



EIR Ref 2017/025

28th March 2017

REQUEST UNDER ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004

I refer to your request for information, received by email on 28th February 2017.

We have applied the exemption under Section 39(2) of the Freedom of Information (Scotland) Act 2002 as we have determined that the information sought in your request is environmental information. We are therefore handling your request under the terms of the Environmental Information (Scotland) Regulations 2004 (EIRs). In this case the public interest in maintaining this exemption and in dealing with the request in line with the requirements of the EIRs outweighs any public interest in disclosing the information under FOISA.

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

“I would like to report the access obstruction shown in the attached photo to the LLTNPA and request you take action to remove it. The obstruction lies between the double height fence bounding Loch Venachar House at the quay and the quay harbour site owned by the LLTNPA.”

This has been logged as a complaint alleging a breach of the Land Reform (Scotland) Act 2003 and will be assessed through our standard procedures by the Recreation and Access Advisers. As complainant you will be informed when the assessment has been concluded and of the resultant findings.

“In relation to the obstruction, I would be grateful if you could confirm whether it is on land forming part of the property at the Quay belonging to the LLTNPA or not and whether the LLTNPA holds any information about this obstruction.”

The location of the obstruction, and whether it is on land belonging to the Park Authority, will be confirmed as part of the assessment undertaken by the Recreation and Access Advisers.

The Park Authority does not hold any information relating to this potential obstruction of the Land Reform (Scotland) Act 2003. Accordingly I have to advise under S10(4)(a) of the EIRs that this information is not held.

“According to planning application 2012/0323/DET which led to the building of the new Loch Venachar House, the application was for a discrete area of ground which did NOT extend to the Loch Shore. Since the application, Linda McKay as owner of Loch Venachar House, appears to have extended her garden to the loch shore, I assume either by purchase or leasing of the land in-between. There is no planning application for this. Could you please inform me what category of use this strip of land in-between was classified for previously and whether planning permission should have been required before it was incorporated into the garden of Loch Venachar House?”

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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It appears from this question that you are making a complaint against the owner's compliance with planning controls. Please confirm that you are asking for this matter to be investigated as a formal planning complaint.

“Finally, I would be grateful if there is any planning or policy reason why the LLTNPA would not support the resumption of access along the shoreline in front of Loch Venachar House so that it is once more possible to walk from Loch Venachar Quay to Loch Venachar dam”.

The Park Authority supports responsible access to land within the National Park, recognising where this right should respect the privacy of residents and businesses. This question is considered to relate to the above question which appears to be an access complaint and will be considered on this basis, subject to your confirmation.

Yours sincerely

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

Review Procedure

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

- Lodge a written request for a review 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 Environmental Information (Scotland) Regulations 2004, whichever is the later.
- Include your name, address for correspondence, a description of the original request, and the reasons why you are dissatisfied; and

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

Please note that links provided to information available elsewhere are intended to assist you. Requests for information held by other public authorities, and any complaints regarding access to such information should be addressed to that authority. These review procedures relate only to

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information which is directly under the control of Loch Lomond & The Trossachs National Park Authority.

The review of your request 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 Environmental Information (Scotland) Regulations 2004, at:

Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS
Tel: 01344 464 610
Website: www.itspublicknowledge.info
E-mail: enquiries@itspublicknowledge.info
Online appeal portal: www.itspublicknowledge.info/Appeal

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