



Mr N Kempe
Nickkempe1@gmail.com
FOI Ref: 2015/058

12th January 2016

Dear Mr Kempe,

REQUEST UNDER FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

Further to your letter of 9th December 2015, addressed to the Park Authority Convener, this has been recorded as your 24th request for information under the Freedom of Information (Scotland) Act 2002. Your specific requests and the relevant information held by the Park Authority are provided below.

Confirm whether Audit Scotland and your legal advisers are aware of these extensive briefing/business meetings and what takes place at them?

The Park Authority holds no relevant information to answer this question.

If so, what advice have they given?

The Park Authority holds no relevant information to answer this question.

Clarify what other meetings there are of the Park involving Board Members that take place outwith Standing Orders and what their role is in meetings?

This question has previously been answered as part of response Ref FOI 2015/021.

FOI 2015/021 stated no minutes were kept of meetings, only actions, what are these? And how do they interrelate with the Your Park Tracker?

As previously explained, minutes are not taken at Project Board meetings, instead actions are recorded in a document called the Task Management Tracker, which is an internal project management tool. This document is used to track and record progress against all internally led actions relating to the work of Your Park. This includes capturing and tracking actions from the Project Board meetings. The Task Management Tracker is a live document which is regularly updated. A snapshot of the tracker is provided in attached Appendix A.

The Your Park Stakeholder tracker, previously sent to you as part of response Ref FOI 2015/046 is a document which is used to record external meetings and relationships and manage the actions relating to these discussions.

The Minutes of all Board Briefing/Business meetings since this practice was introduced.

No minutes are kept of the Board briefing/business meetings, therefore there is no relevant information held.

For the ten Board Briefing sessions that considered the Your Park proposals I am now requesting any other written material (e.g. presentations) produced for these meetings.

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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Presentations and briefing documents were produced for some of the Board Briefing sessions that considered the Your Park proposals. This information has been withheld for the following reasons:

The requested documents comprise information which is covered by legal privilege and commercial confidentiality. Its disclosure would also prejudice the effective conduct of public affairs. The presentations and briefing documents that were used at Board Briefing sessions were used to enable the project team to brief the Park Authority Board on the direction of the Your Park project. These documents form early drafts of information which is now in the public domain. Therefore it is considered that the exemptions 30 (b)(i), 33(1)(b) and 36(1) under the Freedom of Information (Scotland) Act 2002 apply.

These are qualified exemptions, which mean that the public interest test must be applied. It is acknowledged that there is strong public interest in the Park Authority's plans for the development of sustainable camping within the National Park, there was a large response to the public consultation on the Your Park plans and there has been media interest in the project.

Consideration of the public interest in the disclosure of the documents produced for Board Briefing sessions must look at whether the benefits in disclosing this information are greater than the benefits in withholding it.

It is considered that some of the information should be withheld to protect the commercial interests of landowners, to ensure the best possible results can be achieved for camping provision within the Park.

There is also a greater public interest in withholding briefing documents that outweigh the public interest in the provision of information about advice sought from the Park Authority Board by the Your Park project team. Disclosure of this advice would substantially prejudice and inhibit the ability of the Park Authority Board to offer free and frank advice to the project team. The disclosure of this information is also likely to have an adverse impact on discussions with businesses the Park Authority are currently having to develop plans for the provision of camping facilities.

In addition, much of the information requested forms early drafts of information which is now in the public domain, regarding the wording of the byelaws, and the proposed camping management zones. This means that it is not necessary to release the information as it is otherwise accessible, on the Your Park website at <http://www.thisisyourpark.org.uk/> Therefore it is considered that S25 of the Freedom of Information (Scotland) Act 2002 applies. This is an absolute exemption which means that it is not necessary to apply the public interest test.

While this request has been considered under the Freedom of Information (Scotland) Act 2002, it is recognised that this information could be considered to fall under the terms of the Environmental Information (Scotland) Regulations 2004, as camping management plans can be seen as having an impact on the environment. The Information has been withheld under FOISA, but is also considered to be exempt from release under S10 (4) (d) and (e) of the EIR's, as the presentations and briefing documents are internal communications, and comprise of material which is still in the course of completion, since the Your Park project is still in development.

These are qualified exceptions which mean that the public interest test must be applied. It is recognised that there is strong public interest in the Your Park project, and consideration has been given as to whether there is a greater public interest in disclosing this information which may add to public debate on the project and its implications for residents and visitors to the Park.

It is considered that there is greater benefit in protecting the effective communication of advice between the project team and the Park Authority Board, that there would be in releasing early drafts of information which is now in the public domain, regarding the wording of the byelaws, and the proposed camping management zones.

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For the two meetings described as Your Park Briefings, all other written information or materials relating to these meetings.

As previously advised, papers were not produced and minutes were not recorded of the briefing sessions, therefore there is no relevant information held.

Yours sincerely

Information Officer

info@lochlomond-trossachs.org

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 the Director of Corporate Services:

Jaki Carnegie
Loch Lomond & The Trossachs National Park Authority
National Park Headquarters
Carrochan
Carrochan Road
Balloch
G83 8EG
E-mail: info@lochlomond-trossachs.org

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

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