded that there is a greater public interest in preserving the integrity of the live planning monitoring process. The release of this information would also undermine the ability of the developer to prepare their case and receive an impartial hearing, should enforcement action be necessary and which could ultimately lead to criminal proceedings.

Yours sincerely

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

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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

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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