



EIR Ref: 2017/069

10th November 2017

REQUEST UNDER ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004

I refer to your request for information, received by email on 13th October 2017.

To ensure compliance with the recommended statutory process for handling your request, 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 request and the response from the National Park Authority are provided below.

“For the period between March 1 and September 30 2017, please could you provide details of (a) how many fixed penalty notices were issued by park authority staff and (b) how many reports to the Crown Office were made for contraventions of park byelaws/legislation. Please could this information be provided separately for each of the following byelaws/legislation:

- Loch Lomond Byelaws 2013
- Loch Lomond & The Trossachs National Park Camping Management Byelaws 2017
- Sections 33(1) and 87 of the Environmental Protection Act 1990”

Fixed penalty notices (FPNs) issued		
Legislation	FPNs issued by Park Authority	FPN's issued by Police Scotland
Loch Lomond Byelaws 2013	n/a - no provision to issues FPNs under this legislation	n/a – no provision to issue FPNs under this legislation
Loch Lomond & The Trossachs National Park Camping Management Byelaws 2017	n/a – no provision to issues FPNs under this legislation	n/a - no provision to issues FPNs under this legislation
Environment Protection Act 1990 S33(1) and 87	4	n/a – the police do not issue FPNs under this legislation

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
 t: 01389 722600 f: 01389 722633 e: info@lochlomond-trossachs.org w: lochlomond-trossachs.org

As set out in the table above, most of the requested information is not recorded. Accordingly I have to advise under S10(4)(a) of the EIRs that this information is not held.

Reports to Crown Office for contraventions of byelaws/legislation		
Legislation	Reports to Crown office by Park Authority	Reports to Crown office by Police Scotland
Loch Lomond Byelaws 2013	0	Unknown
Camping Management Byelaws	3	7
Environment Protection Act 1990 S33(1) and 87	3 (reports made following non payment of FPNs) 1 case pending further investigation	Unknown

We have no information held on reports to Crown office made by Police Scotland for contraventions of the Loch Lomond Byelaws 2013 or the Environment Protection Act 1990 S33(1) and 87. Accordingly I have to advise under S10(4)(a) of the EIRs that this information is not held.

To provide some context to the information provided above, the National Park Authority's focus is always to encourage and support people to enjoy the National Park while at the same time protecting its special environment.

The approach of our Ranger Service is always engagement and education first, including providing advice and information on how to comply with byelaws and the implications of not doing so. Visitors are always given the opportunity to comply with the byelaws, with enforcement action only ever taken as a last resort.

In the majority of cases this approach is received positively with visitors choosing to adhere to the legislation without the need for any further action to be taken.

Where enforcement action is necessary, the Rangers or the Police can report to the Procurator Fiscal. From that point onwards, any further action is at the discretion of the Procurator Fiscal Service.

It is also worth noting that as the National Park Rangers only have powers to file reports under these specific pieces of legislation, where a contravention of these byelaws is combined with other criminal behaviour, the Police would most likely file reports for all charges.

Yours sincerely

Governance & Legal Team
Loch Lomond & The Trossachs National Park Authority

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
t: 01389 722600 f: 01389 722633 e: info@lochlomond-trossachs.org w: lochlomond-trossachs.org

Printed on paper sourced from certified sustainable forests

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 Authority 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:

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

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
Online appeal portal: www.itspublicknowledge.info/Appeal

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
t: 01389 722600 f: 01389 722633 e: info@lochlomond-trossachs.org w: lochlomond-trossachs.org

Printed on paper sourced from certified sustainable forests