



EIR Ref: 2016/065

10th January 2017

REQUEST UNDER ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004

I refer to your request for information, received by email on 7th December 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

Q. How will flexibility work if for example a canoeist books a permit, but the wind direction changes and means they end up in a different location?

A. Marine safety rules would apply and allow them camp.

Please can you confirm whether the answer, that marine safety rules would apply, has been confirmed by legal advice and, if so, what other laws or rules will take precedence over the byelaws if people stop to camp without a permit. Could you also confirm whether this advice would apply whether or not a permit had been applied for.

The Park Authority has had ongoing discussion with legal advisers regarding the implementation of the byelaws. There is no information held in relation to this specific question. Accordingly I have to advise under R10(4)(a) of the EIRs that this information is not held.

Marine safety rules apply to a canoeist on the water. This Q and A is not about the precedence of other laws over the camping management byelaws, it is an acknowledgement that in certain circumstances, situations may arise where for genuine reasons a canoeist may have to set up camp without a permit or may hold a permit for a destination that they are unable to reach.

If the statement above has not been informed by legal advice, can you please provide me with a comprehensive list of all those situations where the Park intends to tell its Rangers to apply discretion to the enforcement of the byelaws.

The Park Authority does not have a list of all situations where Park Authority Rangers will apply

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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discretion to the enforcement of the byelaws. Accordingly I have to advise under R10(4)(a) of the EIRs that this information is not held.

Whether or not this response has been informed by legal advice, please could you inform me of what criteria the Park has to decide whether another law should apply (and therefore whether or not a camper should be charged) and related to this any procedures you intend to issue to rangers about this.

Park Authority Rangers have the authority to enforce the camping byelaws, and will, as a last resort when efforts to gain compliance have been unsuccessful, be able to report a contravention of the Camping Management Byelaws to the Procurator Fiscal.

Rangers will receive appropriate training in dealing with these situations, but do not have the power to charge a camper, or decide on whether another law applies, therefore there are no procedures for this. Accordingly I have to advise under R10(4)(a) of the EIRs that this information is not held.

Yours sincerely

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

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

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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
Online appeal portal: www.itspublicknowledge.info/Appeal

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