



EIR Ref: 2018-030

14th November 2018

REQUEST UNDER ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004

We refer to your request for information, received by email on 17th October 2018 relating to your request for information. 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.

please provide a list of 'commuted sums' paid in the National Park area by developers/landowners since 2013 (i.e. provide for each commuted sum received in lieu of onsite affordable housing since 2013 a note of the amount paid in, by whom, & the location of the principle site, for example £300,000 paid by developer X, arising from their development site at address Y')

Commuted sums received in lieu of onsite affordable housing since 2013

£10,000 paid in by A & H Holdings arising from the development site for 14 dwelling houses at Old Youth Hostel site, Killin (Highland Park) (2010/0124/DET).

£27,500 paid in by Mr James Maclaren arising from his development site for one property at land North West Of Creitendam, Drymen (2017/0046/DET)

“please provide the total amount of money generated in 'commuted sums' in the 2013-2018 period”

The total sum generated in commuted sums towards affordable housing is £37,500.

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 w: lochlomond-trossachs.org

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“please provide a list of where any commuted sum monies have been spent in the period 2013-2018 (and how much was paid out in each case i.e. 'the sum of £38,000 was paid to Housing Association Y on 28th March 2015 to assist with the construction of affordable housing at location/address Z”

The Park Authority does not hold details of where any commuted sum monies have been spent. Accordingly we have to advise under Regulation 10(4)(a) of the EIRs that this information is not held.

For clarification, the reason for this is that the Park Authority is not the housing authority and the respective councils are the housing authorities. In this regard, the Park Authority has a protocol set up with Stirling Council and monies received are transferred directly to them to use. We can advise that under the terms of the protocol, the money can be used for any of the following purposes:

- The purchase of land for the construction of Affordable Housing Units or
- The construction (whether by the Council, RSL or other approved body) of Affordable Housing Units or
- The purchase or acquisition of housing units not occupied prior to sale to or acquisition by the Council or
- The purchase or acquisition of housing units occupied prior to sale or acquisition by the Council.

There is no requirement for the Council to confirm to the Park Authority if and how the money has been used.

“please outline the purpose of any monies paid out (ie was it to purchase land - if so where - or was it to cross-subsidise an affordable housing construction project - if so where - or other purpose altogether).”

Any money paid out can be used for any of the purposes set out above. Stirling Council may be able to provide specific information on how any money paid out has been used to date. The Park Authority does not hold information as to the purpose of any monies paid out. Accordingly we have to advise under Regulation 10(4)(a) of the EIRs that this information is not held.

“please provide the amount of 'commuted sums' that have been paid to the council but lie currently unspent, held in account by the Authority or the appropriate Council?

The Park Authority does not hold details of commuted sums held in account by Councils. Accordingly we have to advise under Regulation 10(4)(a) of the EIRs that this information is not held.

Yours sincerely

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

Review Procedure

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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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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