



Loch Lomond & The Trossachs National Park Authority  
Carrochan  
Carrochan Road  
Balloch  
G83 8EG

EIR Ref: 2021-014

7<sup>th</sup> October 2021

## **REQUEST UNDER FREEDOM OF INFORMATION (SCOTLAND) ACT 2002**

We refer to your request for information, received by email on 10<sup>th</sup> September 2021. The information you have requested is environmental information, as defined in Regulation 2 of the Environmental Information (Scotland) Regulations 2004 (EIRs). 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 Park Authority's response are provided below.

**1. "Transport Assessment having been undertaken to determine the existing and future capacity of the existing A81/A84 junction within Callander. Please forward a copy of the said Transport Assessment. "**

The following documents are attached:

- Traffic study analysis – April 2018
- Addendum – September 2018

(Documents available on request)

Some information has been withheld under Regulation 11(2) of the EIRs, specifically the name and contact details of the external consultants.

This information has been withheld under Regulation 11(2) of the EIR's. Since this information constitutes the personal data of third parties, as a data controller, we must process it in accordance with data protection law. This legal duty is recognised in Regulation 11(2), read together with Regulation 11(3a)(a), which provides that information which is third party personal data and in respect of which disclosure would be likely to breach one or more of the Data Protection Principles, is absolutely exempt from the duty to make it available under Regulation 5(1).

### **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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**2. “study undertaken by Stirling Council’s Internal Bridges Team which conclude that the existing pedestrian bridge across the River Teith in Callander was approaching the end of its serviceable life. Please provide a copy of the Report referred to.”**

The Park Authority does not hold a copy of this Stirling Council internal report. Accordingly we have to advise under Regulation 10(4)(a) of the EIRs that this information is not held.

**3. “In the third paragraph of the ‘Addendum to Bridges Feasibility Report’ there is reference to Stirling Council requesting in July 2018 that further investigative work be carried out regarding a crossing option within the study area which had previously been sifted out within the original report. Please forward all reports and correspondence relating to that request involving Council Officials, Elected Members and other relevant parties.”**

The email correspondence between Stirling Council and the Park Authority, and between Stirling Council and the consultancy firm, regarding the request for further investigative work to be undertaken following receipt of the initial Bridges Feasibility Report is attached. (Documents available on request)

Some information has been withheld under Regulation 11(2) of the EIRs, specifically the personal details, names, emails and telephone numbers of external third parties, the names and contact details of Park Authority staff below manager grade, as well as some personal data contained within the body of emails. The data protection principles applied to the withholding of this information are the same as those set out in the response to question 1 above.

Some information has been withheld under Regulation 10(5)(e) of the EIRs, specifically the hourly rate and fees quoted by the external consultancy firm for the requested work. This information has been withheld from release to protect the confidentiality of commercial or industrial information, where such confidentiality is provided for by law to protect a legitimate economic interest. In this case, release of the unit costs quoted by an external consultancy firm into the public domain could adversely affect their ability to operate in a competitive market in tendering for similar consultancy work.

#### Application of public interest test

We are required to consider the public interest test when the exceptions in Regulation 10(4)(e) and 10(5)(d) of the EIRs are invoked. The ‘public interest’ has been described as something that is of serious concern or benefit to the public and not merely of individual interest. It has also been stated that the public interest does not mean ‘of interest to the public’ but ‘in the interests of the public’.

The following public interest factors favour the release of the information

- the public interest in individuals being able to exercise their rights under the EIRs in order to enhance their understanding of the work of a public authority;

- the public interest in members of the public knowing how a public body performs its functions, particularly in a context where a planning application may have consequences for the local community; and
- the public interest in ensuring openness, transparency and accountability in relation to the use of public resources.

The following public interest factors favour withholding the information in this case:

- the public interest in the Park Authority achieving value for public money in awarding contracts to consultancy firms to undertake work which has a wider public benefit
- the harm to the commercial interests of an external consultancy firm operating in a competitive market

The amount of information redacted from the correspondence is minimal. It is considered that the removal of this information does not adversely impact on the overall response to the request which is specifically about the communications around further investigative work in relation to a feasibility study. It is concluded that there is a wider public benefit in withholding the itemised consultancy fees, to protect the commercial interests of the external firm who delivered the initial feasibility analysis and additional investigative work.

Yours sincerely

**Information Management  
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:

Information Manager  
Loch Lomond & The Trossachs National Park Authority  
National Park Headquarters  
Carrochan  
Carrochan Road  
Balloch  
G83 8EG

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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)