



EIR Ref: 2018/27

24th September 2018

REQUEST UNDER ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004

I refer to your request for information, received by email on 31st 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 National Park Authority are provided below.

“What happened between this date of Sue Leverages demands and the 8th September when Kirsty Sweeny now appears in the correspondence and Michael Hyde decides it is time FOR HIM to consider making an application?”

It is unclear what information you are requesting, we would need you to be more specific in stating exactly what information you are looking for in order for us to identify any relevant documents. Until we receive clarification the Park Authority will consider this part of your request to be suspended. The 20 working days to respond will commence when we receive your clarification. If you do not provide clarification within one month from the date of this letter then we will consider your request to be withdrawn.

“Have Argyll Holidays ever been issued with written warnings enforcing them to comply? The dates of and how many?”

The Park Authority issued Argyll Holidays with a breach of condition notice in 2004 in relation to a site in Lochgoilhead.

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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“Prior to this date 23/02/18, can you inform me of applications where grey was approved as an alternative, to prove that you have not been liberal with the truth to defend your reticence to make Argyll Holidays comply as they should have.”

We are aware that you have asked this question before in other correspondence with the Park Authority which has been processed under our formal complaints procedure. In our letter of response dated 29th March 2018 we advised that:

“I am unable to provide an accurate response to your question of how many applications the Planning Authority have specified grey materials as an alternative. However, I can advise that throughout the National Park, a light grey colour, or a material like larch which fades to grey, has been recommended as appropriate for a number of developments, as it has been assessed as an acceptable recessive colour and been found to recede visually within varying landscapes. By way of illustration, the Planning Authority has agreed grey cladding for many buildings including the sculpture at Inveruglas; and external pipes and infrastructure for hydro schemes.”

It would be necessary to manually search for all cases where the use of the colour grey was agreed as part of a planning permission or as a condition to identify all applications where grey was approved as an alternative, there is no specific field with this information in our document management system and we process hundreds of planning applications every year.

Accordingly we have to advise under Regulation 10R 10(4)(c) of the EIRs that the request for information is formulated in too general a manner and the Park Authority has complied with its duty under Regulation 9 to provide advice and assistance.

“There is also the question of Argyll Holidays perjuring themselves over the signing of the Notification of Initiation of Development Form, has any action been taken over this and the fact that the ongoing development is now beyond the timescale permitted to complete the works ?”

There is no timescale for the works to be completed under the planning permission. The timescale provided on the Notification of Initiation was estimated and is not legally binding.

“Yet despite all this there is a complete reticence to take any action against or sanction Argyll Holidays why?”

Also

why did a system which should have allowed families their basic human right to defend themselves fail to do so by permitting the unscrupulous actions of those intent on breaching it for their own gain?”

The Park Authority does not accept your assertions in terms of our dealings with Argyll Holidays. We have dealt with your ongoing complaints in this regard through our formal complaints procedure, and our handling of your complaints has been investigated and upheld by the Scottish Public Services Ombudsman (SPSO) in their letter to you of 30th August 2018, a copy of which was sent to the Park Authority by the SPSO.

Yours sincerely

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

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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.
- 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

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