



Loch Lomond & The Trossachs National Park Authority  
Carrochan  
Carrochan Road  
Balloch  
G83 8EG

FOI Ref: FOI 2022-022  
10<sup>th</sup> October 2022

### **REQUEST UNDER FREEDOM OF INFORMATION (SCOTLAND) ACT 2002**

We refer to your request for information, received by email on 11<sup>th</sup> September 2022. Your specific requests and the National Park Authority's response are provided below.

**“ provide me under Freedom of Information with ALL the written information presented to the confidential session of the LLTNPA Board in March described as Luss Visitor Centre update and the minutes of that session.”**

The following documentation, which was presented at the National Park Authority Board meeting on 14<sup>th</sup> March 2022 in relation to the former Luss Visitor Centre, is attached:

1. Vacant Asset – Luss Visitor Centre – paper for decision
2. Luss Property brochure
3. Title plan

The minutes from this agenda item are also attached.

Some information has been redacted from the paper for decision, specifically information about the negotiations with Luss Estates Company regarding its intention to purchase the former visitor centre, and financial information relating to the potential commercial value of the property on the open market. This information has been withheld from release under Section 33(1)(b) of the Freedom of Information (Scotland) Act because the disclosure of this information would, or would be likely to, prejudice substantially the commercial interests of the National Park Authority.

### Application of public interest test

In respect of the withheld information under Section 33(1)(b), we have considered the public interest test, i.e. the public interest in favour of disclosure balanced against the public interest in maintaining the exemption. In considering the public interest, we have given careful consideration to the content of the information, the current context and the effect of disclosure on the National Park Authority's ability to perform its functions effectively.

FOISA does not define "public interest", but it has been described as "something which is of serious concern and benefit to the public." The public interest does not mean what is of interest to the public, but what is in the interest of the public.

### Public interest in disclosure

There is a public interest in individuals being able to exercise their rights under FOISA in order to enhance their understanding of the work of a public authority.

The National Park Authority recognises that it is in the public interest to have openness and transparency in the work of a public authority and to be accountable to the public in relation to how public money is spent.

It is acknowledged that there is interest in the former Visitor Centre from a number of stakeholders, including the local community, visitors to the area, and local businesses.

### Public interest against disclosure of withheld information

The Board paper was treated confidentially when it was presented to the National Park Authority Board for discussion on 14<sup>th</sup> March 2022. At the time, the content of the paper included information that was commercially sensitive, as it related to the status of lease negotiations with a potential commercial tenant of the property and the potential value the asset.

The redacted information remains sensitive, despite the passage of several months, as its release may cause substantial prejudice to the commercial interests of the National Park Authority.

In addition, release of the withheld information which includes financial details would be likely to prejudice substantially the:

- potential value that the asset may achieve through a rental or disposal, as the release of information about running costs could affect the value and level of interest in the former Visitor Centre;
- commercial relationships across the National Park Authority's procurement activity, in that bidders must have confidence that they can provide their commercially sensitive information to the National Park Authority without risking it being shared publicly, including with bidders' potential competitors.

A subsequent Board paper has been published regarding the disposal of the former visitor centre, which was discussed at a National Park Authority Board meeting held in public on 26<sup>th</sup> September 2022. <https://www.lochlomond-trossachs.org/park-authority/our-board-committees/meetings/>

The application of the Section 33(1)(b) exemption, which has been done in a restrictive manner, to withhold some of the content of the requested paper, is considered necessary and proportionate in this case, to preserve the ability of the National Park Authority to achieve Best Value for the future use of the former Visitor Centre, which it is obliged to do as a Non-Departmental Public Body.

The National Park Authority is obliged to maximise the price achieved for a surplus asset, which would not be possible if the redacted information was released. The financial content is still relevant to current discussions with external parties and in relation to the next steps required for managing the future use of the former Luss Visitor Centre.

The National Park Authority is working to ensure that the process for disposal is as transparent as possible, whilst balancing the public interest in protecting the commercial value of a public asset. Discussions about the future of the former Visitor Centre have been held in public at National Park Authority Board meetings, and the National Park Authority continues to keep our stakeholders informed.

We have therefore concluded that there is a greater public interest in withholding the redacted information from release at this time.

Yours sincerely

**Information Management**  
**Loch Lomond and 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:

Loch Lomond & The Trossachs National Park Authority

**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](mailto:info@lochlomond-trossachs.org) w: [lochlomond-trossachs.org](http://lochlomond-trossachs.org)

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National Park Headquarters  
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G83 8EG  
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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](http://www.itspublicknowledge.info)  
E-mail: [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info)

Online appeal portal: [www.itspublicknowledge.info/Appeal](http://www.itspublicknowledge.info/Appeal)



# Vacant Asset: Luss Visitor Centre

## Agenda Item 15

National Park Authority Board Meeting  
14 March 2022

Paper for decision

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### 1. Purpose

- 1.1. The purpose of this paper is to inform Members of the formal withdrawal by the preferred bidder, Luss Estates Company, from taking on the lease of the vacant Luss Visitor Centre.
- 1.2. The paper also sets out options for the future of the property in the light of these circumstances and seeks Members' approval on the recommended course of action and intended timeframe.

### 2. Recommendation

- 2.1. It is recommended that Members;
  - 2.1.1. **approve** that officers begin a process to instigate the disposal of the vacant Luss Visitor Centre
  - 2.1.2. **note** that this could include options such as outright sale on the open market or exploring interest from the local community (community asset transfer) and discussions would be initiated with our Scottish Government Sponsor team in respect of any permissions required to dispose of the asset.

### 3. Contribution to National Park Partnership Plan and/or Our 5-year Plan

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3.1. The vacant property at Luss has the development capacity to support the following priorities set out in Our 5-Year Plan priorities:

3.1.1. 3.1.2. Priority 2: Visitor Infrastructure

We will invest strategically and create a multiple year capital investment plan for our visitor sites and facilities to improve the quality of the visitor experience, create economic and public benefits, and ensure efficiencies in the costs of operating and maintaining our assets.

3.1.2. 3.1.3. Priority 6: Fundraising

We will work towards identifying ways to supplement our core funding to help sustain and improve the services we deliver in the National Park.

3.1.3. 3.1.4. Our Enablers

Estate - We will maintain and develop a high quality estate; efficiently, cost effectively and innovatively to enhance user benefit and demonstrate good practice to minimise our impact on the environment.

#### **4. Background**

4.1. Members will recall the report and discussions on our property at Luss from the Board meeting on 14<sup>th</sup> June 2021 and continuation of that meeting on 28<sup>th</sup> June 2021. At that time approval was sought and obtained for officers to engage in discussions with the leading bidder following the lease tender process and to move towards lease signature.

4.2. On 30 June 2021, Luss Estates Company (LEC) was advised that its tender bid had been successful. In July 2021, initial meetings and a site visit were held; outline Heads of Terms had been agreed as part of the tender process and these were passed with instructions to our solicitors Anderson Strathern. There was clear intent from both parties to move towards the finalisation and the handover of keys.

4.3. An initial date of entry for the tenant was proposed for September 2021 but was missed. XXX but progress was made over the next few months to iron out issues working towards a new date of entry. Over this period, LEC invested in plans and drawings; prepared a public information board for the outside of the building and was XXXXXXXXX preparing for a public announcement planned for the end of November.

4.4. XXX, officers were reassured by LEC's lead on the project, the Assistant CEO, of a strong desire to conclude matters. In December 2021, the Retail Manager of LEC obtained keys for a site visit and liaised with us on the interior design specifications for marketing displays and to check National Park visitor information provision.



vehicle access to be confirmed and the area of land that should be disposed of with the building. XXX  
XX  
XX Clarity will be needed from our Sponsor Team on the handling of any proceeds from the sale.

All of the above needs to be balanced against the significant staff resource and budget that will become available to focus on other assets and wider AOP priority projects at a time of a step change to focus on our work on Climate and Nature work programmes. XXX  
XX  
XX  
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XX  
XX

5.3.2. XXX  
XX  
XX  
XXXXXXXXXXXXXXXXXXXXXXXXXXXX, the Park Authority also increased the market value of the property by constructing a dedicated car park for the property with EV charging points provision. XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX  
XX  
XX

There is also likely to be interest in the property for a Community Asset Transfer, which while may result in potentially protracted negotiations and use considerable resource to manage, it may also present an attractive option in order to realise positive uses for the building and deliver community benefit. This was recognised when putting the property to market for lease in 2021 but significant liaison with the community established a positive engagement on the lease option and there remains a positive relationship in respect of the property with community representatives.

### 5.3.3. National Park Authority operational usage

In preparations for the season ahead there has been some operational needs identified including for the seasonal ranger and estate functions in West Loch Lomond. The only Luss specific locational potential need is welfare facilities for the new Luss Warden roles being delivered in partnership with Luss Estate and Argyll & Bute Council.

This use would only be for part of the building and there is no doubt that operational use as a store and a staff welfare facility could have some benefits. It would however require investment in the building to ensure it is fit for



purpose, with these costs yet to be established XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX. Operational needs are still under  
consideration but it is not a long term option for this building or essential for  
operations in this area; other facilities are available to staff at Tarbet and Firkin  
Point. There may be a short term opportunity depending on the building's  
status, but this use would not present a strategic solution for the long term use  
of the property. It also does not provide income and the property management  
costs would continue.

5.3.4. Re-market the property for a new tenant

The benefits of moving to re-market the property is that the information, material  
and processes are already in place and is potentially the quickest option to  
reduce the burden on the Authority. This would include a tenant taking on the  
building's operating costs – XXXXXXXXXXXXX – which would be a saving for the  
Authority. There may also be efficiencies that can be made to expedite the  
process which would capitalise on the work already done to date. However, this  
is also is perhaps the most uncertain option given the unsuccessful experience  
of securing an appropriate tenant over the last approximately 10 years. It would  
mean further resource and budget being utilised at a time when there a number  
of key assets that require attention XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX  
XX

5.3.5. XXX  
XX  
XX  
XXXXXXXXXXXXXXXXXXXX. There is generally more market interest on a  
purchase opportunity to buy an asset rather than lease it. The lease tender in  
2021 attracted 23 notes of interest and 9 full submissions, which bodes well for  
future marketing. XXX  
XX  
XX  
XX  
XXXXXXXX In 2021, the Park Authority also increased the market value of the  
property by constructing a dedicated car park for the property with EV charging  
point's provision as already noted.

5.4. Conclusion

5.4.1. Balancing all of the above, the preferred route to dispose of the asset would  
draw a line under our continued ownership and responsibility for a property  
which has unfortunately always posed a problem and release staff time and  
budget at a time when it is needed for other areas of our work.

5.4.2. The marketing brochure and other materials created for the least opportunity  
will require little work to have them readied to market the property for sale (See  
Appendix 1).

## 6. Next steps

- 6.1. Explore legal requirements/permissions with our Scottish Government Sponsor team, which would need to agree to the asset disposal and would confirm whether the National Park Authority may or may not benefit from the proceeds of the sale. The net funds may have to be remitted to Scottish Government.
- 6.2. Explore process and marketing costs with property agents to obtain quotes and route to market which offers Best Value.
- 6.3. Once the land is sold there is no further opportunity to either make money from it or have use of it, so officers will explore with Argyll & Bute Council whether it would benefit by having any of the surrounding land transferred back to it as it affects the car park, access and any potential future development (See Appendix 2).
- 6.4. Explore interest level and likelihood of a bid for Community Asset Transfer and investigate process: the legislation on this is still relatively new and we have not undertaken one previously.

## 7. Appendices

Appendix 1 – Luss Visitor Centre Marketing Brochure

Appendix 2 - Property Title Plan

**Author:** *Carol Matthews, Visitor Experience Manager*  
**Executive Sponsor:** *Stuart Mearns, Director of Place*



# Minutes of Closed Session Board Meeting held on 14<sup>th</sup> March 2022

## Agenda Item 16

### National Park Authority Board Meeting 14th March 2022

#### Paper for information

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Present.....	11
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<b>Present</b>
James Stuart (Convener)
Heather Reid (HR)
Bob Darracott (BD)
Danny Gibson (DG)
Ronnie Erskine (RE)
William Nisbet (WN) (Depute Convener)
Billy Ronald (BR)
Claire Chapman (CC)
Alistair Berrill (AB)
Christopher Spray (CS)
Murray Lyle (ML)

<b>In Attendance - National Park Authority Staff</b>
Gordon Watson (GW), Chief Executive Officer
Stuart Mearns (SM), Director of Place
Simon Jones (SJ), Director of Environment and Visitor Services
Anna MacLean (AM), Director of Engagement and Innovation
Douglas Smith (DS) (Proper Officer)
Margaret Gallacher (MG), Minute Clerk
Carol Matthews (CM), Visitor Experience Manager
Emma Yendell (YE), Estates Manager

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## Items and Actions

### Session 4 (Confidential items): (2:30pm – 3:30pm)

#### Item 16: Luss Visitor Centre Update

The paper was introduced by GW, CM and SM. There followed discussion and questions by Board Members.

**DECISION:** The majority of Board Members agreed to the following, with the exception of RE and CS who voted against the decision.

- **approve** that officers begin a process to instigate the disposal of the vacant Luss

Visitor Centre **[ACTION]**

- **note** that this could include options such as outright sale on the open market or exploring interest from the local community (community asset transfer) and discussions would be initiated with our Scottish Government Sponsor team in respect of any permissions required to dispose of the asset.

*Comfort break: 3:30pm – 3:45pm*

Signed

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**James Stuart, Convener**