



Mr Nick Kempe  
Nickkempe1@gmail.com  
EIR Ref:2016/051

14<sup>th</sup> October 2016

Dear Mr Kempe

## **REQUEST UNDER ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004**

I refer to your request for information, received by email on 18<sup>th</sup> September 2016.

We have applied the exemption under Section 39(2) of the Freedom of Information (Scotland) Act 2002 as we have determined that the information sought in your request is environmental information. We are therefore handling your request under the terms of the Environmental Information (Scotland) Regulations 2004 (EIRs). In this case the public interest in maintaining this exemption and in dealing with the request in line with the requirements of the EIRs outweighs any public interest in disclosing the information under FOISA.

Your specific request and the response from the National Park Authority are provided below.

**“Provide me with all the information the LLTNPA holds relating to the development of the West Riverside site at Balloch including any correspondence or notes of meetings with Scottish Enterprise, internal meetings within the LLTNPA by Board or staff members.”**

### Development of the West Riverside site

In relation to our role as planning authority, the Park Authority has been interested in the potential development opportunities of the site at West Riverside since 2002 when the Authority was formed. Information about the development of the West Riverside site is included in:

- Chapter 5 Part 1 of the Park Authority’s adopted Local Plan (adopted in 2011), available on our website at: <http://www.lochlomond-trossachs.org/planning/planning-guidance/adopted-local-plan/>.
- Site Assessments have been undertaken, including strategic environmental assessments and habitats regulations appraisals included in reports on our Live Park site at: <http://www.ourlivepark.com/download/site-assessment-report/>

### Correspondence and meetings with Scottish Enterprise

Scottish Enterprise sought informal pre planning application advice and met with a member of the Park Authority’s planning team in March 2015. Email correspondence to arrange this meeting is attached in Appendix A.

## **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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Planning officers have discussions informally and formally with interests in any of our allocated sites. Within this context the planning service offers free confidential pre application advice to anyone who is considering submitting a planning application. Details of this process can be found on our website at: <http://www.lochlomond-trossachs.org/planning/planning-applications/get-advice/pre-planning-application-advice/> This approach is commonplace across Scotland and aims to help inform developer's decision making before committing to a planning application.

Scottish Enterprise invited the Park Authority's Head of Visitor Experience to be involved in the process of reviewing the submissions for the West Riverside site. This involvement was in an advisory capacity in relation to tourism considerations and separate from, and without prejudice to, any consideration of planning issues. The decision regarding a preferred developer was for Scottish Enterprise as landowner to make. The Park Authority actively works with businesses to promote opportunities for accommodation, infrastructure and facilities within the National Park. We have a specialist role, to promote facilities for the good of the Park and its visitors. Correspondence relating to these meetings is also attached in Appendix A.

Some information has been redacted from this correspondence, namely the contact details for individuals, and information on subjects other than the West Riverside development, which are outwith the scope of this request. The personal contact details are excepted from release under R10(3) and R11 of the EIRs. Release of personal information would contravene the Data Protection Principles, which means that there is no requirement to consider the public interest in the release of this information.

In addition some email correspondence which includes details of the developer bids has been withheld from release as this information is commercially sensitive and excepted from release under R10(5)(e) and R10(5)(f) of the EIRs.

Consideration has been given as to whether there is a greater public interest in the disclosure of this information. It has been concluded that while there is a recognised public interest in the West Riverside development, this process is at a very early stage, and there is a greater public interest in protecting the commercial interests of the organisations who submitted proposals for the development of this site.

Scottish Enterprise invited the Park Authority to attend a meeting in September 2015 where the West Riverside development was discussed. The Park Authority does not hold notes for this meeting. Accordingly I have to advise under R10(4)a) of the EIRs that this information is not held.

#### Role of the Park Authority Board

The Park Authority Board approved the Proposed Local Development Plan, which includes a development strategy for Balloch sites and development constraints and requirements for a number of sites including the West Riverside site. Aside from approving the continued inclusion of the West Riverside site, The Park Authority Board has had no role to date in the process or more recent proposals for the development of the West Riverside site.

**“I would also be grateful if you could confirm whether or not the LLTNPA has conducted any evaluation of how such a development might mean the statutory aims of the National Park, and if so provide this”**

An evaluation of a development would be done as part of any formal planning application determination, this includes an assessment in relation to the statutory aims of the National Park. The preferred developer would have to submit a planning application for the Park Authority to conduct an evaluation. Accordingly I have to advise under R10(4)(a) of the EIRs that this information is not held.

**“and also whether the LLTNPA has conducted any economic impact assessment on the**

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**implications for local businesses in the area of the proposed development.”**

The Park Authority has not conducted an economic impact assessment, as highlighted above, our role is focused on tourism and planning. Economic development functions are more a matter for other public bodies, although we do seek to work with such agencies as they relate to the Park. While the Park Authority has a landholding interest at West Riverside, there is no contractual relationship with Flamingoland in respect of this interest. Accordingly I have to advise under R10(4)(a) of the EIRs that this information is not held.

Yours sincerely

Information Officer  
info@lochlomond-trossachs.org

**Review Procedure**

If you are dissatisfied with this response, or the way in which the Authority has dealt with your request, you are entitled to ask the Authority to review its decision. Please note that in order for a review to take place you must:-

- Lodge a written request for a review 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 Environmental Information (Scotland) Regulations 2004, whichever is the later.
- Include your name, address for correspondence, a description of the original request, and the reasons why you are dissatisfied; and

address your review request to the Governance & Legal Manager:

Amanda Aikman  
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)

Please note that links provided to information available elsewhere are intended to assist you. Requests for information held by other public authorities, and any complaints regarding access to such information should be addressed to that authority. These review procedures relate only to information which is directly under the control of Loch Lomond & The Trossachs National Park Authority.

The review of your request 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.

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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 Environmental Information (Scotland) Regulations 2004, at:

Scottish Information Commissioner  
Kinburn Castle  
Doubledykes Road  
St Andrews  
Fife  
KY16 9DS  
Tel: 01344 464 610  
Website: [www.itspublicknowledge.info](http://www.itspublicknowledge.info)  
E-mail: [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info)

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