



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT
Directorate E - Implementation & Support to Member States
ENV.E.3 - Environmental Enforcement
Head of Unit

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ENV.E.3/SG/EM/ CHAP(2020)0344

Mr Nick Kempe
23 Queen Square
Glasgow G41 2BG

nickkempel@gmail.com

**Subject: CHAP (2020) 344 concerning powerlines through Drumochter Hills
SAC**

Dear Mr Kempe,

We have now had the opportunity to assess your complaint, which was registered under the above-mentioned reference number. Please could I ask you to quote this reference in any future correspondence.

In your complaint, you raise concerns about a 12 km power line which has been constructed to upgrade a previously existing power line. It appears from the information provided that an assessment of the likely impacts of this development was carried out and that as a result a number of conditions were attached to the permission. In particular, you are concerned about the conditions which provide that any access tracks to support the works would be temporary and that after construction these would be removed and the land restored. Your key concern appears to be that parts of these access tracks have not so been removed and restoration has not been carried out or at least not satisfactorily. The power line traverses parts of the Drumochter Hills Special Area of Conservation (SAC), which is designated under the Habitats Directive (92/43/EEC), and it is with regard to this Directive that you feel that breaches have occurred.

Having assessed your complaint it would appear that this complaint is an individual case where the breach alleged is one of possible incorrect application. It appears that you are in particular concerned about the failure by the developer to fully abide by the terms and conditions of the planning permission. In particular, with regard to the removal of 2km of access road and the failure to adequately restore the site where another track was

removed. This is not a matter in which the Commission can be of assistance, as it appears to be a local matter, which is best dealt with nationally.

You may be aware that in 2017 the Commission adopted a Communication entitled *EU Law: Better results through better application*.¹ In this Communication, the Commission explained its current approach to complaints and in particular, to the categories of cases that it would be focusing on. The Communication explains that certain categories of cases, in particular, individual cases of incorrect application not raising issues of wider principle, where there is insufficient evidence of a general practice, of a problem of compliance of national legislation with EU law or of a systematic failure to comply with EU law will no longer be followed up at Commission level. I will therefore propose to close this file. Before doing so, I would however like to give you an opportunity to comment. Any such comments should be provided within one month of your receipt of this letter.

Yours sincerely,



Paul Speight
Head of Unit

¹ [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52017XC0119\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52017XC0119(01)&from=EN).