



EIR Ref: 2018/009

12th April 2018

REQUEST UNDER ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004

I refer to your request for information, received by email on 15th March 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.

“please could you let me know if this application benefited from pre-application advice and, if so, please could you arrange for me to receive copies of all advice provided. If any is redacted on the grounds of it being considered confidential, I trust that this will be explained.”

We can advise that pre-application advice was given in this case. The ability of the Park Authority to provide pre-application advice to a prospective applicant is very important to an efficient planning system. It is important that this advice can be provided to prospective applicants in confidence and it is not typically released under FOI /EIR legislation. This isn't about withholding information, it is about businesses or individuals being confident about a planning authority's advice in respect of a potential development before they commit resources/finance to a confirmed proposal.

However in this case a full planning application has been submitted which has been made publically available via our online planning portal. For this reason and since the pre planning advice was given in 2016, we have decided to release the pre application advice in this case.

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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This advice is in the attached Appendix A.

“Firstly, please may I have any information or record of communications between the Appointed Officer and the applicant or their agent (Thos Robinson Architects) as to who are the neighbours, neighbouring landowner, etcetera. What I am trying to establish is whether there was a reasonable effort made to inform me as the neighbouring landowner, as the applicant knows exactly who I am and what my address is (immediately adjacent to Claddoch Cottage).

If the process simply overlooked me as neighbouring landowner or was not made aware of this, I am more than content to accept that, but it would help to establish what process took place on this point. As requested in my previous email, the more important point is that I would be grateful if you could ensure that I will be notified at the stage that detailed planning approval is applied for.”

There is no information or record of communications between the Planning Officer and the applicant or their agent as to who are the neighbours for the purposes of neighbour notification, as undertaking this notification is the responsibility of the Planning Authority. Accordingly I have to advise under Regulation 10(4)(a) of the EIRs that this information is not held.

For the process of neighbour notification, we are required to send notification to addressable premises within a 20 metre boundary of a development, which meant in this case that you were not resident within the specified area for receiving a neighbour notification.

We note that you have asked to be notified at the stage that detailed planning approval is applied for. Bob Cook can discuss this further with you at your forthcoming meeting.

“Secondly, the Report of Handling notes 14 representations and under item 13 in the two grouped under the heading Ecology, deals with the representation that Aber is an important site for migratory birds. The report notes that the site is at a *distance from the designated sites*.

Please may I have confirmation that this conclusion has either been reached without reference to other bodies such as SNH or the RSPB or, if there was communication with the RSPB or SNH about the potential impact of this development on bird life, please may I see a copy of it, again to ensure that I have the same information?”

The conclusions on the report were reached without reference to either SNH or RSPB therefore we have no communications on this subject. The planning officer's conclusions were however informed through verbal discussion with our internal natural heritage adviser.

Accordingly I have to advise under Regulation 10(4)(a) of the EIRs that there is no information held.

Yours sincerely

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

Review Procedure

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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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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6 December 2016

Natasha Houchin
Thomas Robinson Architects
The Red House
Croftamie
Glasgow
G63 0EU

Dear Natasha Houchin,

PRE- APPLICATION ENQUIRY RESPONSE

Reference Number: PRE/2016/0255
Proposal: Erection of two holiday units
Location: Claddoch Cottage, Gartocharn, West Dunbartonshire G83 8NQ

Thank you for your pre-application enquiry for the above proposal which we received on 19 October 2016. I apologise for the delay in responding to you.

The proposal is to develop the land adjacent to Claddoch Cottage for tourism purposes. The site would comprise two/three holiday lodges/chalets and associated parking.

Development Plan Policies

There are a number of policy documents and material considerations which would be considered before a decision could be made on the proposal as you describe. The main policy document and relevant policies are listed below:

National Park Local Plan (Adopted 2011)

TOUR 1 New Tourism Development
TRAN3 Impact of New Development on the Road Network
L1 Conserving and Enhancing the Diversity and Quality of the Park's Landscapes

Please find details of the [policies](#) on our website.

National Park Local Development Plan (Proposed Plan)

The Proposed Local Development Plan, including the Reporters' modifications, has now been approved by the National Park Board and on 11th November 2016 was publicised for a 28 day period following which Scottish Government will decide whether to approve the Plan for adoption. During this current period the Proposed Local Development Plan is a significant material consideration in the assessment of planning applications and is a key consideration in determining the weight given to each policy or proposal.

The relevant policies are:

Overarching Policy 1 and Policy 2

Visitor Experience Policy 1: Location and Scale of New Development

Visitor Experience Policy 2: Delivering a World Class Visitor Experience

Natural Environment Policy 1 (Landscape), 4 (Protected Species), 6 (Enhancing Biodiversity),

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8(Trees), 12 (Water)
Transport Policy 3 Impact Assessment and Design Standards of New Development
Waste Management Policy 1

Draft Planning Guidance

- Visitor Experience

Please find details of our proposed policies and the draft guidance on our website.

National Park Aims

Proposals will be determined with respect to the National Park Aims.

Considerations

Principle

The principle of the development would be assessed against policy VEP1 of the Proposed Local Development Plan. Policy VEP1 supports new visitor accommodation which is within safe walking distance from a town or village. The site is located approximately 1.3 miles West of Gartocharn and can be accessed via the Aber path. The principle of developing tourism accommodation at the site could therefore be supported. A business plan would be required to demonstrate how the business would be operated and the viability of the development in the long term. Page 13 of the Visitor Experience Guidance (noted above) will aid in the drafting of this.

Landscape/Design

The indicative layout submitted would be appropriate as it would follow the existing building lines of the existing cottage adjacent to the site and the parking area and access road would be screened from the open views to the northwest by the proposed holiday units.

The design proposed would be acceptable in this location given the wooded backdrop of the locale however a more traditional style of building in keeping with the vernacular of the existing cottage would also be supportable. This is due to the architectural character of the smaller properties located in this area of the Park.

As noted in your supporting letter, due to the existing boundary screening there would be no significant landscape impact as a result of the development – I agree with this point however the proposal is located within a National Scenic Area and further comment on this can be made when the exact siting and design of the lodges is finalised to ensure no landscape impact in this sensitive area. A landscaping plan would be required to demonstrate how the buildings would be integrated into the immediate site. A tree survey may also be required.

Ecology

When I visited the site last year, the site was overgrown. A walkover survey for breeding birds may be required and if trees are required to be removed or if development is on close proximity to mature trees, a bat potential survey would likely be required.

Consultees

In the case that an application is submitted the following consultations would take place. You may wish to contact these authorities prior to the submission of an application to confirm the acceptability of the proposal.

- The Roads Authority would be consulted on the proposal due to the potential increase in traffic accessing the site.
- Scottish Water would be consulted to confirm capacity for the development.

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- Part of the site is within an archaeological trigger area. West of Scotland Archaeological Service would be consulted on the proposal.

Conclusion

The principle of the development is supportable subject to the satisfaction of the noted consultees and successful integration into the surrounding landscape. A business plan would be required to demonstrate the viability of the business in this location and long term management of the site.

If you wish to pursue this proposal then you can apply online or download the necessary application forms at the government's planning portal at www.eplanning.scot. You will be required to submit the correct set of application forms and certificates, and a set of scaled drawings (Location/Site Plan, Elevations, Floorplans) with your submission. Further guidance can be found at the government's planning portal when you apply for permission. We have also published an advice leaflet on [how to make a valid application](#) which provides guidance on producing your red line plan and other documents.

You should note in addition to the plans I recommend that you submit the following information to assist in determining the application:

- Tree Survey
- Business Plan
- Landscape Plan
- Design Statement
- Sustainability Checklist

Further advice on survey requirements can be found in our [Planning Advice Leaflets](#).

Please find details and guidance on [planning fees](#) on our website. Where there is land surrounding an application site which has no addressable premises, the applicant is required to pay an advertisement fee of £150 for neighbour notification purposes. In this case an advert fee will be required so please submit this with your application.

Disclaimer

Please note that any pre-application advice we provide is not a formal decision by the Authority and cannot bind its future decision making. Any views or opinions expressed are given in good faith and to the best of my professional ability, but are without prejudice to the formal consideration of any planning application following statutory consultation and evaluation of all available information.

If you have any queries regarding the content of this letter please feel free to contact me. You may also wish to contact Building Control for advice on whether a Building Warrant is required.

Yours sincerely,

Julie Gray
Development Management Planner
Tel: 01389 727753
Email: julie.gray@lochlomond-trossachs.org