



EIR Ref: 2020/005

9 April 2020

REQUEST UNDER ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004

We refer to your request for information, received by email on 12th March 2020. 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 write regarding the above and to request, under the Freedom of Information (Scotland) Act 2002, the following information:

- 1. “How many incidents of fly tipping have been recorded by the Loch Lomond & The Trossachs National Park Authority, in each of the last five years?”**

We do not keep records of flytipping incidents which do not result in enforcement action being taken. Accordingly we have to advise under Regulation 10(4)(a) of the EIRs that this information is not held.

There have been 13 cases of flytipping recorded by the National Park Authority in the last five years, which have resulted in enforcement action being taken, shown in the table below, with a breakdown of the number of cases of “stereotypical flytipping” (i.e. unrelated

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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to camping such as mattresses or white goods) and the number of cases of abandoned campsites.

Year	Stereotypical flytipping	Abandoned campsites
2016	1	0
2017	1	4
2018	2	2
2019	0	3

2. “The total amount spent by the Loch Lomond & The Trossachs National Park Authority in clearing up fly tipping, in each of the last five years.”

The National Park Authority has not incurred any costs in relation to stereotypical flytipping cases because the clean-up costs are the responsibility of, and have been met by, the landowner. However the National Park Authority reported a case to the Procurator Fiscal in 2016, who issued a fine, and a compensation order which offset, to a degree, the time, effort and costs associated with clearing the rubbish by the landowner.

We have not recorded the cost of clearing up abandoned campsites. The vast majority of abandoned campsites are cleared by the National Park Authority Ranger Service, however there are some landowners who have fishing interests and have historically cleared abandoned campsites. Accordingly we have to advise under Regulation 10(4)(a) of the EIRs that this information is not held.

3. “How many fixed term penalty notices for fly tipping have been issued by the Loch Lomond & The Trossachs National Park Authority, in each of the last five years?”

The National Park Authority received the powers to enforce sections 33 and 87 of the Environmental Protection Act 1990 in 2015 and began to utilise these new powers in 2016. The number of fixed penalty notices (FPNs) for flytipping issued since 2016 is as follows:

- 2016 - 1 Stereotypical flytipping
- 2017 - 4 Abandoned campsites
- 2018 - 1 Stereotypical flytipping case and 1 abandoned campsite
- 2019 – no FPNs issued in 2019

For less serious incidents a FPN may be offered, for larger scale or more environmentally significant incidents a report would be made to the Procurator Fiscal (PF). FPNs are not always accepted or paid, again resulting in a report to the PF. It is important to note that the National Park Authority will not offer a FPN unless there is sufficient evidence to proceed to a report to the PF.

4. “The total amount of those fixed term penalty notices issued by the Loch Lomond & The Trossachs National Park Authority for fly tipping, in each of the last five years.”

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The total face value figure for the seven FPNs issued by the National Park Authority in the last five years is £1400, details are as follows:

Year	No. of FPNs issued	Total value of FPNs issued
2016	1	£200
2017	4	£800
2018	2	£400
2019	0	N/A

Of those issued, 3 were paid, amounting to £600 recovered by the National Park Authority, two of these were for stereotypical flytipping cases, one was for an abandoned campsite.

It may also be helpful for you to be aware that the four local authorities within the National Park area also have enforcement powers regarding flytipping and may be recording incidents and carrying out enforcement.

Yours sincerely

Governance and Legal Team

Loch Lomond & The Trossachs National Park

www.lochlomond-trossachs.org

www.twitter.com/lomondtrossachs

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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
G83 8EG
E-mail: info@lochlomond-trossachs.org

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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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