



Mr Nick Kempe
nickkempe1@gmail.com
EIR Ref 2019/022

27th November 2019

Dear Mr Kempe

REQUEST UNDER ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004

We refer to your request for information, received by email on 30th October 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.

“Now that Flamingo Land has withdrawn the "Lomond Banks" Planning Application there would appear no reason why the LLTNPA cannot provide information relating to the application and the process leading up to it. I would like to request therefore any information the LLTNPA holds, whether by papers or emails or the organisation of briefing sessions/meetings, about Board involvement/briefings on the application and in particular information relating to:

1) The land owned and leased by the LLTPNA which formed part of the application

There were no briefing sessions, meetings, emails or papers for the Park Authority Board in relation to land owned and leased by the Park Authority which was included in the West Riverside planning application. However, paragraph 5.3 of the paper for Agenda item 6 from the Park Authority Board meeting held on 17th June 2019 notes the land interests of the Park Authority in

LOCH LOMOND & THE TROSSACHS NATIONAL PARK AUTHORITY

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the application site. This paper is available on our website at: <http://www.lochlomond-trossachs.org/park-authority/our-board-committees/meetings/board-meeting-17th-june-2019/>

2) Information relating to how the planning process would be managed and instructions to Board Members on what they could/couldn't say

Agenda item 6 from the Park Authority Board meeting held on 17th June 2019 set out the proposed procedure for consideration of the West Riverside planning application.

We can therefore advise under R6(1)(b) of the EIRs that this information is already publically available and easily accessible.

It was highlighted to Board members to remain impartial, this advice applies to the handling of all planning applications. This advice was sent to Board members in an email dated 5th September 2019 (email 4 in the attached Appendix A).

3) Whether the Confidential Items at the June Board Meeting included any discussion on the Lomond Banks application.

The confidential items at the 17th June 2019 Board meeting were not on the subject of the West Riverside planning application, and did not include any discussion of the planning application. Accordingly we have to advise under Regulation 10(4)(a) of the EIRs that this information is not held.

I am only asking for any such information the Park holds since the application was first submitted and if it would make it easier for staff am open to refining my request.”

File searches identified email correspondence to Board members, which is attached in Appendix A. Some personal data has been redacted, 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.

This information has been withheld under Regulation 11(2) of the EIR's. Because 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).

Yours sincerely

**Governance and Legal Team
Loch Lomond and the Trossachs National Park Authority**

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Page 2 of 3

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

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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