Atrium Court
50 Waterloo Street
Glasgow
G2 6HQ
Telephone 0300 013 3385
www.scottish-enterprise.com

Scottish Enterprise

Mr Nick Kempe
By email: nickkempe1@gmail.com

29 May 2026

Dear Nick

Thank you for your information request which we received on 29 April 2026, made under the Freedom of Information (Scotland) Act (FOISA) 2002. We have applied exemption Section 39(2) of FOISA as we determined that the information sought in your request relates to planning and is therefore environmental information. We are therefore handling your request under the terms of the Environmental Information (Scotland) Regulations 2004 (EIRs), though in practice, this does not change the way in which we have considered your requests.

Your original request:

1) The Loch Lomond South Visitor Development Trust has reported that it is in discussions with Scottish Enterprise after registering an interest in acquiring the former visitor centre at Balloch. Please could you provide me with any information Scottish Enterprise holds about any other registrations of interest that the LLSCDT has made in other land or buildings that Scottish Enterprise owns at Balloch.

2) Following Flamingo Land's announcement that it was seeking a judicial review of Scottish Ministers decision to refuse their planning application at Balloch please could you provide any information that SE holds:

a) which shows whether the conditional missives (previously called the Exclusivity Agreement) between SE and Flamingo Land are still in place and, if so,

b) provide me with an unredacted copy of the clause from the Conditional Missives which shows the legal grounds for the agreement continuing in these circumstances. The Information Commissioner had previously upheld your decision to redact most of the Conditional Missives in response to a Freedom of Information request from the Greens including clauses about how the missives would be terminated and extended. I am not asking for copies of all of these, only the clause or clauses which show why the Conditional Missives are still in place, if indeed they are. If that is the case I believe it is in the public interest to understand the contractual basis for this.

Response:

1. Scottish Enterprise considers that a registration of interest has been made on receipt of a Community Empowerment (Scotland) Act 2015 Asset Transfer Request form.

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We can confirm that an Asset Transfer Request form was received for the former visitor centre at Balloch, as published on our website alongside the corresponding decision notice.

Earlier this week, Loch Lomond South CDT formally submitted a further Asset Transfer Request Form in respect of additional Scottish Enterprise-owned assets in Balloch, namely West Riverside, Drumkinnon Wood and the Gateway Centre. This new submission will now also be considered.

Asset Transfer Requests and decisions are proactively publicised on our website under the heading 'Owned Investment Property Assets'. The page is updated regularly and can be viewed at any time.

2a. We confirm that the Conditional Missive between SE and Flamingo Land remains in place.

The ELT and Board minutes showing the discussion and decision process around the extension of the Conditional Missive agreement were released to you as part of a previous response. The current appeal under the Town and Country Planning (Scotland) Act 1997 has not altered that Board position.

We recognise that this process has lasted much longer than anyone expected, and this has understandably impacted momentum and opportunities for the community. Despite these challenges, Scottish Enterprise has remained committed to engaging with the community, regardless of whether the application is ultimately successful. However, at present, we are subject to the Conditional Missive.

2b. Having considered your request, we continue to form the same view that the exemptions previously upheld by the Information Commissioner continue to apply in the current circumstances until the planning position is finally resolved.

Request for Review

If you consider that your request has not been handled appropriately you have the right under the Freedom of Information (Scotland) Act 2002 to request a review.
A request for review must be submitted in writing or other permanent form within 40 working days of the date of this letter and should be addressed to:

Adrian Gillespie
Chief Executive
Scottish Enterprise
Atrium Court
50 Waterloo Street
Glasgow
G2 6HQ
e-mail: ceooffice@scotent.co.uk

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It must include your name and an address for correspondence (e-mail address is acceptable) and specify the request for information to which the requirement for review relates and the matter which gives rise to your dissatisfaction with the decision. Scottish Enterprise will respond to any request for review within 20 working days of receipt.

Your right to apply to the Information Commissioner under FOISA

If you are dissatisfied with the outcome of the review, you have the right under FOISA to apply to the Scottish Information Commissioner within six months following the date of receipt of the review notice.
Appeals can be made online at: https://www.foi.scot/what-if-im-unhappy

If you do not wish to appeal online, you can appeal by post, or by e-mail. Details are below:

Office of the Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS
Email: enquiries@foi.scot
Tel: 01334 464610

Please note that we will only process the personal data you have provided to respond to this request and in accordance with our privacy notice which can be found on our website: https://www.scottish-enterprise.com/about-us/transparency/privacy-notice/how-we-use-your-information/enquiries

Yours sincerely

Corporate Communications
Scottish Enterprise

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