

ASSET TRANSFER UNDER THE COMMUNITY EMPOWERMENT ACT

COMMUNITY ASSET TRANSFER SCHEME FOR THE NATIONAL FOREST ESTATE

DECISION NOTICE - AGREED

To: Carradale Community Trust

Ezel Cottage
Shore Road
Carradale
Campbeltown PA28 6SH

Forest Enterprise Scotland

Estates Development
Bothwell House
Caird Park
Hamilton ML3 0QA

Our ref: 18-19-01COMM

Leona Wilkie
Head of Acquisitions & Disposals

7 February 2019

This Decision Notice relates to the asset transfer request made by Carradale Trust on 22 October 2018 in relation to 1.9 ha of land at Seneval, Carradale, Argyll.

Forest Enterprise Scotland has decided to **agree to** the request.

The reasons for this decision are as follows:

- the transfer will allow Carradale Community Trust (CCT) to put in place a community garden waste composting site and to create a path with exercise areas to link existing trails from the Network Carradale Centre to the shore.

The attached document specifies the terms and conditions subject to which we would be prepared to **transfer ownership** of the disposal area to you. If you wish to proceed, you must submit an offer to us at the address set out in the attached terms and conditions by **7 August 2019**. The offer must be in Forest Enterprise Scotland's standard form which is enclosed with this notice, updated to reflect the terms and conditions attached.

Right to appeal

If you consider that the terms and conditions attached differ to a significant extent from those specified in your request, you may appeal to the Scottish Ministers.

Any appeal must be made in writing by **7 March 2019**, which is 20 working days from the date of this notice, to:

Community Land Team
D Spur
Saughton House
Broomhouse Drive
Edinburgh
EH11 3XD

Email: CRTB@gov.scot

Guidance on making an appeal is available at
www.gov.scot/Topics/People/engage/AssetTransfer.

COMMUNITY ASSET TRANSFER SCHEME FOR THE NATIONAL FOREST ESTATE: DECISION NOTICE

TERMS AND CONDITIONS

The terms and conditions subject to which we would be prepared to transfer ownership of 1.9 ha of land at Seneval, Carradale to Carradale Community Trust (CCT) are:

1. The indicative sale price is £13,000 exclusive of any fees and/or taxes. The final agreed sale price may be subject to a joint DV valuation update.
2. A servitude right of access to the sale subjects, will be granted along the forest road. The servitude will be on standard FES terms and shall include maintenance requirements to maintain to the FES forest road standard. Maintenance of said road shall be on a user basis.
3. CCT will be liable for any fencing required to bound the site and shall be solely liable for all future maintenance, repair and renewal.
4. The sale is to be subject to any existing wayleaves, servitudes and rights of way.
5. Where the sales area bounds with the FC forest road, sales boundaries are to be 5 metres back from the existing forest road on either side to allow for possible widening and or upgrading of the existing forest road.
6. A clawback agreement (in terms of a minute of agreement) being entered into by CCT with FES (in respect of the disposal area). The agreement to be entered into shall be on standard FES terms and the obligations on CCT will be secured by Standard Security to be granted over the disposal area. The clawback terms will be that the purchaser must pay the Scottish Ministers 50% of the uplift in value of the disposal area following the granting of planning permission for any development. The amount payable to the Scottish Ministers will be made in one payment and will be triggered by planning permission being granted for any development on the site . The term of the clawback clause shall be 15 years.
7. All existing trees and their future management included within the sale subjects are included in the sale.
8. All existing garages located within the disposal area (including those subject to an existing lease) and their future management are included in the sale. Existing tenant details can be provided though CCT are expected to take on the existing leases.

Making a Legal Offer Under the Community Asset Transfer Scheme

If you wish to proceed, you must submit an offer via Registered Post to us by **7 August 2019**.

The offer must be on FES's standard style which has or will be sent to you (updated to reflect the terms and conditions of this decision notice) and issued by a firm of solicitors on your behalf, and the offer should be addressed to:

Head of Acquisitions and Disposals

Forest Enterprise Scotland
Estates Development
Bothwell House
Caird Park
Hamilton ML3 0QA

The offer also must contain the following:

1. The name of the subjects on which the offer is made
2. The name of the Community Transfer Body
3. The date of the Decision Notice
4. Confirmation that available funding will be in place at point of transfer
5. Confirmation of permissions (planning, environmental etc) in place and any that remain outstanding at the time of offer
6. Confirmation that the specific terms and conditions under which the Decision Notice was issued are acceptable.

An appeal process to the Scottish Ministers is available for any request to extend the deadline for an offer to be received or completion dates and further details on this may be found Guidance on making an appeal is available at www.gov.scot/Topics/People/engage/AssetTransfer. Any appeal must be made in writing by **7 March 2019** to the address given in the Decision Notice above.

Following receipt of the formal offer it is expected that the asset transfer will be concluded within 6 months. If CCT cannot conclude the transfer within 6 months then a request for an extension should be made as soon as possible.