



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

EIR Ref: EIR 2022-022  
12<sup>th</sup> December 2022

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

We refer to your request for information, received by email on 16<sup>th</sup> November 2022. The information you have requested is environmental information, as defined in Regulation 2 of the Environmental Information (Scotland) Regulations 2004 (EIRs). 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 National Park Authority's response are provided below.

**“a) all papers presented to the Board Meeting held in confidential session on 14th June 2021 that pertain to the Gateway Centre (which was on the agenda for the meeting)”**

There were 2 papers relating to the Gateway Centre that were discussed at the National Park Authority Board meeting of 14<sup>th</sup> June 2021 attached as:

- Appendix A – Paper for decision
- Appendix B – site plan

Some information from the Paper for decision has been withheld under Section 10(5)(e) of the EIRs, specifically, details of the commercial rental costs and outstanding costs due from the previous tenant, as well as the details of discussions with Scottish Enterprise as the owner and head landlord in the context of the current lease of the property. The redacted information remains sensitive, despite the passage of several months, as its release may cause substantial prejudice to the ongoing commercial interests of the National Park Authority. A sentence has been redacted under Section 10(5)(d) of the EIRs, containing legal advice in relation to ongoing communications with the former tenant of the Gateway Centre.

### Public interest test

The exceptions in Regulation 10(5)(d) and (e) of the EIRs are subject to a public interest test i.e. whether in all the circumstances of the case, the public interest in maintaining the

**LOCH LOMOND & THE TROSSACHS NATIONAL PARK AUTHORITY**

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exception outweighs the public interest in making the information available. We recognise that there is a public interest in relation to the transparency of decision-making procedures on matters such as the one to which this information request relates. There is a public interest in individuals being able to exercise their rights under the EIRs to enhance their understanding of the work of a public authority and ensure openness and accountability in relation to the use of public assets.

Where a public authority is engaged in financial discussions, it is in the public interest that it is able to do so without its status as a public body impacting significantly on its ability to participate effectively; in particular, by securing best value. The National Park Authority is still in discussion with the former tenant, seeking their formal withdrawal from the tenancy and is also in discussions with Scottish Enterprise regarding the future use of the property. It has therefore been concluded that in this case the issues of openness and transparency are outweighed by the benefits in favour of withholding the requested information.

The minutes of the meeting of June 2021 which relate to the Board discussion about the Gateway Centre are provided below:

#### Item 16: Vacant Assets

##### **b. Gateway Centre**

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

**DECISION:** Members agreed that officers should pursue discussions with Scottish Enterprise in line with previous Board decisions with a view to exploring the possibility of exiting the current lease of the building with associated land while securing appropriate return on any proceeds that may arise. A further report for decision would be brought back to the Board once the full implications are understood.

##### **b) Any information pertaining to the Gateway Centre that was considered at the Board meeting on 13th June 2022 where "Vacant Assets" was on the agenda for the confidential session**

The Gateway Centre was not discussed at the Board meeting on 13<sup>th</sup> June 2022. Accordingly we have to advise under Regulation 10(4)(a) of the EIRs that there is no information held.

##### **c) Any information pertaining to the Gateway Centre that was circulated to Board Members between these two meeting dates.**

There was no information in relation to the Gateway Centre circulated to Board members following the meeting of 14<sup>th</sup> June 2021, and this item of business has not been discussed at subsequent meetings to date. Accordingly we have to advise under Regulation 10(4)(a) of the EIRs that there is no information held.

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:

Information Manager  
Loch Lomond & The Trossachs National Park Authority  
National Park Headquarters  
Carrochan  
Carrochan Road  
Balloch  
G83 8EG  
E-mail: [info@lochlomond-trossachs.org](mailto: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](http://www.itspublicknowledge.info)  
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