



Loch Lomond & The Trossachs National Park Authority
Carrochan
Carrochan Road
Balloch
G83 8EG

Name: [REDACTED]
Email: [REDACTED]
EIR Ref: 2024-017
Date 09 October 2024

[REDACTED]

REQUEST UNDER FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

We refer to your request for information, received by email on 11 September 2024. 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 processed your request under the EIRs alone.

Your Request

As the situation has moved on, I further request under the Freedom of Information all internal correspondence regarding St Fillans weir screen cleaning project including deleted messages. This is up to the current date 11th September 2024.

Our Response

The information you have requested is attached.

Please note the following:

1. Personal information, other than the names and email addresses of senior staff at the National Park Authority, has been redacted in line with Regulation 11 of the EIRs, as disclosure of such data would contravene the data protection legislation.
2. One email exchange was withheld under Regulations 10(4)(d) and 10(4)(e) of the EIRs, which refer to 'material in the course of completion' and 'internal communications', respectively (see below). The email in question contains an exchange between members of staff who were collectively drafting a response to an email from another member of the public.

Public Interest Test

In relation to our decision to withhold this email from disclosure, we have considered the public interest test and concluded that the public interest in maintaining the exceptions detailed in these regulations is greater than the public interest in disclosing the information. This is because there is a higher level of public interest in ensuring National Park Authority staff members can produce drafts and seek internal advice on their communications, before issuing responses to members of the public. This helps to ensure a higher quality of response is issued. Additionally, there is a higher level of public interest in preventing the release of premature or incomplete information that may not accurately represent the Authority's settled position.

Regulation 10(4)(d)

A Scottish public authority may refuse to make environmental information available to the extent that –

- the request relates to material which is still in the course of completion, to unfinished documents or to incomplete data

Regulation 10(4)(e)

A Scottish public authority may refuse to make environmental information available to the extent that –

- the request involves the disclosure of internal communications

Right to Review

If you are unhappy with our response, you have the right to ask us to perform a review. More information on how to submit a review request is provided on the attached sheet.

Yours sincerely

Information Management
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:

Information Manager
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

From: [REDACTED]
To: [REDACTED]
Subject: RE: St Fillans Weir - SSE Works FOI
Date: 29 August 2024 14:16:03

Thanks [REDACTED] – I hope you have a fine break

[REDACTED]
Planning Manager - Delivery
Loch Lomond & The Trossachs National Park
www.lochlomond-trossachs.org
www.twitter.com/lomondtrossachs
www.facebook.com/lomondtrossachs

From: [REDACTED]@lochlomond-trossachs.org>
Sent: 29 August 2024 13:51
To: [REDACTED]@lochlomond-trossachs.org>; [REDACTED]
[REDACTED]@lochlomond-trossachs.org>
Cc: Stuart Mearns <stuart.mearns@lochlomond-trossachs.org>; [REDACTED]
[REDACTED]@lochlomond-trossachs.org>; [REDACTED]@lochlomond-
trossachs.org>
Subject: RE: St Fillans Weir - SSE Works FOI

Hi all,

I'm away after this week so thought I should reply promptly now just to clarify- I haven't had any contact with SSE about this so nothing that looks to be within the scope of the information request.

All my correspondence/calls were directly with [REDACTED] except the one attached email where I wanted to check with colleagues about disclosing some information that we would not ordinarily make public.

Thanks,

From: Bob Cook <bob.cook@lochlomond-trossachs.org>

Sent: 29 August 2024 12:11

To: [REDACTED]@lochlomond-trossachs.org>

Cc: Stuart Mearns <stuart.mearns@lochlomond-trossachs.org>; [REDACTED]
[REDACTED]@lochlomond-trossachs.org>; [REDACTED]@lochlomond-trossachs.org>;
[REDACTED]@lochlomond-trossachs.org>

Subject: FW: St Fillans Weir - SSE Works FOI

Hi [REDACTED] – forwarding this e-mail communication which came direct to myself from [REDACTED] If you scroll down to the final line, you will see that it contains a request for info under FOI. [REDACTED] has been the main point of contact on this particular development underway in St Fillans. [REDACTED] also had the initial interaction with the writer. I will answer directly the points made in the letter but if you can pick up the FOI side. There won't be much to assemble. [REDACTED] can assist gather the exchanges (she will be in again on Monday).

Many thanks

Bob

Bob Cook

Planning Manager - Delivery
Loch Lomond & The Trossachs National Park
www.lochlomond-trossachs.org
www.twitter.com/lomondtrossachs
www.facebook.com/lomondtrossachs

From: [REDACTED]@hotmail.co.uk>

Sent: 26 August 2024 13:41

To: Bob Cook <bob.cook@lochlomond-trossachs.org>

Cc: Stuart Mearns <stuart.mearns@lochlomond-trossachs.org>

Subject: St Fillans Weir - SSE Works

Dear Mr Cook

We are dissatisfied with our initial stage 1 complaint to your department regarding the building works at St Fillans Weir, PRE/2023/0053.

'The screen cleaner is not considered to be a 'building' and falling under Class 40 (1) (e).

It would be Class 40 (1) (f) that applies to this proposal. Therefore no 'prior notification' process is applicable to this proposal.' It is if any of the criteria are met in Class 40 (1) (d) to (f) then PDR is not permitted.

I agree the screen cleaner is not a building.

However by virtue of its size (it was constructed on site not prefabricated). Its permanence and its physical attachment to the ground. The structure on which the screen cleaner machine is attached is a steel structured building.

We are writing to you again to complain most vehemently about the monstrous steel building [REDACTED] by the weir in St Fillans.

It is my understanding that permission for this building at St Fillans was granted under permitted rights development (PDR).

Please take this as stage 2 of our complaint, if we are not satisfied with LLTNP Planning response we will be contacting the ombudsman.

On reviewing the photographs sent by SSER I think they are quite deceptive in so far as they [REDACTED] houses, the only screen picture provided shows a small piece of machinery and an idyllic river scene. Do you think this could have been a contributing factor in the PDR process not being correct?

According to your own St Fillans Conservation Area Appraisal for St Fillans, specifically page 21 there are specific PDR and Article 4 direction in place.

With regards PDR on page 21 of the Conservation Area Appraisal, I would like to point out that formation of hard surfaces in our conservation area require planning permission. The new hard surfaces that the uprights of the weir building stand on. Therefore I suggest planning permission should have been sought.

As there is also an article 4 direction in place for our village, I would also like to know why planning chose not to seek approval from Scottish Ministers to restrict this PDR?

Please be aware this is your policy guidance in conjunction with Historic Environment Policy.

This states, your aims are "to protect and enhance the special qualities of our conservation areas. Any new development must preserve or enhance the character and appearance of the area and maintain important views towards and within it which contribute to the all important sense of place". (Ironically a photograph of a building in St Fillans is above this statement).

Were any policies for managing the Historic environment discussed with a view to protecting our amenity and environment?

Furthermore I would like to point out that this development is adjacent to a National Scenic Scotland area. Were Nature Scotland consulted?

Ref: Planning (Scotland) 2006 Nature Scotland Agency.

Was there any consideration for article 4 direction to be invoked given that Annex B (see below) is fundamentally what has now happened?

Annex B: Development by Statutory Undertakers

2. There is a requirement for certain undertakings to give prior notification to a relevant planning authority and, if necessary, for the planning authority to give prior approval for such matters as the design and external appearance of buildings (for example; Classes 39 and 40, Part 13 of Schedule 1 of the GPDO). Planning authorities may consider any detrimental effect the development might have on the amenity of the neighbourhood; modifications which might be reasonably made to avoid or reduce any such effect; and whether the proposed development ought to, or could reasonably and without excessive cost, be sited elsewhere.

This has now become Schedule 2 bad neighbour development (8) The Construction of buildings, operations and use of buildings or land that will - (b) alter the character of an area of established amenity.

As the works are classed as Project category B and have been carried out in a sensitive area it therefore requires an Environmental Impact Assessment (EIA). We request a copy of the EIA or correspondence of the screening process that took place for the EIA.

Consultation with the village should have taken place from either yourselves or SSER with full disclosure of what was going to be built. In accordance with Community Place Plan, Planning Act (Scotland) 2019. When LLTNP planning knew about this project in March 2023, why did you choose not to contact the village?

Were you inform of any Controlled activities regulation License from SEPA? If you have the license number on record could you let me know.

We now further request, under Freedom of Information Act, all correspondence that took place between LLTNP planning and SSER regarding the screen cleaner for St Fillans Weir.

Regards

[REDACTED]

•

From: [REDACTED]
To: [planningemail - Loch Lomond](mailto:planningemail@lochlomond-trossachs.org)
Subject: RE: Works at St Fillans wier
Date: 02 August 2024 10:42:48

That is brilliant thank you! Just wanted to make sure I didn't release something I shouldn't have. I'll send it out today no need to split anything.

Thanks again,
[REDACTED]

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

Sent: Friday, August 2, 2024 10:22 AM

To: [REDACTED]@lochlomond-trossachs.org>

Subject: RE: Works at St Fillans wier

Hi [REDACTED]

I have had a look at the email content and attached images. There is nothing that needs redacted and all the email address are organisation/company emails. The emails could be sent in full by exporting them from DMS or I can split them if you prefer to have them this way.

Please let me know if you need any further help or give me a call if you want to discuss
[REDACTED]

From: [REDACTED]@lochlomond-trossachs.org>

Sent: Friday, August 2, 2024 9:15 AM

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

Subject: FW: Works at St Fillans wier

Hi,

Bit of an email trail below, but essentially could you review PRE/2023/0053 for anything you might normally redact? It is to be released to an enquirer from the community council.

Appreciate this isn't a 5 minute job as there are things buried in emails etc. which probably need turning into PDFs and such. Let me know if there is anything I can assist with or clarify as I know this is unusual.

Thanks,
[REDACTED]

From: [REDACTED]@lochlomond-trossachs.org>

Sent: Wednesday, July 31, 2024 5:05 PM

To: [REDACTED]@lochlomond-trossachs.org>; [REDACTED]

[REDACTED]@lochlomond-trossachs.org>

Subject: RE: Works at St Fillans wier

Hi [REDACTED]

Yes I would agree we can release the information. I mentioned it to Bob re process to provide info and he's happy for it to be emailed from us as a front line response rather than going through governance as an information request. It can be escalated to them if required after the info goes out.

Thanks,
[REDACTED]

From: [REDACTED]@lochlomond-trossachs.org>

Sent: Tuesday, July 30, 2024 4:16 PM

To: [REDACTED]@lochlomond-trossachs.org>; [REDACTED]@lochlomond-trossachs.org>

Subject: RE: Works at St Fillans wier

Hi [REDACTED]

Thanks for your e-mail. I agree that given this was an enquiry from a statutory undertaker regarding PD we should be able to release this information. Do you agree [REDACTED]?

In [REDACTED] response she is referring to the screen cleaner as a "building" and falling under Class (1) (e) but it would be Class (1) (f) that applies not (e).

I see that Class 40 has been amended since I gave my advice but I don't think this changes anything.

Thanks
[REDACTED]

From: [REDACTED] <[\[REDACTED\]@lochlomond-trossachs.org](mailto:[REDACTED]@lochlomond-trossachs.org)>

Sent: Tuesday, July 30, 2024 2:10 PM

To: [REDACTED] <[\[REDACTED\]@lochlomond-trossachs.org](mailto:[REDACTED]@lochlomond-trossachs.org)>; [REDACTED]

[REDACTED] <[\[REDACTED\]@lochlomond-trossachs.org](mailto:[REDACTED]@lochlomond-trossachs.org)>

Subject: FW: Works at St Fillans wier

Hi both,

This was a plantel thing I picked up last week. It relates to a pre-app that you did [REDACTED] PRE/2023/0053. That was over a year ago though. Response attached for ease of reference.

We wouldn't normally disclose the contents of pre-apps, but this a notification required under the GPDO that we register as a pre-app so would we consider releasing more in line with as if we'd received an information request?

I'll send a holding reply for now saying that we want to see what we can release to them. Also would note that [REDACTED] you specifically suggested they engage with the community council. [REDACTED] is the secretary and I recall [REDACTED] was formerly on the CC too.

Thanks,
[REDACTED]

From: [REDACTED] <[\[REDACTED\]@lochlomond-trossachs.org](mailto:[REDACTED]@lochlomond-trossachs.org)>

Sent: Tuesday, July 30, 2024 12:57 PM

To: [REDACTED] <[\[REDACTED\]@lochlomond-trossachs.org](mailto:[REDACTED]@lochlomond-trossachs.org)>

Subject: FW: Works at St Fillans wier

Hi [REDACTED]

This is one that you have been dealing with previously.

Thanks
[REDACTED]

From: [REDACTED]

Sent: Monday, July 29, 2024 4:26 PM

To: [REDACTED] <[\[REDACTED\]@lochlomond-trossachs.org](mailto:[REDACTED]@lochlomond-trossachs.org)>

Subject: Re: Works at St Fillans wier

Dear [REDACTED]

Thank you for your response regarding the screen cleaner at the weir in St Fillans. I note that Class 40 (1) (f) has been quoted by both SSE Renewables and Planning at LLTNP.

Can you provide me with a transcript of discussions that took place with regards class 40(1) (f) and 40 (1) (e)

Class 40(1)(e) permits electricity undertakers to erect buildings solely for the protection of plant or machinery on their operational land. These PDR do not apply to such buildings exceeding 15 metres in height, however. In cases where such a building would exceed 3m in height, Class 40(3)(d) also requires electricity undertakers to undertake a prior notification/prior approval process with the planning authority on the siting, design and

external appearance of the building. [Annex A](#) provides a general overview of the prior notification/ prior approval process. Prior notification applications under Class 40(3) must be accompanied by

- a written description of the proposed development and the materials to be used;
- a plan indicating the site; and
- any fee required to be paid.

Such development shall be carried out—

(a) where approval has been given by the planning authority, within a period of five years from the date on which approval was given.

The building does exceed 3m. No 'statutory undertakings' have taken place with our community council, in accordance with our community place plan.

The external appearance has a very negative visual impact on every house in view of the building.

I can understand the siting of the building, however what other screen cleaners were discussed?

Best regards

██████████

On 25 Jul 2024, at 15:15, plantel <plantel@lochlomond-trossachs.org> wrote:

Dear ██████████

Further to our call earlier regarding the screen cleaner at St Fillans weir I can confirm that the National Park Authority were contacted regarding these works where it was considered they fall under Class 40 1(f) of the General Permitted Development (Scotland) Order 1992 and therefore not require planning permission:

Class 40.— Electricity undertakings

(1) Development by statutory undertakers for the generation, transmission or supply of electricity for the purposes of their undertaking consisting of-

- (a) the installation or replacement in, on, over or under land of an electric line and the construction of shafts and tunnels and the installation or replacement of feeder or service pillars or transforming or switching stations or chambers reasonably necessary in connection with an electric line;*
- (b) [the installation or replacement of any electronic communications line which connects any part of an electric line to any electrical plant or building, and the installation or replacement of any support for any such line;*
- (c) the sinking of boreholes to ascertain the nature of the subsoil and the installation of any plant or machinery reasonably necessary in connection with such boreholes;*
- (d) the extension or alteration of buildings on operational land of the undertaking;*
- (e) the erection on operational land of the undertaking of a building solely for the protection of plant or machinery; and*
- (f) any other development carried out in, on, over or under the operational land of the undertaking.***

In such circumstances we encourage a statutory undertaker to make engagement with the community council, and make sure they are aware of

other factors such as a conservation area.

I hope the above is of assistance, to you, kind regards,



Planning Assistant
Development Management

Loch Lomond & The Trossachs National Park

Phone: 01389 722620

Email: plantel@lochlomond-trossachs.org

View planning applications online at: www.lochlomond-trossachs.org/planning

The content of this email and any attachments is confidential and is subject to the terms of the National Park Authority's email disclaimer at <https://www.lochlomond-trossachs.org/disclaimer> and is intended only for the use of the individual or entity to which it is addressed.

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: St Fillans SSE Screen Cleaner - FOI Request
Date: 07 October 2024 10:23:49

Hi [REDACTED]
Is there a file set up for this one where I can save relevant correspondence?

Thanks
[REDACTED]

From: [REDACTED]@lochlomond-trossachs.org>
Sent: 02 October 2024 17:07
To: [REDACTED]@lochlomond-trossachs.org>; [REDACTED]
[REDACTED]@lochlomond-trossachs.org>; Bob Cook <bob.cook@lochlomond-trossachs.org>
Subject: RE: St Fillans SSE Screen Cleaner - FOI Request

Hi [REDACTED]
Yes – if you wouldn't mind sending these across that would be great (they've asked for all internal correspondence regarding the issue).
That's not to say we will necessarily include it in our disclosure (as I don't think it's really what they are looking for), but I'd like to review everything we have before compiling the response.

Thanks
[REDACTED]

From: [REDACTED]@lochlomond-trossachs.org>
Sent: 01 October 2024 09:50
To: [REDACTED]@lochlomond-trossachs.org>; [REDACTED]
[REDACTED]@lochlomond-trossachs.org>; Bob Cook <bob.cook@lochlomond-trossachs.org>

Subject: RE: St Fillans SSE Screen Cleaner - FOI Request

Good Morning [REDACTED]
I had a search of internal correspondence and apart from the e-mails sent to you by [REDACTED] all the correspondence I have relates to inquiries/complaints received from local residents i.e. Bob sending me copies of e-mails from local residents and me sending him draft responses. Just checking that you are wanting all of these?

Thanks
[REDACTED]

From: [REDACTED]@lochlomond-trossachs.org>
Sent: Friday, September 27, 2024 10:45 AM
To: [REDACTED]@lochlomond-trossachs.org>; [REDACTED]
[REDACTED]@lochlomond-trossachs.org>; Bob Cook <bob.cook@lochlomond-trossachs.org>
Subject: St Fillans SSE Screen Cleaner - FOI Request

Importance: High

Hi all,
Can you search your mailboxes (including deleted items) and send me any records you have of **internal** correspondence regarding the SSE Screen Cleaner installation at St Fillans? The date range in scope for the FOI request is anything sent/received between 23 February 2023 to the 11 September 2024.
If you can come back to me before the end of next week (to either provide the information or confirm nothing held) that would be much appreciated.
I will drop a wee reminder towards the middle of next week if I haven't heard from you!
Thanks



Information Manager

Loch Lomond & The Trossachs National Park

Direct:

www.lochlomond-trossachs.org

www.twitter.com/lomondtrossachs

www.facebook.com/lomondtrossachs

From: [REDACTED]
To: [Bob Cook](mailto:Bob.Cook@lochlomond-trossachs.org)
Subject: RE: Planning Complaint regarding SSEN industrial structure, Earn Weir, St Fillans
Date: 09 September 2024 09:34:13

Thanks Bob and sorry I missed you on Wednesday.
Give me a call today if you want to catch up.
Thanks

[REDACTED]

From: Bob Cook <bob.cook@lochlomond-trossachs.org>

Sent: 04 September 2024 15:40

To: [REDACTED]@lochlomond-trossachs.org>

Subject: RE: Planning Complaint regarding SSEN industrial structure, Earn Weir, St Fillans

Thanks [REDACTED] – I just missed you on the phone there. Good drafts thank you. I have responded to all today – with minor adjustments.

Can catch up next week on the latest.

[REDACTED]

Planning Manager - Delivery

Loch Lomond & The Trossachs National Park

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www.twitter.com/lomondtrossachs

www.facebook.com/lomondtrossachs

From: [REDACTED]@lochlomond-trossachs.org>

Sent: 03 September 2024 17:14

To: Bob Cook <bob.cook@lochlomond-trossachs.org>

Subject: RE: Planning Complaint regarding SSEN industrial structure, Earn Weir, St Fillans

Hi Bob

I have drafted response to [REDACTED], [REDACTED] and [REDACTED]. We can catch up to discuss these once you have had a chance to have a look. Some of these will need separate input from [REDACTED] and I see you have requested this.

Thanks

[REDACTED]

From: Bob Cook <bob.cook@lochlomond-trossachs.org>

Sent: 29 August 2024 13:58

To: [REDACTED]@lochlomond-trossachs.org>; [REDACTED]

[REDACTED]@lochlomond-trossachs.org>

Cc: [REDACTED]@lochlomond-trossachs.org>; Stuart Mearns

<stuart.mearns@lochlomond-trossachs.org>

Subject: FW: Planning Complaint regarding SSEN industrial structure, Earn Weir, St Fillans

Hi [REDACTED] – forwarding for awareness – the response of the original complainant to which we previously replied.

[REDACTED] – sending to you also for your thoughts on the 'level 2' reference and how to handle. We did properly answer all questions originally asked. We now have some new question – similar to other writers on the subject. We can answer these questions. I also CC Stuart just for ongoing awareness and the points around 'lack of focus' and engagement.

Thanks

Bob

Bob Cook

Planning Manager - Delivery

Loch Lomond & The Trossachs National Park

www.lochlomond-trossachs.org
www.twitter.com/lomondtrossachs
www.facebook.com/lomondtrossachs

From: [REDACTED] >

Sent: 29 August 2024 13:07

To: Bob Cook <bob.cook@lochlomond-trossachs.org>

Subject: Re: Planning Complaint regarding SSEN industrial structure, Earn Weir, St Fillans

Dear Mr. Cook,

We now write to register our dissatisfaction with your response to our complaint and to officially inform you that this should now be treated as a Level 2 complaint. We feel that our concerns and questions have not been properly addressed. Amongst the questions we need answered are why an Article 4 Direction was not considered, given that LLTNP should have been aware of the size of the structure and the impact it would have on our conservation village. Also, why we have not been given sight of any Environmental Impact Assessment, which should have been carried out. In addition, why a section of the 2019 Planning Act (Scotland) which dictates that we, as residents, should be able to influence and steer development in the community, has not been adhered to and why the village Community Council has not been properly consulted.

We note that you advise us to address all further enquires to SSE. We, our neighbours, village residents and our representatives are in constant communication with SSE. However, we feel that this issue has also been caused by LLTNP's lack of focus and we would encourage you to now engage with us as a matter of urgency.

Yours sincerely,

[REDACTED]

On 16 Aug 2024, at 17:23, Bob Cook <bob.cook@lochlomond-trossachs.org> wrote:

Dear [REDACTED]

I write further to your e-mail of 4th August, subject as above – and further to my earlier acknowledgement.

Thank you for your e-mail and I can now advise as follows :

SSEN is an electricity undertaker and therefore has permitted development rights granted by the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended. The Order grants permitted development rights (PDR), subject to limitations and conditions, for a range of developments associated with the operational requirements of statutory undertakers. In relation to the proposals by SSEN at Earn Weir, Class 40 of the Order applies. Class 40 (f) allows statutory undertakers to erect new plant and machinery up to 15 metres in height without the need for planning permission. It is acknowledged that the site in question is likely to differ from many other SSEN sites, given its location within a village and in a Conservation Area. Despite this however, there are no limitations within the relevant Section of the regulations that would have required SSEN to submit an application for planning permission. As the proposals benefit from permitted development rights the National Park as planning authority has no legal basis to request a planning application for the works being carried out. SSEN were advised by the National Park Authority in March last year that the proposed works were Permitted Development. We have double checked the advice given and are satisfied that it was correct.

I note you are concerned regarding the siting and design of the new

infrastructure. The National Park does not undertake consultation on development which does not require planning permission, however as the site is located within the Conservation Area we did advise SSEN to consult with the Community Council. Following the receipt of your e-mail, a planning officer has carried out a site visit. Furthermore, given the concerns you have raised, we contacted SSEN to discuss the potential for some voluntary mitigation, such as screen planting. The engineer that we spoke to expressed a willingness to look at options in this regard and indicated they have already been in discussion with the nearest residential properties. Hopefully they have been in touch with yourselves.

I hope this clarifies the position around planning control in these circumstances. If you have any further concerns you should raise these direct with SSEN.

Kind Regards

Bob Cook

Planning Manager - Delivery

Loch Lomond & The Trossachs National Park

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From: [planningemail - Loch Lomond](#)
To: [Bob Cook](#)
Cc: [REDACTED]
Subject: RE: SSEN works at Earn Weir, St Fillans
Date: 05 August 2024 12:09:23

Thanks Bob, I'll wait to hear from [REDACTED] before proceeding.
We have had another couple of emails regarding this too.
Thanks

From: Bob Cook <bob.cook@lochlomond-trossachs.org>

Sent: Monday, August 5, 2024 11:40 AM

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

Cc: [REDACTED]@lochlomond-trossachs.org

Subject: RE: SSEN works at Earn Weir, St Fillans

Morning [REDACTED]

[REDACTED] knows the background to this. She is due back tomorrow. Keen to let her see this before deciding on best approach.

Cc'ing her here

Bob

Bob Cook

Planning Manager - Delivery

Loch Lomond & The Trossachs National Park

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

Sent: Monday, August 5, 2024 8:20 AM

To: Bob Cook <bob.cook@lochlomond-trossachs.org>

Subject: FW: SSEN works at Earn Weir, St Fillans

Good morning Bob,

Should this be recorded as a frontline complaint and the standard acknowledgement issued?

Thanks

[REDACTED]

From: [REDACTED] >

Sent: Sunday, August 4, 2024 8:14 PM

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

Subject: Fwd: SSEN works at Earn Weir, St Fillans

Sent from my iPhone

Begin forwarded message:

From: [REDACTED]

Date: 4 August 2024 at 20:12:29 BST

To: info@lochlomond-trossachs.org

Cc: [REDACTED]@lochlomond-trossachs.org,
stuart.mearns@lochlomond-trossachs.org, bob.cook@lochlomond-trossachs.org,
gordon.watson@lochlomond-trossachs.org

Subject: SSEN works at Earn Weir, St Fillans

Dear Sir/Madam,

I wish to raise a formal complaint regarding the above and, in particular the role of Loch Lomond and Trossachs National Park (LLTNP) in sanctioning these works.

You will no doubt be aware that St Fillans is situated within the boundaries of the national park. It is a beautiful village with conservation status, it's community is vibrant, active, cohesive and welcoming. St. Fillans attracts many tourists due to its beauty, peacefulness and abundance of wildlife. We have had the pleasure of residing in St Fillans for the past 6 years.

[REDACTED]
[REDACTED] begin works to the weir to install a screen cleaner as part of their ongoing investments in their hydro power infrastructure. They stated that the works were to be carried out under 'General Permitted Development (Scotland) Order 1992 class 40 (1) (f)'. No information was provided as to the size, scale, nature of the structure to be erected - in fact the letter made no reference at all to any structure - an omission which we find at best to be disingenuous and at worst morally reprehensible and most probably illegal. We will address this matter directly with SSEN.

[REDACTED] can only be described as a huge industrial structure which creates a significant negative visual impact on the surroundings. It is made of galvanised steel and extends to what we approximate as 6 metres tall to 20 meters in length - it is still being built and added to as the days progress. [REDACTED]
[REDACTED]

We are making this complaint to you as we cannot believe that LLTNP has given permission (without ANY consultation with the community) for this structure to be erected. Following some initial investigations we now hold written information which evidences LLTNP's role in this matter. We are aware that SSEN contacted LLTNP at the start of the year to ask if their planned works required planning permission, enclosing the required technical plans and drawings (to scale). We understand they were informed by a representative of LLTNP that they did NOT require planning permission. LLTNP cited the above order. We regard this to have been an error.

Class 40 (13) (d), class 40 (2) (c), class 40 (2) (e) - all outline restrictions to PDR under the cited grounds, further more stating additional restrictions in 'conservation areas and national scenic areas' and where 'additional or replacement plant machinery wouldexceed the height of any plant machinery to be replaced.'

Furthermore, we have also seen sight of written communication from LLTNP to SSEN stating PDR apply because the development is not considered a 'building'. Yet again, we consider this to be an error - a cursory look at the legal definition of 'building' and recent case law in the area of planning would suggest it most certainly is in error and that the structure can indeed be regarded as a building.

Therefore we respectfully request that LLTNP take immediate action and investigate this matter in full. Our aim is to have this structure

taken down as soon as possible. As such we would be grateful if you could visit the site as a matter of urgency in order that you can begin this process.

For transparency we would like to make you aware that our neighbours and other members of the village will also be raising their own complaints to yourselves and other bodies. We are also in the process of writing to SSEN, our MP, MSP and councillors.

We have also sent this email to :

[REDACTED] - Communities manager LLTNP

Stuart Mearns - Director of Place LLTNP

Bob Cook - Development Manager LLTNP

Gordon Watson - CEO LLTNP

Yours sincerely,

[REDACTED]

From: [REDACTED]
To: [REDACTED]; [Bob Cook](#)
Subject: RE: St Fillans pictures
Date: 12 August 2024 09:47:11

Hi [REDACTED]
Thanks for taking such a comprehensive group of photographs.
Bob just let me know when you want to catch up on this one.
Thanks
[REDACTED]

From: [REDACTED]@lochlomond-trossachs.org>
Sent: Monday, August 12, 2024 9:30 AM
To: Bob Cook <bob.cook@lochlomond-trossachs.org>; [REDACTED]
[REDACTED]@lochlomond-trossachs.org>
Subject: St Fillans pictures

Hi Bob,
That's me uploaded the pictures on DMS under PRE/2023/0053 marked as sensitive.
I added the picture of the beaver markings on the tree in case it is of interest.
[REDACTED]

From: [REDACTED]
To: [Bob Cook](#)
Subject: RE: St Fillans Weir - SSE Works
Date: 27 August 2024 11:41:03

Hi Bob

Do you want to catch up this afternoon after your [REDACTED] meeting? I will also be in the office tomorrow if that suits better?

From: Bob Cook <bob.cook@lochlomond-trossachs.org>

Sent: 26 August 2024 16:01

To: [REDACTED] <[\[REDACTED\]@lochlomond-trossachs.org](mailto:[REDACTED]@lochlomond-trossachs.org)>

Subject: FW: St Fillans Weir - SSE Works

Hi [REDACTED] – just forwarding for awareness. Perhaps we can talk through points tomorrow
Bob

Bob Cook

Planning Manager - Delivery

Loch Lomond & The Trossachs National Park

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www.facebook.com/lomondtrossachs

From: [REDACTED] <[\[REDACTED\]@hotmail.co.uk](mailto:[REDACTED]@hotmail.co.uk)>

Sent: Monday, August 26, 2024 1:41 PM

To: Bob Cook <bob.cook@lochlomond-trossachs.org>

Cc: Stuart Mearns <stuart.mearns@lochlomond-trossachs.org>

Subject: St Fillans Weir - SSE Works

Dear Mr Cook

We are dissatisfied with our initial stage 1 complaint to your department regarding the building works at St Fillans Weir, PRE/2023/0053.

'The screen cleaner is not considered to be a 'building' and falling under Class 40 (1) (e).

It would be Class 40 (1) (f) that applies to this proposal. Therefore no 'prior notification' process is applicable to this proposal.' It is if any of the criteria are met in Class 40 (1) (d) to (f) then PDR is not permitted.

I agree the screen cleaner is not a building.

However by virtue of its size (it was constructed on site not prefabricated). Its permanence and its physical attachment to the ground. The structure on which the screen cleaner machine is attached is a steel structured building.

We are writing to you again to complain most vehemently about the monstrous steel building that has arisen outside my house by the weir in St Fillans.

It is my understanding that permission for this building at St Fillans was granted under permitted rights development (PDR).

Please take this as stage 2 of our complaint, if we are not satisfied with LLTNP Planning response we will be contacting the ombudsman.

On reviewing the photographs sent by SSER I think they are quite deceptive in so far as they do not show a view of the Weir looking at our houses, the only screen picture provided shows a small piece of machinery and an idyllic river scene. Do you think this could have been a contributing factor in the PDR process not being correct?

According to your own St Fillans Conservation Area Appraisal for St Fillans, specifically page 21 there are specific PDR and Article 4 direction in place.

With regards PDR on page 21 of the Conservation Area Appraisal, I would like to point out that formation of hard surfaces in our conservation area require planning permission. The new hard surfaces that the uprights of the weir building stand on. Therefore I suggest planning permission should have been sought.

As there is also an article 4 direction in place for our village, I would also like to know why planning chose not to seek approval from Scottish Ministers to restrict this PDR?

Please be aware this is your policy guidance in conjunction with Historic Environment Policy.

This states, your aims are “to protect and enhance the special qualities of our conservation areas. Any new development must preserve or enhance the character and appearance of the area and maintain important views towards and within it which contribute to the all important sense of place”. (Ironically a photograph of a building in St Fillans is above this statement).

Were any policies for managing the Historic environment discussed with a view to protecting our amenity and environment?

Furthermore I would like to point out that this development is adjacent to a National Scenic Scotland area. Were Nature Scotland consulted?

Ref: Planning (Scotland) 2006 Nature Scotland Agency.

Was there any consideration for article 4 direction to be invoked given that Annex B (see below) is fundamentally what has now happened?

Annex B: Development by Statutory Undertakers

2. There is a requirement for certain undertakings to give prior notification to a relevant planning authority and, if necessary, for the planning authority to give prior approval for such matters as the design and external appearance of buildings (for example; Classes 39 and 40, Part 13 of Schedule 1 of the GPDO). Planning authorities may consider any detrimental effect the development might have on the amenity of the neighbourhood; modifications which might be reasonably made to avoid or reduce any such effect; and whether the proposed development ought to, or could reasonably and without excessive cost, be sited elsewhere.

This has now become Schedule 2 bad neighbour development (8) The Construction of buildings, operations and use of buildings or land that will - (b) alter the character of an area of established amenity.

As the works are classed as Project category B and have been carried out in a sensitive area it therefore requires an Environmental Impact Assessment (EIA). We request a copy of the EIA or correspondence of the screening process that took place for the EIA.

Consultation with the village should have taken place from either yourselves or SSER with full disclosure of what was going to be built. In accordance with Community Place Plan, Planning Act (Scotland) 2019. When LLTNP planning knew about this project in March 2023, why did you choose not to contact the village?

Were you inform of any Controlled activities regulation License from SEPA? If you have the license number on record could you let me know.

We now further request, under Freedom of Information Act, all correspondence

that took place between LLTNP planning and SSER regarding the screen cleaner for St Fillans Weir.

Regards

[Redacted signature]

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