



EIR Ref:2019/027

10<sup>th</sup> January 2020

## **REQUEST UNDER ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004**

We refer to your request for information, received by email on 24<sup>th</sup> December 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.

**I am writing to make a request under the Freedom of Information Act 2000/Environmental Information Regulations about all legal advice issued to local authorities by Natural England in regards to its position on nitrogen and phosphorous pollution in or near Natura 2000 sites in England.**

**In June, Natural England issued advice to councils in South Hampshire updating its legal position on [nitrate-levels in the Solent and Southampton Water special protection area](#) in the Solent.**

**Would you please tell me if Natural England has issued any similar advice to you as the National Park authority where Natura 2000 sites are being affected by an overload of nitrates and phosphates, and if so, where and which Natura 2000 sites? Please provide me**

**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](mailto:info@lochlomond-trossachs.org) w: [lochlomond-trossachs.org](http://lochlomond-trossachs.org)

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**with copies of the advice.**

Natural England do not issue advice to National Park Authorities in Scotland and the Park Authority has no interest in or information about Natura 2000 sites in England. Accordingly we have to advise under Regulation 10(4)(a) of the EIRs that this information is not held.

**If no new advice has been issued, can you tell me whether the regulator is planning to update its legal position on nitrogen and phosphorous pollution with any other local authorities, and if so which ones and which Natura 2000 sites?**

The Park Authority does not hold any information as to whether the regulator is planning to update its legal position on nitrogen and phosphorous pollution with any other local authorities. Accordingly we have to advise under Regulation 10(4)(a) of the EIRs that this information is not held.

**Is Natural England carrying out any investigations into Natura 2000 sites as a result of the June decision, if so which ones?**

The Park Authority does not hold any information about investigations being carried out by Natural England. Accordingly we have to advise under Regulation 10(4)(a) of the EIRs that this information is not held.

Yours sincerely

**Governance and Legal Team  
Loch Lomond and 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

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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](http://www.itspublicknowledge.info)  
E-mail: [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info)

Online appeal portal: [www.itspublicknowledge.info/Appeal](http://www.itspublicknowledge.info/Appeal)