



Mr. Nick Kempe  
nickkempe1@gmail.com  
Ref: COMP 2018/009

14<sup>th</sup> March 2018

Dear Mr Kempe

### **Restoration of Glen Falloch and Cononish**

I refer to your email of 28 February 2018. In responding to you, I can confirm that I have treated the terms of your email as a complaint. I would now therefore respond to each point you raise (as I have understood them) as follows:-

***“I am afraid I found your claims to the Board yesterday that the LLTNP could as a Planning Authority draw on its experience of hydro schemes to ensure effective restoration and enforcement at Cononish wide of the mark and have said so publicly today <http://parkwatchscotland.co.uk/2018/02/28/hydro-hyprocrisy-lomond-trossachs-national-park/>. In my view, instead of the spin about hydro schemes, what is needed is a hard and open look at what has been going wrong and why. What I believe should happen is that instead of showing critics certain carefully selected schemes to try and prove all is well you should be visiting schemes where things have gone wrong - and if you were willing to do this with me and others, I would be very happy to do so.”***

I do not agree with your comments. I would point out that within the National Park there are a number of different hydro schemes at different stages of restoration. As planning authority for the hydro schemes in the National Park, the Park Authority (having granted the planning permission, discharged the planning conditions and monitored implementation of these planning permissions), is therefore well placed to draw on its experience of these schemes when ensuring the implementation of future developments with similar restoration requirements.

I also disagree with your allegation about “*showing certain carefully selected schemes*”, particularly given that you were not at the visit with Mountaineering Scotland and Ramblers Scotland to Glen Falloch last year, nor party to the purpose of the visit agreed with these organisations.

#### **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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I can confirm that I do intend to continue to liaise with organisations such as Mountaineering Scotland and Ramblers Scotland, - as other colleagues do across the organisation -, in relation to topics of interest for those organisations and to assist in the wider understanding of projects taking place within the National Park.

Given, however your clear views on the Park Authority's planning role in relation to hydro scheme development, which is something the Authority has exchanged correspondence with you on over the years, I do not believe that there would be any merit in a site meeting with you, and accordingly, I decline your offer.

***“... , I would be grateful if you could explain why the penstock above the A82 has been painted while nothing has apparently been done to ensure the other blue penstock around Derrydarroch are painted an appropriate colour. If it's still the intention of the LLTNPA to ensure these penstock are painted, I would be grateful if you could let me know the timescales for doing this. A simple reply will save both of us lots of bother - I don't think its in either of our interests that I have to submit an FOI asking for all written documentation the LLTNPA holds re what enforcement action has or may be about to take place in Glen Falloch.”***

The painting of the penstocks is an issue that has been identified. The last six-monthly monitoring report submitted by the applicant for the Derrydarroch scheme states that the pipe bridges will be painted in the summer 2018 (weather dependant). A timeline for the carrying out this work will be confirmed with the applicant prior to the summer period.

***“On Cononish, I believe the LLTNPA has stored up massive problems for itself and the local community assuming the development ever goes ahead. Once people are employed it will be much harder to take enforcement action if the tailings stacks don't restore properly (because any suspension of work and you will be threatening people's jobs) than if stricter conditions had been recommended to the Board by staff. When, in response to what Bill Stephen said about only one sample of tailings being tested for toxicity and that was back in 2011, Alan Bell said lots of tests had been conducted, it was not made clear to the Board that these were on the crushed rock which had been extracted to get at the ore rather than the ore itself. If SEPA were wrong when they told Bill Stephen there had only been one test on the tailings, I would be grateful if you could provide me with a link the evidence for this, but if not it seems that the scale of the restoration challenge - and the long term pollution of ground around Tyndrum from the lead mining shows how toxic this material is - is far far greater than anything the National Park has yet attempted. I didn't like the previous tailings dam proposal but its a proven methodology and the use of moraine debris etc to construct the dam wall meant it was safe to claim this could be revegetated successfully. That, in my view, has yet to be established with the tailing stacks.”***

The Park Authority is not in a position to comment on a particular communication between SEPA and Bill Stephens.

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I would however advise that it is not correct to state that the conclusions in relation to Acid Rock Drainage were based on one sample. Alan Bell was clear on this point in his answer to the question at the Board meeting; he referred to the one sample of tailings sent to Australia that Bill Stevens had referred to; the 12 samples taken from the toe of the mine platform; the 53 samples from rocks; plus the many years of monitoring of water below the existing mine waste platform. This was in the published report, Appendix 4, which I attach with this letter for ease of reference.

I trust that this letter addresses the specific issues raised by you.

Yours sincerely



**Stuart Mearns**

**Director of Rural Development and Planning**

Loch Lomond & The Trossachs National Park Authority

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

Enc

Cc James Stuart, Convenor  
David Gibson, Chief Executive, Mountaineering Scotland  
Jonathan Binny, Mountaineering Scotland  
Bill Stephens

### **Complaint Review Procedure**

**The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about public services in Scotland. If you remain dissatisfied, you can ask the SPSO to look at your complaint. The SPSO cannot normally look at complaints:**

- where you have not gone all the way through the Park Authority's complaints handling procedure
- more than 12 months after you became aware of the matter you want to complain about, or
- that have been or are being considered in court.

**The SPSO's contact details are:**

**SPSO**

**4 Melville Street**

**Edinburgh**

**EH3 7NS**

**Freephone: 0800 377 7330**

**Online: [www.spsso.org.uk/contact-us](http://www.spsso.org.uk/contact-us)**

**Website: [www.spsso.org.uk](http://www.spsso.org.uk)**

**Address for correspondence: Freepost SPSO (no stamp required)**

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