



EIR Ref:2020/003

29th April 2021

REQUEST UNDER ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004

We refer to your request for information, received by email on 30th March 2021 and subsequent clarification received on 31st March 2021. The information you have requested is environmental information, as defined in Regulation 2 of the Environmental Information (Scotland) Regulations 2004 (EIRs). 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.

“Under the Decision Notice for the planning application 2019/0247/NOT | Upgrade of 780 meters forest track | Land East of Ardchullarie Burn South East Strathyre, a monitoring report was required within a month of the widening of the existing track. Widening work took place earlier this year and I would be grateful if you could provide me with a copy of the monitoring report.”

We can confirm that the monitoring report as required under Condition 5 (part(a)) of the Prior Approval permission was to be provided - 'within one month of the widening of the existing track and formation of the temporary access track'. We can also confirm that while this work has commenced, it is not yet complete and we do not currently have the requested monitoring report.

Accordingly we have to advise under Regulation 10(4)(a) of the EIRs that this information is not held.

We can however provide some additional clarification which may be helpful. While not specifically stated in the condition, the one month time period for submission of the first monitoring report has been taken as being required one month from completion of the work. While the work was started it was not completed at the time of receipt of this request. The case officer has however been in **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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contact with the applicant and it is anticipated that the track work as consented will be completed imminently. Confirmation has been sought that the required reports will then be provided as required by the condition.

“the application also refers to Forestry and Land Scotland providing a Screening Opinion saying that an Environmental Impact Assessment was not required. My understanding is that it is Scottish Forestry, not FLS, that is responsible for determining need for EIAs but whoever provided the opinion, it is not on the planning portal. I would be grateful if this could be provided”

We do not hold a screening opinion from Scottish Forestry for this case. Accordingly we have to advise under Regulation 10(4)(a) of the EIRs that this information is not held.

We do, however, hold a copy of the ‘Screening Opinion Request Form, which was provided by the applicant. This form is the documentation which was requested by the National Park Planning Service at the first stage of the Prior Notification process. The screening opinion request form is attached in Appendix A.

Some information has been redacted from the screening opinion form, specifically external third party personal details. This information has been withheld from release under Regulation 11(2) of the EIRs as the information requested is personal data of which the requester is not the data subject. The release of this information would contravene the second and sixth Data Protection Principles as it was gathered for one specific purpose and has been processed in accordance with the rights of the individuals concerned.

Therefore the disclosure of this information, which is not the personal data of the requester, would contravene the Data Protection Act 2018. This means that there is no requirement to consider the public interest in the disclosure of this information.

We can confirm that Scottish Forestry perform a regulatory function and deliver screening opinions on EQIA assessments. Scottish Forestry are divided into different Conservancies and in relation to this request, Perth and Argyll Conservancy would hold the relevant screening report.

Yours sincerely

**Governance and 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

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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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