



EIR Ref: 2016/035

5th September 2016

REQUEST UNDER ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004

I refer to your request for information, received by email on 8th August 2016.

We have applied the exemption under Section 39(2) of the Freedom of Information (Scotland) Act 2002 as we have determined that the information sought in your request is environmental information. We are therefore handling your request under the terms of the Environmental Information (Scotland) Regulations 2004 (EIRs). In this case the public interest in maintaining this exemption and in dealing with the request in line with the requirements of the EIRs outweighs any public interest in disclosing the information under FOISA.

Your specific requests and the response from the National Park Authority are provided below.

“I am trying to understand the reasoning behind the bylaw that effectively introduces a two tier legal system into the park varying access rights for landowners as stated below while denying the same access rights to the general public.”

Exemptions and Authorisations

(13)

These byelaws shall not apply to any:

landowner ; tenant; or connected person authorised by the relevant landowner or tenant using land within a Management Zone owned or leased by such landowner or tenant for any of the activities listed in these byelaws.

“Questions Arising:

1. Is the purpose of the camping bylaws intended to protect the environment from over access?”

The byelaws are one measure that the Park Authority will use to help manage the impacts of camping both in terms of helping protect the environment and other people’s enjoyment of the National Park. More information on these proposals is contained on our website, including the reasons for the byelaws.

“2. If so why is their a demarcation between environmental issues created by those who live within the park boundary and those who live outwith the boundary?”

The byelaws apply to the general public, including those who live in the National Park and those who do not. The byelaws do have some exceptions, that is, in the case of a person who owns

LOCH LOMOND & THE TROSSACHS NATIONAL PARK AUTHORITY

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land in the National Park, including residential housing. The byelaws allow a person to camp on their own land, for example a family camping in their own garden.

The byelaws are intended to help manage visitor pressures as this is where we have evidence of issues.

“3. How does the LLTNP authority justify creating this two tier system that goes against all principles of fairness and equality of access?”

The basis of the byelaws is evidence of a problem that the Park Authority has been unable to fully resolve. The Park Authority has no evidence of landowners camping on their own land, lighting fires and causing a detrimental impact on the environment or other people’s enjoyment.

The Park Authority is legally permitted to create these byelaws under The National Parks (Scotland) Act 2000, under Schedule 2, Section 8, Byelaws. The legislation gives a clear definition in statute as to what circumstances the National Park Authority can make byelaws.

“4. If the purpose of the camping bylaws are not solely to protect the environment, then for what other purposes are they being implemented?”

This question has been answered in the response to your Q1 above.

“5. By what mechanism can a landlord, tenant or connected person authorise another unconnected person to also be exempt from the bylaws?”

The byelaws do not allow for an unconnected person to be exempted by a landowner, tenant or connected person.

Yours sincerely

Information Officer
info@lochlomond-trossachs.org

Review Procedure

If you are dissatisfied with this response, or the way in which the Authority has dealt with your request, you are entitled to ask the Authority to review its decision. Please note that in order for a review to take place you must:-

- Lodge a written request for a review within 40 working days of either the date on which you received a response from the University or the date by which you should have received a response under the terms of the Environmental Information (Scotland) Regulations 2004, whichever is the later.
- Include your name, address for correspondence, a description of the original request, and the reasons why you are dissatisfied; and

address your review request to the Governance & Legal Manager:

Amanda Aikman

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Please note that links provided to information available elsewhere are intended to assist you. Requests for information held by other public authorities, and any complaints regarding access to such information should be addressed to that authority. These review procedures relate only to information which is directly under the control of Loch Lomond & The Trossachs National Park Authority.

The review of your request 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 Environmental Information (Scotland) Regulations 2004, at:

Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS
Tel: 01344 464 610
Website: www.itspublicknowledge.info
E-mail: enquiries@itspublicknowledge.info

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