



FOI Ref 2019/012

12th August 2019

REQUEST UNDER FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

We refer to your request for information, received by email on 14th July 2019. Your specific requests and the Park Authority's response are provided below.

"I have received photos showing initial stages of construction of Invernoaden hydro scheme track with turves scattered willy nilly alongside the track. The Planning Consent granted in 2017 required a turve management plan and it would appear from the photos that this is NOT being adhered to. Please therefore take this email as notification of potential breach of planning conditions right at the beginning of the construction process.

As advised by our planning support team in their email to you of 24th July 2019, this matter is being investigated as a potential planning enforcement matter Ref LT/2019/0036/ENF/. The Planning team will update you on the results of their investigation in due course.

In order that I can understand further what exactly the Park has agreed with the developer I would be grateful if you could supply me with the notice of the initiation of the development (I have repeatedly argued this information should be published as a matter of course on the Park's planning portal to ensure transparency) and also with a copy of the agreed turve management plan (which I also believe should be public)."

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 this part of your request under the EIRs alone.

The attached Appendix A contains the notification of initiation of development. Please note that the personal details of third parties have been redacted, this information has been 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

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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release of the information.

The agreed turve management plan is attached in Appendix B.

Yours sincerely

Governance & Legal Team
Loch Lomond and 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
St Andrews
Fife
KY16 9DS
Tel: 01334 464610
Website: www.itspublicknowledge.info
E-mail: enquiries@itspublicknowledge.info

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Online appeal portal: www.itspublicknowledge.info/Appeal

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Notification of Initiation of Development

Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 (s 27A and 123(1))

**LOCH
LOMOND
& THE TROSSACHS**

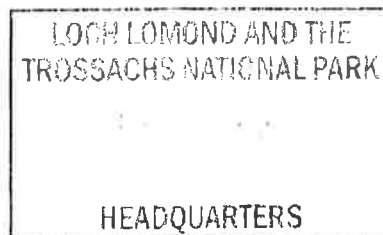
APPLICATION NUMBER: 2017/0049/DET
DATE DECISION ISSUED: 17 July 2017
DEVELOPMENT AT: Invernoaden Hydro, Invernoaden, Argyll And Bute, PA27 8DL

Please complete the table below and return this form before works start on site, preferably within a minimum of 2 weeks notice.

A person who has been given planning permission must, as soon as practical, inform the planning authority of the date on which works will start on site. Submission of this form is a statutory requirement and will assist the LLTNPA to monitor active work within its area to ensure compliance with the approved details and to identify and correct any potential problem as it arises, rather than later when correction may be more difficult and more costly. Failure to submit this notice is a breach of planning control.

Work will start on site on: 6th May 2019
Anticipated completion date: End July 2020
Name of Applicant: [REDACTED] (Client)
Address: Carrick Castle Estate, Estate Office, Lahgoilhead, Argyll & Bute PA27 8DL
Contact Details: [REDACTED]
Name of person/builder carrying out the development: [REDACTED] (Builder)
Address: Site 13A, Kilmory Industrial Estate, Lochgilphead, PA31 8RR
Contact Details: [REDACTED]
Name of Site Agent (if applicable): [REDACTED]
Address: Hydroplan, Unit 12 Riverside Park, Station Rd, Wimburne, BH21 1QU
Contact Details: [REDACTED]

Please complete the above form and send to:
Development Monitoring Officer, The Loch Lomond and The Trossachs National Park Authority,
FREEPOST SCO5909, Balloch, G83 8EG
Tel: 01389 722661, email: planning.monitoring@lochlomond-trossachs.org





P723 Invernoaden – Turf Management Plan

1 Introduction

This is a supplementary document which aims to provide a scheme for effective management of excavated turves in response to Planning Condition 7 associated with the Invernoaden hydroelectric scheme (planning ref. 2017/0049/DET) within Loch Lomond and the Trossachs National Park. The condition reads:

Prior to the commencement of development a turf management plan for the whole site shall be submitted and approved by the Planning Authority. This shall include details of:

- *The storage and management of the different habitat types and turves of different sizes and depths; and*
- *Coding of habitats to ensure habitat turves are reinstated in the correct areas.*

The details to be provided under Condition 1(k) shall require the pipeline route to be exposed in short sections only (to be defined and agreed under condition 1(a)) and turves associated with the construction of the pipeline shall be stored for a maximum of two weeks.

2 General Turf Management

2.1 Stripping Materials

- Careful side stripping of top peat from all areas to be disturbed. Depth of strip to be at least 250mm but to be determined on site depending on ground conditions. Peat and turf to be lifted and stored at the edges of the construction corridor in one operation where possible and retained as intact turfs where feasible.
- Do not mix sub-soil with top-soil or peat.
- Use defined top peat storage areas to avoid mixing of materials and double handling where possible, with top peat stored 'vegetation or turf side up' to avoid desiccation.
- Substrate and turves will be stored separately for each habitat, particularly for flush, peat and woodland habitat.
- All material dug from the pipeline trench will be returned in the order of excavation so that all mineral soil dug out from the pipeline trench will be returned to the bottom of the trench.
- When returning excavated materials to the trench, provide an adequate layer of top-soil or peat for replaced turf species to root.

2.2 Turf Storage

- Stripped turves should be stored at the edges of the construction corridor 'vegetation or turf side up' with adequate growing conditions e.g. water, light & temperature.
- Generally, turves will be placed 'turf side up' wherever possible. However, where space is restricted within the construction corridor, it may be necessary to stack the turves, up to a maximum of thickness of two turves.
- Turves should be re-used in areas with similar vegetation and hydrology.



- Restoration of stripped turves should be replaced consecutive to track formation or backfilling of the pipeline to avoid prolonged storage of stripped materials and allow assimilation of the track to commence as soon as possible.
- The heath/bog turves should be replaced no later than two to three weeks after the initial cut. However, if this is not possible and heath/bog vegetated turves are to be stored for longer than two to three weeks, they should not be stacked. Providing there are adequate growing conditions, turves can be stored for up to two months during March / September (growing season).
- Grassland turves can be stored for a maximum period of two months.
- The scheme avoids flushes and Groundwater Dependent Terrestrial Ecosystems (GWDTE) where possible. However where turves will be stripped from GWDTEs, they should be replaced as soon as possible, ideally on the same day.
- The geomorphology of some features, particularly flush and soak-way habitats must be correctly re-established to ensure that the original hydrology is maintained.
- Turf transfer should not be undertaken in periods of hot and dry conditions or sub-zero conditions to avoid desiccation or frost damage.
- Monitor turves and water during dry spells to ensure that they remain viable and do not desiccate.

3 Construction Corridors

The general practice for constructing tracks and pipelines is outlined in the Construction Corridor Drawings (P101 60001, 60002 & 60006).

3.1 Track Types and Construction Corridors

There are three types of construction corridors at Invernoaden:

1. Corridor for new Forest Road construction (limited to 3m)
2. HPPE pipe construction corridor (nominal width of 18m)
3. DI pipe construction corridor (nominal width 28m)

The construction corridor width varies along the pipe route (as outlined in Drawing No. P723 10109) and this dictates how much material can be stored adjacent to the track and pipe.

As stated in Section 2.2, excavated turves will be stored at the edges of the corridors and, at the advice of the ECoW, can be stored separately according to habitat. This allows the turves to easily be replaced to the areas of original soil chemistry and hydrology. This also ensures that there is no mix up of turves from different habitat communities.

The original National vegetation Classification (NVC) and Phase 1 survey submitted with the Planning Application demonstrates that the majority of the habitat along this corridor comprises semi-improved and rough grazing land. The main GWDTE affected include montane grassland and flushes, wet heath and marshy grassland. For these habitats, more care should be taken to separate excavated materials. Hence, if GWDTE habitats occur in patchy mosaics, then there may be a shortage of space within this corridor within which to separate the turves from different habitats. If this is the case the excavated materials can be stored elsewhere within the construction corridor and coded so that the materials are returned to the correct section and therefore maintaining the habitat.



4 Materials Balance

A turf balance has been devised indicating where there may be a shortage of storage during construction.

The Table below shows the amount of material (soil and turf) generated during the construction period for both the tracks and the pipeline, and the amount of surface area required to store the material.

It also shows the area available within the construction corridor (as shown on Drawing No. P723 10109) and indicates any deficit in storage area.

Several assumptions have been made in this calculation and they are outlined below and illustrated in Figure 1 and Drawings P101 60001 and 60002.

The calculations assume a 3.5m wide construction track with an average dig down of 0.5m. The pipe trench is assumed to be an average of 2m deep by 2m wide.

The total area for turf storage is double the total area of turf stripped.

The soil heaps assumes a cubic capacity of 2.7m^3 per 4m^2 of soil heap based on a maximum slope of 34° .

Figure 1 Illustration of construction corridor. Numbers only illustrative (see text for measurements for the Invernoaden scheme).

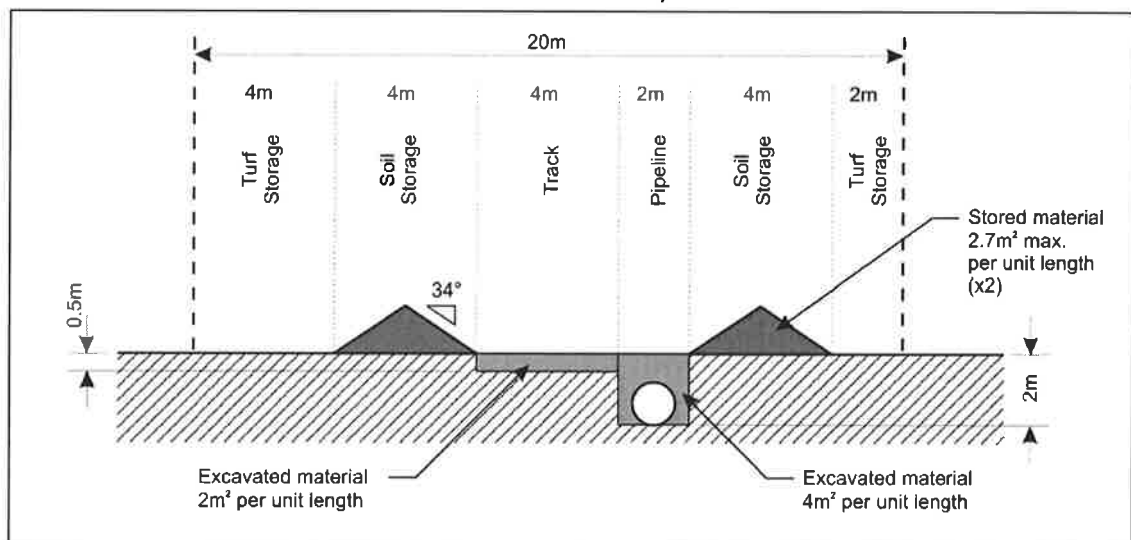




Table 1 Materials Balance

Track Type	Corridor Width (m)	Length (m)	Track		Pipe	
			Soil Volume (m³)	Turf Area (m²)	Soil Volume (m³)	Turf Area (m²)
<u>Material Generated During Construction</u>						
HPPE Construction Corridor	18	720	1260	2520	2880	1440
DI Construction Corridor	28	925	1619	3228	3700	1850
New Forest Road Corridor	3.5	200	350	700	0	0
Total		1845	3229	6458	6580	3290
Required Storage Area (m2)			4783	9748	9748	6580
<u>Area Available within Construction Corridor</u>						
HPPE Construction Corridor	18	720	0	0	2160	2160
DI Construction Corridor	28	925	0	0	7400	7400
New Forest Road Corridor	5	200	100	100	0	0
Total		1845	100	100	9560	9560
Deficit			4683	12815	188	-2980
Total Additional Area of Storage Required						14706

Additional Areas of Storage

The turf balance shows that there is a storage area deficit of approximately 1.5ha within the construction corridors.

The excess soil and turf will be stored on acid grassland away from watercourses during the construction period. According to the habitat assessment these areas are equal to a total area of approximately 4ha, which is more than twice the area needed. Moreover, these areas are fairly close to the restricted corridors.

Therefore, it can be demonstrated that there is sufficient space to store materials during construction.

Following the construction period, any leftover soil and turfs will be redistributed around the site to aid landscaping and restoration.

5 Duration of Construction

Condition 7 states that, where possible, the access route shall be exposed in short sections only and turves associated with the construction of the pipeline shall be stored for a maximum of two weeks. This is not always possible with HPPE pipelines, however the turves will not be stored any longer than required and will be reinstated as soon as possible.