

The LLTNPA's proposal to sell off the former National Park visitor centre at Luss and the community alternative

Description



The Luss Visitor Centre in September 2021, empty and neglected

Last week news emerged ([see here](#)) that the Loch Lomond and Trossachs National Park Authority (LLTNPA) was proposing to sell off its former visitor centre in Luss. A paper was to be considered by the Board Meeting scheduled for today ([see here](#)) but, due to the death of the Queen, that meeting has been postponed until 26th September. That creates a small breathing space for the public and their elected representatives to halt the flawed process that has brought the LLTNPA to this point and force them to handover the building to the local community which has requested this.

The corrupt and secretive decision making process

The board paper reveals that the decision to sell the visitor centre was actually taken back in March:

“In March 2022 the Board approved the officer recommendation to begin a process to instigate the

disposal of the vacant Luss asset (the former visitor centre and associated land) based on an assessment of options, as summarised below”.

This was done secretly because, while Luss Visitor centre was on the agenda of the March board meeting, it was discussed in “confidential session” and the item presented as an “update”, not as a proposal to dispose of a public asset:

What actually happened at the March meeting was that not only were the board informed that negotiations with Luss Estates, who had bid for the lease ([see here](#)), had fallen through in February, they were asked to consider the future of the building and presented with three options with officers recommending they sell the asset.

Decisions such as this and debates about them should be held in public. But instead the LLTNPA decides matters of public interest in secret and only goes public with decisions to get them rubber stamped and meet formal governance requirements. That is corrupt. Little has changed since the LLTNPA decided to impose the camping byelaws through no less than 13 board meetings held in secret .

If you have any doubts about the corruption and failures in governance, the LLTNPA has withheld the information which officers presented to the board meeting March and instead provided a summary of the “options” presented. This means that all the information officers used to justify their recommendation and the board decision is being kept secret. There are very good reasons to believe it was neither objective nor fair. For example, the current board paper “reports”:

“In 2021, a marketing process was carried out, with input from the Community Council, to find a tenant for the Property, with the aim of securing a regular rental income along with an improved visitor experience and benefits for the community. This was initially successful, with Luss Estates Company being identified as the preferred bidder. Negotiations took place with the preferred bidder over the terms of the lease during the following months, however in February 2022, the preferred bidder withdrew from the process, citing uncertainty over the economic climate.”

This is perfectly understandable and since then the economic situation has become far worse. But the obvious response, given the bidder appears to have been offering various community benefits, would have been for LLTNPA to reduce the rent to a level where the proposal was financially viable (the paper talks about rent levels of £20-30k). And, if that turned out not to be possible, the usual procurement process would be to start negotiations with other bidders. The current board paper is completely silent on whether that happened or not. I have therefore submitted FOI requests to the LLTNPA to help flush out the truth but until the LLTNPA come clean there is every reason for the public and politicians to treat the whole decision making process to date as totally flawed.

How the local community has been excluded

Unlike Forest and Land Scotland (FLS), who failed to contact the Aviemore and Glenmore Trust ([see here](#)) before deciding to lease the Glenmore campsite through the open market, LLTNPA staff have been careful to tick all the community empowerment boxes. The board paper states LLTNPA staff contacted both the local community council and the Luss and Arden Community Development Trust

(L&ACDT) after the March board meeting. This met with a positive response and on 13th June the L&ACDT submitted an Asset Transfer Request. So why, just three months later, are staff now proposing that the property be sold on the open market?

The reason, according to the board paper is that:

“officers were unable to validate the Asset Transfer Request, due to the Trust not satisfying the legal requirements for community organisations seeking ownership. The Trust has been provided with detailed feedback and advice, including where specialist support is available.”

How convenient! Unfortunately, while the L&ACDT has a website ([see here](#)) this provides very little information, nothing even to indicate it has submitted an Asset Transfer Trust. This, however, is likely to reflect the fact that the CDT, like most community organisations, depends mainly on volunteers. The LLTNPA has given no indication to indicate that it could not meet all the basic criteria for taking over public assets. It is a legally constituted Scottish Charity and produces annual accounts. Moreover it has been chaired, until recently at least, by David McCowan, who was the locally elected LLTNPA Board Member for the area until June this year! There is every reason to believe, therefore, it should have been in a very good position to sort out any legal issues about taking over the visitor centre very quickly.

Back in March while LLTNPA officers had apparently recommended to the board disposal of the visitor centre, this could have either been to the local community or on the open market:

“Disposal of the vacant asset (by asset transfer to an eligible community organisation or sale on the open market) was considered by officers, on balance, to be the preferred option.”

To the average board member, that probably sounded reasonable enough but officers have now changed the rules of the game, have excluded the community option and appear to have been in indecent haste to sell the visitor centre on the open market. Why is that? Why not give the L&ACDT a few months to resolve any issues rather than hand the property over to one of the many property developers that are now hovering like vultures around the shores of Loch Lomond looking for rich pickings?

How LLTNPA officers have manipulated flaws in the community empowerment legislation

Section 79 of the Community Empowerment Act 2015 ([see here](#)) was intended to enable local communities either to buy or lease property from public authorities. The provisions local community organisations are required to meet before they can do this, as set out in the Act itself, are quite simple and basically relate to the public interest. After the legislation was passed, however, the Scottish Government created additional requirements through the Asset Transfer Regulations ([see here](#)) which create massive financial barriers to local communities taking over assets.

Form and content of an asset transfer requests

3.—(1) An asset transfer request must be made in writing and must—

- (a) state that it is an asset transfer request made under Part 5 of the Act; and
- (b) contain the name of the community transfer body and the contact address.

(2) An asset transfer request must (in addition to the information to be specified in accordance with section 79(4) of the Act)—

- (a) describe how the community transfer body proposes that the land to which the request relates is to be used;
- (b) outline how it is proposed that—
 - (i) the transfer of ownership of the land, the lease of the land or the conferral of other rights in respect of the land on the community transfer body (as the case may be) is to be funded; and
 - (ii) the proposed use of the land is to be funded;
- (c) describe the level and nature of support for the asset transfer request from the community to which the community transfer body relates;
- (d) if the request is made by a body which is not a community-controlled body, explain the basis on which the body is a community transfer body; and
- (e) be accompanied by a copy of the constitution of the community transfer body.

These provisions stack the whole process against local communities and in favour of private developers who have access to capital. When a developer puts in a bid for a piece of land, there is usually NO requirement for them to say what they will do the land or how they will fund their proposal and as a consequence many public assets that have been sold to private interests lie vacant, a case in point being the former torpedo range at Arrochar. But when it comes to local communities, they are expected to raise money and have a plan BEFORE any disposal is made.

In terms of raising money to buy the property, according to their accounts and despite having started to receive income from the community hydro scheme, the L&ACDT had total assets of £12,629. While it's not clear from the board paper how much the LLTNPA expect to receive from the sale but, even if discounted, it will be more than £13,000 and it would take time for the community to raise this money. And to create a viable business plan from scratch takes months. The fact that none of this is mentioned in the papers shows that LLTNPA officers clearly don't want to give the local community time to get organised.

As confirmation that LLTNPA officers and Scottish Government officials are using these provisions in the legislation to make it very difficult for the local community to take over the visitor centre, hidden away in Appendix 3 to the paper is the following statement:

“The National Park Authority has been advised to take our time to consider whether we can validate any request that we may receive. We should not be rushed or pressured into validating a request. There is no time limit for validation. Until the application is validated, we can continue to follow the process in the SPFM [Scottish Public Finance Manual – which is all about how to maximise proceeds from sales of public assets]”.

What is actually happening is the LLTNPA is making it as difficult as possible for the local community to takeover this asset while at the same time devoting considerable effort (and public money) to make the site more attractive to private developers. Last year the LLTNPA used Scottish Government monies to upgrade the car park and install two Electric Vehicle charging points at the former visitor

centre. Now the paper reveals that:

“Formal access and way leave rights across the adjacent land – the Council’s car park – to the public road were not included in the title. Council officers have indicated that these rights will be formally granted in favour of the National Park Authority, but the necessary legal documents (Deeds of Servitude) will require to be negotiated and signed. This requires to be concluded to maximise the opportunities for disposal of the Property and Land, though timescales from the Council have not been confirmed”.

The LLTNPA have had years to sort this out but its only now, when they want to sell the land, that are showing any interest in addressing longstanding legal issues.

What needs to happen

There is an easy solution which would enable the local community to take over the visitor centre which is mentioned in passing (to all ensure all the boxes are ticked) near end of the board paper:

“Members should be aware, that National Park Authority may be obliged to consider leasing the Property and Land to an eligible community transfer body, in event that a valid and sufficient Asset Transfer Request is made. In that event the National Park Authority would remain the owner of the Property and Land.”

Proof that officers could have recommended to the board that the LLTNPA engage with the L&ACDT to lease the property at an affordable rent. That would remove the first financial barrier to communities taking over assets, the requirement to raise significant sums of money to buy a property. It would also have helped address the second barrier, that communities need to show how they will finance their plans since rent levels are one of the key factors affecting business liability.

There are several pages on the LLTNPA website about community empowerment ([see here](#)) and lots of claims that the LLTNPA is committed to supporting local communities. The rhetoric is meaningless. The LLTNPA produces annual reports on the Asset Transfer Requests it has received. In the last five years there has been not one: now it has received one, officers have deliberately responded in a way as to make this impossible. The public and local politicians need to demand that the LLTNPA Board changes that and start putting their money where their mouth is. In the case of the Luss Visitor centre that means they should decide to take no further action to dispose of the property but instead offer to rent it to the L&ACDT.

Category

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