

Mr Nick Kempe
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12 April 2016

Dear Mr Kempe

EIR REQUEST 11 FEBRUARY 2016 (Case Number 00279): LOCH LOMOND & THE TROSSACHS NATIONAL PARK CAMPING MANAGEMENT BYELAWS

Further to my letter of 21 March 2016, I have now completed my review of our failure to respond to your request of 11 February 2016 under the Environmental Information (Scotland) Regulations 2004 for:

1. The dates and locations of the Ministers visits to the National Park and what evidence she saw on these occasions.
2. Any further information that would count as evidence as damage provided by Loch Lomond & The Trossachs National Park to the Minister.
3. Any further information that would count as evidence as damage provided by other public authorities: in particular I would like to know if any advice was requested from SNH or Forest Commission Scotland on the question of damage or impacts and their response.
4. Any other information that would count as evidence as damage or impacts provided by people resident in the Park or by other individuals or organisations.

As the information you have requested is 'environmental information' for the purposes of the Environmental Information (Scotland) Regulations 2004 (EIRs), we are required to deal with your request under these Regulations. We are applying the exemption at section 39(2) of the Freedom of Information (Scotland) Act 2002 (FOISA), so that we do not have to deal with your request under FOISA.

This exemption is subject to the public 'interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption, because there is no public interest in dealing with the same request under two different regimes.

This essentially is a technical point and has no material effect on the outcome of your request.

In accordance with regulation 16(3)(b) of the EIRs, I have also reached a decision on your request.

Unfortunately, resourcing issues and a number of other competing priorities have meant that it has not been possible to process your request within the required timescales. Again, I can only apologise for the delay in responding to this request.

Response to your request

Question 1

The information you have requested is provided in Annex A.

Questions 2,3 and 4

While our aim is to provide information whenever possible, in this instance the Scottish Government does not have the information you have requested. Therefore we are refusing your request under the exception at regulation 10(4)(a) of the EIRs. The reasons why that exception applies are explained in Annex B to this letter.

If you are unhappy with the outcome of this review you have the right to appeal to the Scottish Information Commissioner about our decision within 6 months of receiving this letter. You can contact the Commissioner at:

The Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS
E-mail: enquiries@itspublicknowledge.info

Telephone: 01334 464610

Should you then wish to appeal against the Commissioner's decision, there is a right of appeal to the Court of Session on a point of law only.

Yours sincerely



GORDON ROBERTSON

Question One

We have interpreted your reference to ‘the Ministers visits’ as meaning visits by the Minister for Environment, Climate Change and Land Reform. Since the beginning of 2013 there have been 2 formal Ministerial visits to Loch Lomond & The Trossachs National Park by the Minister for the Environment, Climate Change and Land Reform, Dr Aileen McLeod and her predecessor Paul Wheelhouse.

18 July 2013 – Visit by Paul Wheelhouse

This was the Minister’s first official visit to Loch Lomond & The Trossachs National Park. Its primary purpose was to see first-hand and discuss capital investment projects (funded by Scottish Government), discuss sustainable tourism and recreation/visitor management and engage with senior staff, business, community and Police representatives. The Minister visited the locations listed below to see and hear about a range of projects and initiatives:

- Loch Lomond Waterbus, Tarbet
- Forest Holidays, Ardgarten
- Ben Arthur Resort
- Loch Lomond Arms
- Luss Pier
- Balmaha Visitor Centre

8 July 2015 – Visit by Dr Aileen McLeod

This visit was Dr McLeod’s first visit to the Park following her appointment as Minister in November 2014. It formed part of the Minister’s formal consideration of the Park’s ‘Your Park’ proposals. The Minister visited the locations listed below and observed and discussed a number of issues relative to the ‘Your Park’ proposals.

Locations

- Loch Lubnaig Visitor Site (North Site)
- Loch Earn, North Shore – Horseshoe Layby
- Mhor84 Hotel

It may also be helpful to note that such visits form part of the normal strategic relationship that exists between the Scottish Government and its public body delivery partners, including Loch Lomond & The Trossachs National Park Authority. They provide an opportunity for Scottish Ministers to discuss issues of strategic importance and to see first-hand and discuss areas of particular interest, for example, on the ground infrastructure projects, planning & development issues, conservation and visitor management considerations.

REASONS FOR NOT PROVIDING INFORMATION – QUESTION 4 AND 5

The Scottish Government does not have the information

Under the terms of the exception at regulation 10(4)(a) of the EIRs (information not held), the Scottish Government is not required to provide information which it does not have. The Scottish Government does not have any further information that would count as evidence as damage provided by Loch Lomond & The Trossachs National Park to the Minister. Following submission of agreed and finalised proposals from the Park Authority, the Scottish Government did not request advice on the question of damage or impacts from other public authorities. Additionally, although individuals and organisations expressed a wide range of views and opinions on the Park's proposals, we do not hold any further information that we consider would count as evidence of damage or impacts provided by people resident in the Park or by other individuals or organisations.

This exception is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exception. We have found that, on balance, the public interest lies in favour of upholding the exception. While we recognise that there may be some public interest in information about Loch Lomond & the Trossachs national park camping management byelaws, clearly we cannot provide information which we do not hold.