



EIR Ref: 2016/039

5th September 2016

REQUEST UNDER ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004

I refer to your request for information, received by email on 9th 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.

“Can you confirm that the bylaws gives LLTNPA the power to deny access to the park shores, hills and other beauty spots at any time by closing the gates on some or all available parking?”

The byelaws do not give powers to deny access to the Park. The new byelaws provide the Park Authority with powers to manage camping activity, specifically the putting up of tents, sleeping overnight in vehicles (in areas not associated with the public road or laybys) and lighting of fires, within the four management zones. More information about the byelaws can be found on our website at <http://www.thisisyourpark.org.uk/>

The Park Authority as an Access Authority and as such upholds the public's right of responsible access as set out in the Land Reform (Scotland) Act 2003. These access rights do not apply to motorised vehicles, with certain exceptions for vehicles constructed for or adapted for someone with a disability.

“And if so, which bylaw specifically allows this to be implemented?”

N/A, see answer above.

“If it is not a bylaw that determines whether any particular gate will be closed, what legislation allows LLTNPA to deny access to perking and therefore access to the park?”

There is no legislation that requires the Park Authority to permit parking on land within the National Park, nor to uphold any right to park a car on land in the National Park. The Park Authority is a landowner and as such has the same powers as any other landowner in terms of managing its land. We currently have a number of public car parks, the Forestry Commission and the four local authorities also provide public car parks in the National Park as do a number of

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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other organisations and landowners.

“Can you confirm that landowners or tenants or other third parties will have the capability to request closure of car parking at any specified time or location to the exclusion of the general public?”

Anything other than the access rights permitted by the Land Reform Act require the permission of the landowner. As stated above access rights do not extend to the parking of motorised vehicles.

“Can you list the set of circumstances that LLTNPA would see as good reason to deny access to any given carpark?”

It has not been possible to identify any relevant information to answer this question, therefore I have to advise under R10(4)(c) that your request for information has been formulated in too general a manner.

In accordance with our duty to advise and assist under R9 of the EIRs, please read all of the information provided in this response about access rights. It may also be helpful for you to look at the Scottish Outdoor Access Code website at <http://www.outdooraccess-scotland.com/> for more information about access rights.

“Can you confirm if it is likely that more than one carpark in the same management zone will be closed at any one time?”

The Park Authority is not responsible for all parking in a management zone and therefore cannot answer this question. The Park Authority may close its own car parks as required for management purposes.

“Can you confirm if it is ever likely that carparks will be closed during the winter months?”

As explained above, the Park Authority may close its own car parks as required for management purposes; in the winter circumstances may arise such as extreme winter weather conditions.

“Can you confirm who the key holders for the locks on carpark gates will be and will these keys ever be placed in the hands of other parties.”

The Park Authority has two gated car parks at Loch Lubnaig which are managed by tenants who hold keys to the gates. As stated above the Park Authority does not own or manage all car parking provision available in the management zones or the wider Park area.

“Can you confirm that as landowners, tenants and their friends, family and others by authorisation that are expressly excluded from any bylaws, will have access rights to these closed parking areas either by default or by prior arrangement?”

As stated above the Park Authority does not own or manage all car parking provision available in the management zones or the wider Park area and therefore cannot comment on any arrangements made.

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:-

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- 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
Loch Lomond & The Trossachs National Park Authority
National Park Headquarters
Carrochan
Carrochan Road
Balloch
G83 8EG
E-mail: info@lochlomond-trossachs.org

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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