



EIR Ref: 2019/007

6th June 2019

REQUEST UNDER ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004

We refer to your request for information, received by email on 8th May 2019. 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.

“Please (as a new request for information) tell me why your letter to the applicant's agent dated 8 August 2018 was published on your e-planning webpage for the application so long after it was made.”

We do not consider this to be a request for recorded information under the terms of the legislation. In terms of our duty to provide advice and assistance we can however advise that the Park Authority's letter to the applicant's agent of 8th August 2018 was made available via our e-planning portal at the same time as we published the additional information requested by the Authority.

“Please also (as part of that new request for information) send me a copy of any document setting out your policy on what information about any given planning application is (or is not) posted on the e-planning webpage for that application, and when,

The Park Authority has no policy on what information about any given planning application is (or is not) posted on the e-planning webpage for that application, and when. Accordingly we have to advise under Regulation 10(4)(a) of the EIRs that this information is not held.

and confirm whether the 'date published' for any given document always reflects the

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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actual date of posting of that document.”

The date published for any given document added to the Park Authority’s eplanning portal, may not always be the same as the actual date of posting of the document. To clarify, in relation to the Park Authority’s letter for further information, sent to the applicant, dated 20th August 2018, this document was dated 5th April 2019 on the planning portal. This was the same date given to all revised documents provided in response to the letter, and ensured that both the letter and response documents appeared next to each other on the planning portal, which makes it easier for the public to find on the website.

We note your response to our request to clarify the true requester. We are disappointed that you have not been prepared to clarify this with us, which may impact our processing of any personal data contained within the information you have requested. Our request is based on guidance from the Scottish Information Commissioner which notes that anyone can make a request on behalf of another person, however the person on whose behalf the request is being made must be named or the request is not valid. Failure to clarify this point may adversely impact the right of the requester to have their case considered should they wish at a later date to submit an appeal to the Commissioner.

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
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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