



EIR REVIEW Ref: 2017-039

14th June 2017

REQUEST FOR REVIEW OF DECISION UNDER ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004 (the “Regulations”)

Loch Lomond & The Trossachs National Park Authority received your request for review on 17th May 2017 relating to your original request for information which you made on 11th April 2017.

Basis of Request for Review

In your original request you asked to be provided with all information held by the Park Authority related to pre-application discussions with Fergus Wood/his agents for the reference PRE/2015/0160 and any subsequent exchange of information. You also asked for information about any policy/procedure concerning non-material variations to planning consents and Board members.

The reason given in your request for review relates purely to the fact that Fergus Wood is a member of the Park Authority Board and should not therefore be treated the same as an ordinary member of the public with regard to the release of such information. In your review request you included a link to an internet page which included a further link to a Scottish Government document called ‘Guidance on the Role of Councillors in Pre-Application Procedures’ which gives guidance to Councillors involved in the pre-application stage of substantial development proposals made by others. You wished this document to be considered as part of the review.

Decision

I have reviewed the original response, the exceptions applied and the reasons given for the application of those exceptions as well as the Scottish Government document you provided the link to. I have considered the public interest in the release of the information. I do not agree that the fact that Fergus Wood is a Board member changes the obligation on the Park Authority to protect an individual’s personal information and information related to that individual’s commercial interests when they are seeking pre-planning advice. I believe that the correct exceptions have been applied in this case and the public interest in the release of the information does not outweigh the need to keep it confidential.

As was explained in the original response, the Park Authority’s Scheme of Delegation for Planning requires that the determination of any planning application made by a Board member

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would be determined by the Park Authority's Planning and Access Committee which can be attended by members of the public.

In response to your second question we provided an explanation of the parts of the Scheme of Delegation for Planning related to non-material variations and explained that there is no distinction made in the Scheme of Delegation in such cases as to whether an applicant is a Board member or not. As you were provided with the information you requested I find no basis for changing how this part of your request was dealt with.

Therefore I uphold the original decision in its entirety.

Review Procedure

If you are not satisfied with this decision you are entitled to appeal to the Scottish Information Commissioner. Please note that in order for an appeal to take place you must lodge your appeal within six months of the date of receipt of this letter.

Scottish Information Commissioner
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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

Yours sincerely,

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