



EIR Ref:2018/032

16th November 2018

REQUEST UNDER ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004

We refer to your email of 21st October 2018. The information you have requested is environmental information, as defined in Regulation 2 of the Environmental Information (Scotland) Regulations 2004 (EIRs). The Park Authority has an obligation to deal with your request under the EIRs and an option to also deal with your request under the Freedom of Information (Scotland) Act 2002 (FOISA), unless the public interest lies in dealing with your request solely under the EIRs. We consider that the public interest in dealing with your request solely under the EIRs outweighs the public interest in also dealing with your request under FOISA, on the basis that the public interest is not served by duplicating consideration of your request under both regimes. 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.

"I have noted with interest that the LLTNPA has included information on campsite bookings at Inchcailloch, which of course lies outwith the camping management zones, in its reports to stakeholders this year. I have covered this in a post today <http://parkswatchscotland.co.uk/2018/10/21/the-camping-byelaws-sorting-through-the-spin-from-the-loch-lomond-and-trossachs-national-park-authority/>

I am now writing to ask what is the legal authority the LLTNPA has for including in the campsite terms and conditions for Inchcailloch the following statement in which you say that a valid booking reference or permit (some mistake here surely - this is byelaw terminology) may be checked not just by an officer of the park but by the policy:"

A valid booking reference and/or permit must be available for inspection on request by an authorised officer of the Loch Lomond and The Trossachs National Park Authority ("the Park Authority"), or a Police Office?

The wording of the campsite terms and conditions for Inchcailloch, in particular the use of the term 'permit' in relation to campsite bookings will be checked and amended as appropriate. We appreciate that the use of this term may cause confusion in relation to the use of permits in camping management zones, which do not extend to the island of Inchcailloch.

I would also like to ask on what legal basis have Police Scotland agreed to do this?

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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As stated above the wording of the campsite terms and conditions for Inchailloch will be checked and amended as appropriate. The inclusion of a reference to police officers checking the validity of bookings on the island may have been made in error, the police have not been asked to monitor camping bookings on Inchailloch.

"My second question relates to Storm Ali and the LLTNPA's decision to "close" its campsites along with permit areas for two nights. Please explain the legal basis for this decision? I appreciate LLTNPA staff have under delegated powers, the power to vary permit areas, but that did not include the power to shut all permit areas"

For the two relevant dates of 18th and 19th September 2018 there were 18 campers booked on to either permit areas or a campsite. All campers booked on these dates were contacted by email or telephone and advised that The Met Office had issued an Amber weather warning which covered the National Park and in the interests of health and safety the Park Authority had taken the decision to close the campsite/permit areas.

Please also could you confirm the number of bookings and fees that had been paid prior to your decision to suspend bookings and how many of these people/how much of this has been refunded subsequent to your decision".

All 18 visitors who had paid for a booking were advised that the Park Authority was happy to issue refunds or change their booking to another date in September 2018.

All 18 visitors were asked to respond to the email or telephone message from the Park Authority to arrange a refund or rescheduling of their booking. 14 refunds were subsequently made.

Yours sincerely

Governance & Legal Team
Loch Lomond & 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:

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

LOCH LOMOND & THE TROSSACHS NATIONAL PARK AUTHORITY

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Carrochan Road
Balloch
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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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