



Mr Nick Kempe
nickkempe1@gmail.com

22nd December 2020

Dear Mr Kempe

Planning enforcement issues

I refer to the issues which you have raised regarding run-of-river hydro developments in the National Park. This was contained in your emails of 28th July, 28th August and 6th September 2020, which were acknowledged on 1st October 2020. As previously advised, our approach to correspondence of this type is set out in our Planning Enforcement Charter. There is a response to each case below, in respect of specific queries or concerns.

All aspects of our work have been impacted by the global pandemic this year. We continue to provide updates on our website on all aspects of our service delivery. Updates on our planning service can be found at: <https://www.lochlomond-trossachs.org/planning/>

We take breaches of planning very seriously and investigate each case in accordance with our Charter. We have previously explained that not every breach of planning will be subject to formal enforcement action. Our approach is to fully investigate and take a balanced approach to resolving any issues, dealing with each on a case-by-case basis.

We have a structured monitoring process in place during construction of these hydro schemes, but also undertake to address any issues identified following completion of the schemes through an ongoing review and dialogue with the landowners/operators. Typically this is over a number of years and not just on completion of a scheme.

Glen Ample hydro scheme

Your enquiry (dated 28/8/20) related to track construction methods, work to mitigate construction impacts and whether any monitoring visits have taken place

I can confirm that a routine monitoring visit to this site was undertaken on 15th September 2020, this was programmed prior to your email. One of your images shows pipes for the intake being delivered by helicopter – this was from earlier in the year. The area where the pipes were being stored also had turves stored for re-instatement. Through October work was ongoing on the restoration. Another image shows pipes stored on top of turves. This was picked up by the appointed Landscape Clerk of Works in their visit to site to prepare their July monitoring report.

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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The pipes were removed immediately to protect the turves. I think this illustrates that this monitoring and feedback approach is effective.

Work on site to reduce the slope on batters for successful vegetation growth has also been ongoing as has track narrowing. Once again this is a 'young' scheme and next seasons vegetation growth should hopefully bring significant improvements. The Authority is satisfied with the progress being made on this scheme and its compliance with conditions.

Ballimore hydro scheme

Your enquiry (dated 28/08/20) related to the restoration of tracks and ground as required by the conditions and restoration of a temporary access track.

This hydro development, which is a well-designed scheme in recognition of the sensitives that are set out in the Report of Handling, was monitored closely during construction. It is considered that overall a satisfactory standard of work has been achieved, which with natural restoration, the condition will improve with each growing season. Monitoring will continue, as will a dialogue with the landowner / applicant as appropriate where specific improvements may be necessary. As with many such schemes, they form part of working farms or estates and this can also affect the speed of restoration.

By way of background, as I am sure you are well aware, with an emerging development sector over the last 10 years temporary tracks were encouraged and sought by applicants. The reality has been that with experience landowners / applicants then realised that permanent tracks would be preferable. Equally, with the knowledge of maintenance, use and early monitoring it was clear that permanent tracks can be preferable and in planning terms justified.

Subsequent to the scheme becoming operational in 2018 there were meetings with the landowner as regards the temporary tracks – the landowner indicating that he may wish to retain rather than re-instate. The process was explained as regards further planning applications should it be proposed to retain the tracks. We are aware from our own inspections in the early part of this year that the tracks remain. This is an ongoing enforcement matter between the National Park and the landowner.

Inverardran forest road

Your enquiry (dated 6/09/20) related to the construction of a road by Forest and Land Scotland (FLS) before a planning decision issued on 26th August (Prior Notification application ref. 2020/0176/NOT) which stated that Prior Approval was not required. You also requested a copy of the specification of the works.

I note your statement that the 230 metre section of 'forwarder track' that was the subject of this Prior Notification application was in fact constructed prior to our decision that 'prior notification was not required'. I have looked into the matter with the National Park's trees and woodland advisor who maintains a close working relationship with Forest and Land Scotland (FLS). It is the case that the track was implemented by FLS before the determination of the prior notification. National Park Authority staff were not aware.

These works are part of a wider project addressed in FLS's Crianlarich Land Management Plan, which the Authority was consulted on. Following our review, the officer's report of handling was incorrect to state that 'no new material was to be used' in the construction of the track. The application form for this proposal did confirm that the track would be surfaced with a wearing course to be imported from the nearest FLS quarry. There is no other 'specification of works' available. This track as we understand to be temporary and the above land management plan confirms that, when no longer needed for extraction of timber, the width will be narrowed and the surface allowed to green over. This has been highlighted to FLS and has been confirmed.

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On the basis of the above, I am therefore satisfied that there will be no significant or long term landscape impact and no further action is necessary or justified with reference to our approach as set out in the above Charter.

Yours sincerely

Bob Cook

Development Management Manager (Delivery)