



EIR Ref:2019/014

15th August 2019

REQUEST UNDER ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004

We refer to your request for information, received by email on 18th July 2019. 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 request and the response from the National Park Authority are provided below.

“I would be grateful if you would advise me of any communication and correspondence relating to development of the Claddoch Cottage site under the terms of standard pre-application advice and any other ongoing work of the LLTNP planning team, covering the period from January to the present date.”

Following searches of the relevant file we can advise that the only communications and correspondence relating to development of the Claddoch Cottage site, under the terms of standard pre application advice for the specified time period, was an enquiry from the agent asking for clarification of the requirement for phosphorous mitigation calculations.

This was required by condition on the PPP decision notice. SEPA, who required the phosphorous mitigation calculations, have changed their guidance for these calculations since the issuing of the decision.

Appendix A contains the enquiry from the agent on this point, the advice from SEPA regarding the change to their guidance, and the response from the National Park Authority to the agent. Please note that the personal details of third parties have been redacted, this information has been

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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withheld from release under Regulation 11(3) of the EIR's as the requested information includes personal data of which the applicant is not the data subject and it is considered that the first condition of R11(3) is satisfied whereby personal data is exempt from disclosure if its disclosure would contravene any of the data protection principles with reference to Article 5(1) of the GDPR. This is an absolute exemption which means there is no requirement to apply the public interest test to the release of the information.

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.
- 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

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E-mail: enquiries@itspublicknowledge.info

Online appeal portal: www.itspublicknowledge.info/Appeal

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EIR 2019/014 Appendix A

From: thomasrobinsonarchitects.co.uk

Sent: 11 April 2018 09:46

To: planningemail - Loch Lomond <planning@lochlomond-trossachs.org>

Subject: 2017/0256/PPP - Plot Adjacent to Claddock Cottage

Hi

I am writing in relation to the above planning permission in principle, and in particular condition 2c.

Further to discussion with SEPA, our drainage engineer has received the email below from them. We understand that SEPA will no longer be looking for phosphorus mitigation as a requirement.

We would therefore like to ask that condition 2c be removed or confirmed in writing that it will not be enforced by the planning authority if that is acceptable to SEPA.

Your thoughts are appreciated.

Thanks

Associate Architect
Domestic Energy Assessor
for

Thomas Robinson | Architects

Thomas Robinson Architects
The Red House
Croftamie
Glasgow
G63 0EU

From: @sepa.org.uk

Sent: 07 March 2018 15:11

Subject: RE: Phosphorus mitigation calculation - development at Claddock Cottage, Garttocharn

As discussed during our telephone conversation this afternoon, some concerns have been raised about SEPA's recent phosphorus mitigation planning policy as it applies to eutrophic lochs such as Loch Lomond. As a consequence, the policy has been reviewed and a decision was made earlier in the week to temporarily suspend it until such time as a stronger evidence base is available in terms of both the science underpinning it and the workability of the proposed solutions. This means that from this week SEPA will revert to carrying out standard assessments of proposed private discharges in the Loch Lomond catchment in accordance with the relevant RM documents and only require phosphorus mitigation measures if these are specifically conditioned within the planning consent. For the avoidance of doubt, SEPA's position on direct discharges into freshwater lochs is not altered ie there is a strong presumption against a direct discharge into a freshwater loch and where it is the

only viable option, will be subject to the regulatory approach detailed in WAT-RM-37 Regulation of Phosphorus discharges to Freshwater Lochs.

In response to your enquiry regarding the 2 x 3-bed dwelling development at Claddoch Cottage, I can confirm that our mapping GIS layers do not show a watercourse at the location of the discharge point (NS 42381 87391) for the current dwelling on site and so SEPA will not be able to generate an LFE Q95 value for this location. We note that you have investigated the site and can confirm the presence of a flow this proposed discharge point. This along with the fact that the existing septic tank discharge is authorised to discharge at this point (CAR/R/1087174) suggests that the burn does have a base flow all year. Therefore, as long as your client is aware of the potential consequences (with regards to finding an alternative sewage effluent disposal solution in the event that the burn dries up), I can confirm that SEPA would consider a Registration application to discharge sewage effluent to the unnamed watercourse at NS 42381 87391 arising from the 10PE development if the foul drainage is treated by an EN12566 compliant biological treatment plant that would be capable of achieving 5mg/l Ammonia or less as a mean. As discussed, SEPA's preference would be that, if at all possible, sewage from the existing 5 PE dwelling on site is also picked up and treated by an EN12566 compliant biological treatment plant capable of achieving 5mg/l Ammonia or less as a mean. For the avoidance of doubt, I can confirm that at the present time SEPA will not require phosphorus mitigation measures for this development unless they are stipulated in the detail of the relevant planning consent.

Any CAR Registration application would be subject to the usual conditions eg. demonstration that connection to public sewer is unfeasible, demonstration that ground conditions are unsuitable for a fully constructed soakaway etc.

Please don't hesitate to contact me if you have any questions about the matters raised above

Specialist II (Water Regulation)

From: NPA Development Monitoring Officer
Sent: 12 Apr 2018 16:05:53 +0000
To: thomasrobinsonarchitects.co.uk
Subject: RE: 2017/0256/PPP - Plot Adjacent to Claddoch Cottage

As this is planning permission in principle we are able to review the requirements of this condition with SEPA when considering the reserved matters.
I hope this answers your question.

Many thanks,

Development Monitoring Officer
Loch Lomond & The Trossachs National Park
View planning applications online at: www.lochlomond-trossachs.org/planning