



EIR Ref: 2018-024

14th September 2018

REQUEST UNDER ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004

We refer to your request for information, received by email on 17th August 2018. The information you have requested is environmental information, as defined in Regulation 2 of the Environmental Information (Scotland) Regulations 2004 (EIRs). The Park Authority has an obligation to deal with your request under the EIRs and an option to also deal with your request under the Freedom of Information (Scotland) Act 2002 (FOISA), unless the public interest lies in dealing with your request solely under the EIRs. We consider that the public interest in dealing with your request solely under the EIRs outweighs the public interest in also dealing with your request under FOISA, on the basis that the public interest is not served by duplicating consideration of your request under both regimes. We have therefore applied the exemption in section 39(2) of FOISA and dealt with your request under the EIRs alone.

Your specific requests and the response from the Park Authority are provided below.

The geographical extent of the Article 4 Directive removing permitted development on West Loch Lomond-side

We enclose a plan that identifies the extent of the influence of the Article 4 Direction. An Article 4 Direction enables the removal of 'permitted development rights' where it is considered appropriate to do so. The South /West Loch Lomond Order removes all 'temporary uses of land' that were otherwise permitted under Class 15 of the Town and Country Planning (General Permitted Development) Order.

The list of instances pertaining to the Directive

When the National Park was established the Park Authority inherited a number of Article 4 directions from the Councils all of which were made under the provisions of the then 1975 or 1981 General Development Orders. One of these pertains to south and west Loch Lomond-Side (being the former Dumbarton District area of the Park previously covered by the 1986 Loch Lomond Local (Subject) Plan.

With this Order having been in effect for such a length of time it would be necessary to manually

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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check all planning applications dating back to before the creation of the National Park to locate all those which have been initiated for reason of the control that is provided. The scope of your information request is therefore deemed to be too wide. We therefore have to advise under R10(4)(c) of the EIRs that this request for information is formulated in too general a manner.

How many times the Directive has been invoked

As explained above, it is not possible for us to identify the number of cases when the Directive has been involved. In order to comply with our obligation under Regulation 9 of the EIRs to provide advice and assistance, we can however give you a guide to the type of applications which come under the scope of the Article 4. We have provided a table below of those applications this year that have been required by virtue of the Direction being in place. Further details of these applications can be found on our online planning portal using the Reference numbers shown in the table: <https://eplanning.lochlomond-trossachs.org/OnlinePlanning/?agree=0>

Ref:	Address	Description	Applicant
2018/0136/DET	Moss O' Balloch Recreation Ground Balloch Road Balloch	Change of use of ground to temporary festival site (11/08/18) and erection of temporary infrastructure and site clearance (10/08/18 - 13/08/18)	Loch Lomond & The Trossachs National Park Authority
2018/0131/DET	The Bay Area Drumkinnon Tower Ben Lomond Way Balloch West Dunbartonshire G83 8QL	Temporary siting of tents, cabins, seating stands, storage containers and other ancillary equipment associated with open water swim event, including installation of finish gantry, water pontoons and buoys.	European Championships

Yours sincerely

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

Review Procedure

If you are dissatisfied with this decision, or the way in which the Authority has dealt with your request, you are entitled to require the Authority to review its decision. Please note that in order for a review to take place you are required to:

- Send your request for review in writing, setting out in full the reasons why you are requesting a review.

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- Submit your review request 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 Freedom of Information (Scotland) Act 2002, whichever is the later.
- 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

The review 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 Freedom of Information (Scotland) Act 2002, at:

Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS
Tel: 01334 464610
Website: www.itspublicknowledge.info
E-mail: enquiries@itspublicknowledge.info

Online appeal portal: www.itspublicknowledge.info/Appeal

**SOUTHWEST LOCH LOMONDSIDE
ARTICLE 4 DIRECTION
LOCH LOMOND AND THE TROSSACHS
NATIONAL PARK AUTHORITY**

- KEY**
- Article 4 Direction Boundary
 - National Park Boundary



LOCH LOMOND & THE TROSSACHS NATIONAL PARK

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