



Mr Nick Kempe
nickkempe1@gmail.com
EIR Ref: 2018/035

10th December 2018

Dear Mr Kempe

REQUEST UNDER ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004

We refer to your email of 10th November 2018. 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 am writing to ask you whether the LLTNPA either issued information or verbally briefed candidates on what might happen if they commented or even campaigned on the Flamingo Land Planning Application?"

The Park Authority did not issue information to, or verbally brief candidates, on what might happen if they commented on or campaigned on the West Riverside Planning Application. Accordingly we have to advise under Regulation 10(4)(a) of the EIRs that this information is not held.

"If so, please provide me with any written information the LLTNPA holds relating to this."

As stated above, The Park Authority did not issue information to, or verbally brief candidates, on what might happen if they commented on or campaigned on the West Riverside Planning Application.

By way of clarification, in accordance with our requirement to provide advice and assistance under Regulation 9 of the EIRs we can advise that the election of local members to the National

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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Park Board was organised by Stirling Council in accordance with The Loch Lomond and The Trossachs National Park Elections (Scotland) Order 2002.

The Park Authority provided a statement to Stirling Council in response to an enquiry from Stirling Council, regarding the conflict that could arise should a candidate take part in discussions or express views on a planning application as follows:

“The Code of Conduct for Board Members of Loch Lomond and The Trossachs National Park Authority, particularly at Section 7, is explicit that Board Members need to ensure a proper and fair hearing and to avoid any impression of bias in relation to the statutory decision-making processes. Board Members must not prejudge, or demonstrate bias in respect of, or to be seen to be prejudging or demonstrating bias in respect of, any such decision before the appropriate Authority meeting that is making the decision.

Therefore, if you, as a candidate in the upcoming Board member elections, publicly express your view on any decision that is due to be presented to the Board, and if you are subsequently elected as a Board member you will be conflicted and therefore not able to take part in the discussion and decision-making.”

Yours sincerely

Governance & Legal Team
Loch Lomond & 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:

Governance & Legal Team
Loch Lomond & The Trossachs National Park Authority

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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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