

Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

Executive Director: Douglas Hendry



Kilmory, Lochgilphead, PA31 8RT
Tel: 01546605522
DX 599700 LOCHGILPHEAD
17 September 2020

NOTICE OF MEETING

A meeting of the **SUB-COMMITTEE OF THE POLICY AND RESOURCES COMMITTEE** will be held **VIA SKYPE** on **THURSDAY, 24 SEPTEMBER 2020** at **12:00 PM**, or at the conclusion of Argyll and Bute Council meeting, whichever is the later, which you are requested to attend.

Douglas Hendry
Executive Director

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST (IF ANY)**
3. **COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015 - KILMORY WOODLANDS - PART OF KILMORY HOME FARM - REVIEW OF ASSET TRANSFER REQUEST - DECISION RECOMMENDATION (Pages 3 - 28)**
Report by Executive Director with responsibility for Commercial Services

Sub-Committee of the Policy and Resources Committee

Councillor Robin Currie
Councillor Audrey Forrest
Councillor Yvonne McNeilly
Councillor Ellen Morton
Councillor Elaine Robertson

Councillor Lorna Douglas
Councillor Kieron Green
Councillor Aileen Morton
Councillor Alan Reid

Contact: Hazel MacInnes Tel: 01546 604269

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ARGYLL AND BUTE COUNCIL**POLICY AND RESOURCES
SUB COMMITTEE****COMMERCIAL SERVICES****24 SEPTEMBER 2020**

**COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015 – KILMORY WOODLANDS –
PART OF KILMORY HOME FARM - REVIEW OF ASSET TRANSFER REQUEST –
DECISION RECOMMENDATION**

1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to advise the Asset Transfer Review Sub-Committee of the Policy and Resources Committee that Kilmory Woodlands (KW) have submitted an application for a review of the decision made on 17 December 2019 to refuse KW'S Asset Transfer Request (ATR) for a 99 year lease of part of Kilmory Home Farm for £1 per annum.
- 1.2 There is a legal obligation on the Council to carry out such a review within 6 months of the date of the application for a review being received (unless otherwise agreed between the parties) namely 30 July 2020. However, due to the ongoing Covid 19 restrictions the parties have agreed to extend that deadline until 30 September 2020.
- 1.3 Part 5 of the Community Empowerment (Scotland) Act 2015 (the Act) requires that in carrying out a review, the local authority must consider the request in the same way as the original process utilised in consideration of the original ATR, taking into account the same factors and benefits of the request and alternative proposals.
- 1.4 The Asset Transfer Request (Review Procedure) (Scotland) Regulations 2016 set out that it is for the local authority to determine whether the review can be determined on the basis of the information supplied with the review application or whether further written submissions, or a hearing are required.
- 1.5 A review of an asset transfer decision cannot be delegated to officers. Therefore, following a recommendation from the Council's Asset Transfer Group (ATG) in line with asset transfer governance arrangements agreed by the Council in September 2017, the final decision the review requires to be carried out by Members of the Policy and Resources Asset Transfer Sub-Committee (excepting those on the standing sub-committee who made the decision in regard to the initial Asset Transfer Request).
- 1.6 The ATG's detailed analysis and assessment of the grounds of review carried out in line with the requirements of the Act, corresponding regulations, and Scottish Government Guidance concluded that:
- KW submitted no new material evidence in their review request; and

- The issues under consideration were not complex in nature and the review could be determined on the basis of the information supplied with no requirement for further written submissions or a hearing.

1.7 It should be noted that positive correspondence has been ongoing with Mid Argyll Rugby Club separately from the review process and some alternative solutions currently under investigation however this cannot be weighted in determination of this review.

RECOMMENDATIONS

It is recommended that the Asset Transfer Review Sub-Committee of the Policy and Resources Committee:

- 1.8 Note the application for review and agree that the review can be determined on the basis of the information supplied and there is no requirement for further written submissions or a hearing; and
- 1.9 Confirm the original decision of the Policy and Resources Asset Transfer sub-committee to refuse the ATR submitted by Kilmory Woodlands seeking a 99 year lease of part of Kilmory Home Farm for £1 per annum (in accordance with the recommendation of the Executive Director with responsibility for Commercial Services and the ATG).

ARGYLL AND BUTE COUNCIL

POLICY AND RESOURCES SUB
COMMITTEE

COMMERCIAL SERVICES

24 SEPTEMBER 2020

**COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015 – KILMORY WOODLANDS –
PART OF KILMORY HOME FARM - REVIEW OF ASSET TRANSFER REQUEST –
DECISION RECOMMENDATION**

2. INTRODUCTION

- 2.1 The purpose of this report is to advise the Asset Transfer Review Sub-Committee of the Policy and Resources Committee that Kilmory Woodlands (KW) have submitted an application for a review of the decision made on 17 December 2019 to refuse KW'S Asset Transfer Request (ATR) for a 99 year lease of part of Kilmory Home Farm for £1 per annum.
- 2.2 There is a legal obligation on the Council to carry out such a review within 6 months of the date of the application for a review being received (unless otherwise agreed between the parties) namely 13 July 2020, However due to the ongoing Covid 19 restrictions the parties have agreed to extend that deadline until 30 September 2020.
- 2.3 Part 5 of the Community Empowerment (Scotland) Act 2015 requires that in carrying out a review, the local authority must consider the request in the same way as the original process utilised in consideration of the ATR, taking into account the same factors and benefits of the request and alternative proposals.
- 2.4 The Asset Transfer Request (Review Procedure) (Scotland) Regulations set out that it is for the local authority to determine whether the review can be determined on the basis of the information supplied with the review request or by written submissions, or a hearing.
- 2.5 A review of an asset transfer decision must be carried out by Councillors and cannot be delegated to officers. Therefore the final decision on any request for a review of an ATR shall be carried out by Members of the Policy and Resources Committee, excepting those on the standing sub-committee who made the decision in regard to the initial Asset Transfer Request. The relevant Governance arrangements for this are already in place.

3. RECOMMENDATIONS

It is recommended that the Asset Transfer Review Sub-Committee of the Policy and Resources Committee:

- 3.1 Note the application for review and agree that the review can be determined on the basis of the information supplied, after further assessment, and there is no requirement for written submissions or a hearing; and

- 3.2 Confirm the original decision of the Policy and Resources sub-committee to refuse the ATR submitted by Kilmory Woodlands seeking a 99 year lease of part of Kilmory Home Farm for £1 per annum (in accordance with the recommendation of the Executive Director with responsibility for Commercial Services and the ATG).

4. DETAIL

KW REVIEW

- 4.1 On 17 December 2019 the Asset Transfer sub-committee of the Policy and Resources Committee (ATSC) refused the KW's Asset Transfer Request (ATR) for a 99 year lease of part of Kilmory Woodlands at £1 per annum. In making that determination, the ATSC set out that officers should explore other avenues with KW (short of an ATR for a 99 year lease) that could be utilised to advance their proposal.
- 4.2 However, where the Council refuse an asset transfer request the community transfer body may apply in writing to the Council for a review of that decision within 20 working days of the date of the decision notice. On 13 January 2020, KW submitted a request for a review of the decision to refuse their asset transfer request. The review requires to be concluded prior to considering other avenues to advance the proposal.
- 4.2 There is a legal obligation on the Council to carry out such a review within 6 months of the date of the application for a review being received (unless otherwise agreed between the parties) namely 13 July 2020. However, due to the current pandemic an extension to that deadline was agreed between the Council and Kilmory Woodlands until 30 September 2020.
- 4.3 The application for review must include a statement setting out their reasons for requiring a review (a copy of the review request & statement of reasons is attached as appendix 1). KW's statement sets out inter alia the following reasons:
- The council's lack of consultation with Kilmory Woodlands; and
 - That the council has not given sufficient weight to the proposals put forward in the original ATR.
- 4.4 In addition, the application for review must include what by procedure if any (or combination of procedures) KW considers the review should be conducted. They have intimated that:
- They wish to meet the Asset Transfer Sub Committee of the Policy and Resources Committee determining the review to provide more detail behind the basis for their application for review.
- 4.5 It should be noted that Section 86 (10) of the Community Empowerment (Scotland) Act 2015 requires that a review of an asset transfer decision must be carried out by Councillors and cannot be delegated to officers. On that basis, on 5 September 2017 the Council determined that any review of an ATR made should be determined by a standing sub-committee of the Policy and Resources Committee, excepting those members of the Committee who made the decision in regard to the initial Asset Transfer Request.

ASSET TRANSFER GROUP ASSESSMENT AND RECOMMENDATION

- 4.6 The Asset Transfer Request (Review Procedure) (Scotland) Regulations 2016 require a number of steps to be carried out prior to determining the review procedure and these were carried out within the relevant timescales, specifically:
- An acknowledgement of the application for review was sent to KW within 10 working days or receipt of the review;
 - Notice of the review was given to anyone who made representations in relation to the original request within 10 working days in writing or newspaper advert circulating in the locality; and
 - The review documents and notices were published online (and will remain available until the review is determined).
- 4.7 Interested parties had 10 working days to make representations from the date of the notice, however no further representations were received.
- 4.8 On 18 March 2020, the Council's Asset Transfer Group assessed the grounds of the review documentation and determined that:
- KW have submitted no new material evidence in their review request;
 - The issues under consideration are not complex in nature and the review can be determined on the basis of the information supplied with no requirement for further written submissions or a hearing; and
 - The Asset Transfer Review Sub Committee of the Policy and Resources Committee should confirm the original decision to refuse the ATR submitted by Kilmory Woodlands seeking a 99 year lease of part of Kilmory Home Farm for £1 per annum for the reasonable grounds for refusal set out in the original decision. which were:
 1. The request or accompanying documentation was not sufficiently robust to give confidence that the plans and benefits will be achieved, it is not clear whether anticipated funding sources have been applied for and none have been awarded; the request has not adequately identified relevant costs including initial investment, ongoing running costs and end of project costs or how the project will be funded in the future;
 2. There is currently no access to the site which is crucial to its development. While the group have obtained a letter offering access rights there is no detail of what this will entail or what cost they might incur when trying to use the access. Access is some way from the town and entry to the site other than through the new Industrial Estate is limited to a private road off the main road or through the council car park and garden;
 3. While the asset has been identified surplus to requirements and is zoned for community use, it is integral to the development of the Kilmory Industrial Estate as set out in the Council's Concept Framework Master Plan 2015. The benefits to be achieved by the request would be outweighed by the proposal potentially adversely affect and jeopardise the development of the Kilmory Industrial Estate. As part of that development the Service require to retain rights of way

to enable the installation of power and water to allow for the development set out in the framework plan, and as the plan is revisited and amended as required in relation of the layout of the phases, some of the land may be required to be incorporated into the development plan; and

4. The consideration of the project related benefits, sustainability, equality and best value within the asset transfer request was weak and 99 year lease would provide the community transfer body with security and exclusive right to the land while concerns remained about the deliverability of the project. In addition any other development of the site or other groups wishing to utilise the site would be required to fit within the confines of Kilmory Woodlands aims and objectives.

4.9 It should be noted that positive correspondence has been ongoing with Mid Argyll Rugby Club separately from the ATR review submitted by KW and some alternative solutions currently under investigation however this cannot be weighted in determination of this review.

4.10 If the original decision is upheld then officers remain committed to working constructively with local interested groups to improve the quality of information and proposal in future.

FURTHER PROCEDURE

4.11 Following submission of a review the local authority may consider they have enough information to determine the review. If that is not the case they may decide what further procedure to use to obtain the information they require to make a determination (e.g. further written submissions, a site visit and/or a hearing session).

WRITTEN SUBMISSIONS

4.12 If the Council determines that further written submissions are necessary, it is required to send a further notice to KW setting out:

- Matters on which further representations are required;
- The date on which they should be submitted to the Council; and
- The name and address of each person the notice is sent to.

Any information provided to the Council in response to the notice must be copied into everyone else the notice was sent to who then have 10 working days to send any comment on that information to the Council.

HEARING SESSION

4.13 If the Council determines that they should hold a hearing session, they are required to send a notice to KW, interested parties and any other party they wish to provide information setting out the matters to be considered at the hearing. The parties invited have 10 working days to advise if they plan to attend the hearing and the Council must inform parties who have so advised the date, time and place the hearing will take place. The Council can also require those attending to submit a

written statement of case. Hearing session rules are set out the review procedure regulations.

- 4.14 It should be noted that the hearing session is intended to be a discussion, led by the Council on the particular matters set out in the notice. Those parties attending will not normally be allowed to question each other on their statements and the Council will be able to stop anything being raised if they consider it is not relevant or is repeating previous points.

ADDITIONAL EVIDENCE

- 4.15 If the Council proposes to take into consideration any new evidence not obtained through written representations or hearing sessions they must not reach a decision without giving KW and other relevant parties the opportunity to comment on that evidenced.

DECISION ON THE REVIEW

- 4.16 Having carried out a review the Council may then confirm the original decision, modify it or any part of it, or substitute the original decision. They must issue a new decision notice, publish it online and inform anyone who made representations of their decision and where the notice can be inspected.
- 4.17 If the original decision to refuse the request is upheld, KW may appeal that decision to the Scottish Ministers.

5. CONCLUSION

- 5.1 KW have submitted an application for a review of the decision made on 17 December 2019 to refuse KW'S Asset Transfer Request (ATR) for a 99 year lease of part of Kilmory Home Farm for £1 per annum. There is a legal obligation on the Council to carry out such a review within 6 months of the date of the application for a review being received namely 13 July 2020, however due to the ongoing Covid 19 the parties have agreed to extend that deadline until 30 September 2020.
- 5.2 The final determination in relation to the review and the procedure to be used to carry out the review requires to be determined by the Asset Transfer Review Sub-Committee of the Policy and Resources Committee excepting those members of the Committee who made the decision in regard to the initial Asset Transfer Request.
- 5.3 It is considered that the review can be determined on the basis of the information supplied and that there is no requirement for written submissions or a hearing and therefore recommended that the Asset Transfer Review Sub-Committee of the Policy and Resources Committee confirms the original decision of the Policy and Resources sub-committee to refuse the ATR submitted by Kilmory Woodlands seeking a 99 year lease of part of Kilmory Woodlands for £1 per annum for the reasonable grounds of refusal stated above.

6.0 IMPLICATIONS

- 6.1 Policy – In line with Council policy on Asset Transfer Requests

- 6.2 Financial – Possible loss of strategic asset;
- 6.3 Legal - In line with Community Empowerment (Scotland) Act 2015
- 6.4 HR - None
- 6.5 Fairer Scotland Duty: None
- 6.5.1 Equalities - protected characteristics – Decision reached in line with Community Empowerment (Scotland) Act 2015
- 6.5.2 Socio-economic Duty: Decision reached in line with Community Empowerment (Scotland) Act 2015
- 6.5.3 Islands –None
- 6.6. Risk – As above
- 6.7 Customer Service - None

Executive Director with responsibility for Commercial Services: Douglas Hendry
Policy Lead: Rory Colville

September 2020

For further information contact:

Ross McLaughlin, Head of Commercial Services, 01436 658 914
David Logan, Head of Legal and Regulatory Support, 01546 604 322
Michael Nicol, Solicitor, Special Projects, 01546 604 468

APPENDICES

Appendix 1 – Request for Review and Statement of reasons Submitted by KW
Appendix 2 – Council’s Asset Transfer Group Review Assessment Document

received 13.01.20

Kilmory Woodlands

50a Union Street
Lochgilphead
Argyll
PA31 8JS



10th January 2020

Mr Douglas Hendry
Executive Director of Customer Services
Kilmory
Lochgilphead
Argyll PA31 8RT

Dear Mr Hendry

Kilmory Woodlands

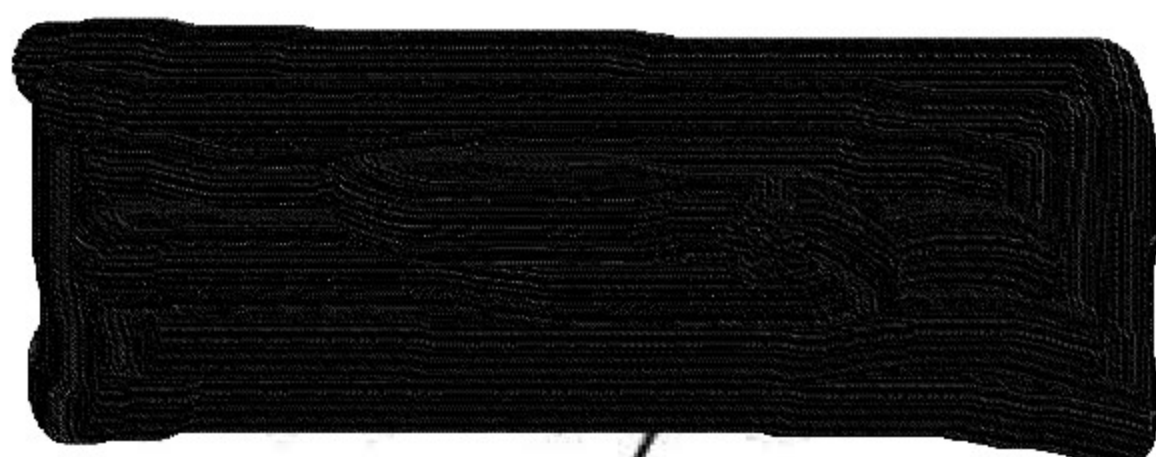
ASSET TRANSFER UNDER THE COMMUNITY EMPOWERMENT ACT

We note the content of the Council's Decision Notice which was received 17th December 2019 in relation to our asset transfer request and which relates to a lease of part of Kilmory Home Farm.

We are writing to request a review of that decision in accordance with the procedures set out in the Guidance for Community Transfer Bodies under the Community Empowerment (Scotland) Act 2015.

We set out in a document attached our response to the reasons given for refusal. We would like to meet the Appeal Panel to provide more detail behind the basis for our appeal. We wish to demonstrate that the project has received support not just from the local community but from a wider circle of organisations both locally and nationally and would contribute substantially to the wellbeing of the community.

Yours sincerely



Peter Hogbin
Company Secretary

c.c. Douglas Philand
Michael Russell MSP

Kilmory Woodlands - Asset Transfer Request - Appeal against the decision to refuse the request

1. The request or accompanying documentation was not sufficiently robust

There had been plenty of opportunity for the officers to request more detail in the period of time from the original submission (which was approved and delivered to the Council at the end of March although it was not validated until 17th June) until we were informed in December that the request would be refused. This land had been the subject of requests to the Council several times before and there was a reluctance to draw up detailed plans again in view of the poor record of the Council supporting the previous requests from community groups. Moreover, funding for project appraisal is not readily available unless there is real prospect of the land becoming available. As is common with other ATRs, we would expect a lease to be granted subject to funding being available for the first phase of development.

2. Access to the site

We reject the assertion that the site is remote from Lochgilphead. It is not. New access to the site created as part of the overall project plan will ensure that facilities are readily accessible on foot, cycling and by car. Moreover, as the sports facilities will be available to users from all over Argyll, their proximity to the town of Lochgilphead is not material to their greater use. It would be possible to ensure pedestrian access other than through the Council car park as other routes exist. Vehicular traffic would use the access via Kilmory Park. It does not require a super highway to be constructed for access purposes for the uses proposed. A road surface commensurate with the proposed use would be readily funded.

3. Development of the Kilmory Industrial Estate and Kilmory Park

The site requested in the ATR is outwith, and not integral to, the development of either the Kilmory Industrial Estate nor Kilmory Park. The proposed recreational activities would have absolutely no adverse effect on Kilmory Park nor would it jeopardise the development of the Kilmory Industrial Estate. We have been told that the space in Kilmory Park identified in the Masterplan for community use is already earmarked for other purposes.

There is no indication if the Council has in mind any alternative use for the area requested in the ATR even though it has been left derelict for many years. If the Council require to retain rights of way over any part of the land applied for in the ATR, it would be expected that this would be provided for as a condition in any lease offered.

4. Project related benefits, sustainability, equality and best value

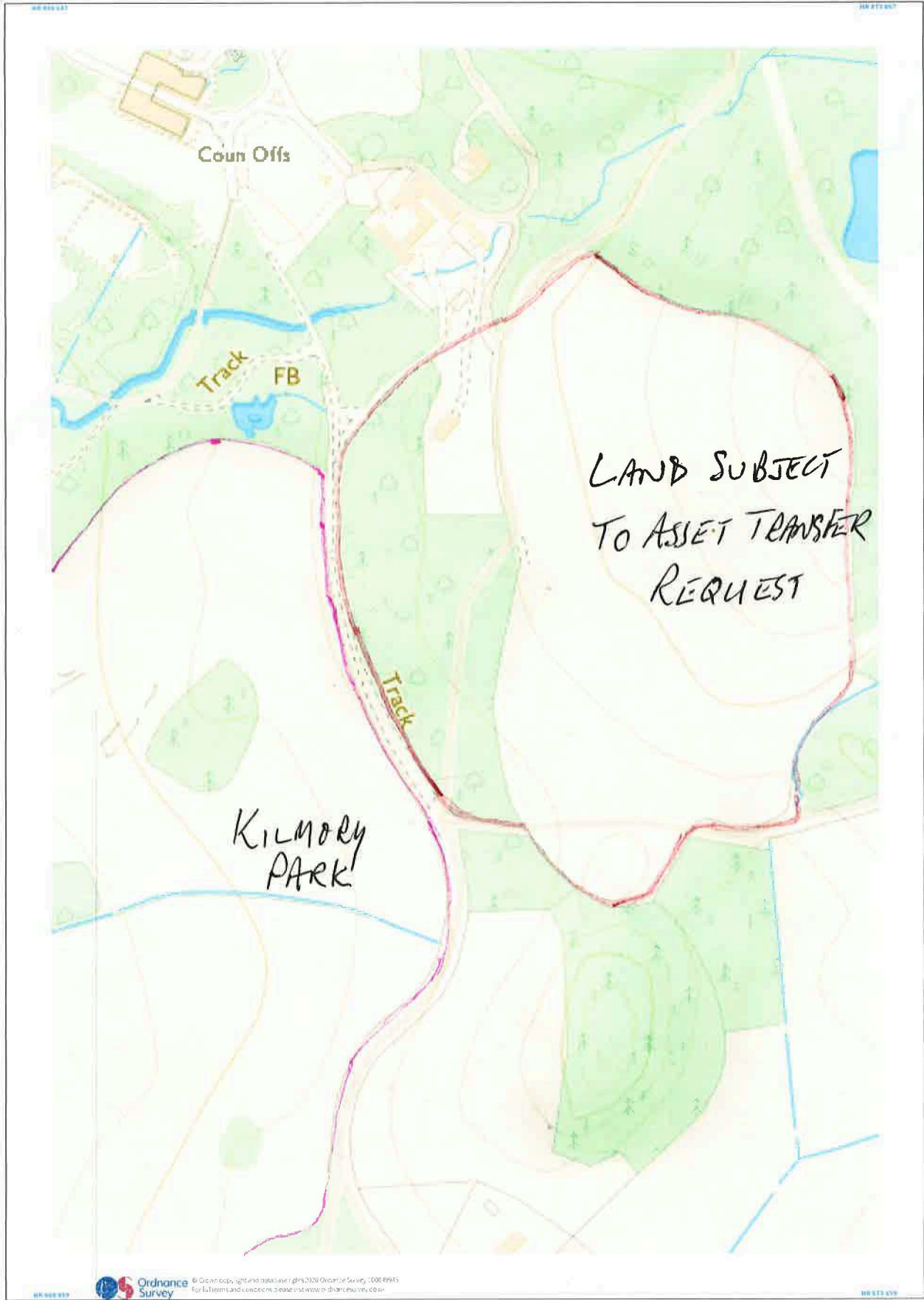
The clubs have expertise in the various sports and activities. They also wish to promote more sporting equality and diversity. The Rugby Club want the pitch particularly to allow it to develop girls' rugby with the support and encouragement of Scottish Rugby. The Target Sports Club is affiliated to Scottish Target Shooting, the governing body in Scotland and former Scottish Team members in target sports will be able to pass on their own expertise. The facilities will help to redress social and economic inequality that occurs for people living outside of urban areas, where sporting facilities are more readily available. It will help reduce the isolation that can be felt by people living in rural communities. Provision of sporting and recreational facilities is high on the Scottish Government's priorities. Development of these facilities will promote economic growth as it will provide additional reasons for people to stay or move into the area. How can you evaluate the benefit of providing facilities such as a rugby pitch, cycling paths, target range, athletics track as being weak?

The project will be run by people with the right skills and attitudes. The clubs which are interested in developing the facilities are run by people with trades and management skills and who already work with contractors that will be needed for the successful delivery of the project. The plans for sporting facilities are supported by the public in Mid Argyll and by national sports organisations. It is supported by the local Argyll and Bute Councillors and by the MSP. It can be progressively developed as the community's needs and aspirations grow and change. Proper management of the currently neglected woodland within the site would contribute to the sustainability of the site.

It is identified in the Local Plan as being for community use limiting its value as it is not available for residential or commercial development. The Council may wish to impose a market rent although this would be contrary to the intention of community asset transfer. However, as the proposed development is something that could be carried out in conjunction with the Argyll and Bute Council, any amount over and above a pepper corn lease could be regarded as the Council's contribution to providing recreational and sporting facilities.

A long lease is required as it could take 10 years to complete the full development and then it will need continued maintenance and funding over time. The Council needs to encourage long-term thinking, particularly if Mid Argyll is to grow in economic terms. It is anticipated that the terms of the lease would include a clause for the land to revert to the Council as and when the Company is no longer able to maintain the site to the expected level of use and maintenance.

Being a community organisation with membership open to all in the community, it would therefore be open to any group or person to influence the aims and objectives of the Company (see below) to accommodate their peculiar requirements. Widespread use of Kilmory Woodlands would be ensured for the whole community.





Allan Wright, Argyll & Bute Rugby Development Officer
Oban High School, Soroba Road, Oban, PA34 4JB

Dear Jilly,

I am writing to express my support to the Kilmory Woodlands and Mid Argyll RFC in their efforts develop the vacant land at Kilmory Home farm for a variety of different uses.

As part of the plans include a potential Rugby pitch and training areas this project has gained both my professional and personal interest as well as that of other rugby organisations in the Argyll & Bute area.

At present there is a severe lack of Rugby playing and training facilities in the Mid Argyll area. The closest available pitches for a full sized game are located in Campbeltown, Oban or Islay meaning that home matches for Mid Argyll and Lochgilphead based players are far and few between.

Mid Argyll RFC are currently working in partnership with myself and other organisations such as Active Schools to promote Rugby in the area. The club has seen a huge rise in training numbers over the past few years and currently cater for Mini Rugby (P3-7), Boys Youth Rugby (S1-S6) and U15 Girls Rugby. The club have a fantastic relationship with the local primary and secondary schools allowing them to attract a large playing base.

Despite the positives the club are held back at present with the lack of an available full sized pitch. The club are making the best of a poor situation at the moment by using facilities that are not fit for purpose for a quality game of rugby.

The proposed new facilities at Kilmory Home farm would be a huge step forward in the development of rugby in the area while also complimenting the various other users that will benefit from this project. The development would not only support the growth of rugby in the Mid Argyll area but would also aid rugby clubs across the region to grow the game.

I wish you all the best moving forward with this project and would be more than happy to assist in any other way possible.

[Redacted]

Allan Wright

Argyll & Bute Rugby Development Officer



admin@scottishtargetshooting.co.uk



0131 467 2489



ScottishTargetShooting



@ScotTargetShoot

**Scottish Target Shooting**Caledonia House
1 Redheughs Rigg
Edinburgh
EH12 9DQ9th January 2020Mr. A. G. Love
Mid-Argyll Shooting ClubArdrishaig,
Argyll & Bute,**Community Asset Transfer Support**

Dear Graham,

I am writing to express the support of Scottish Target Shooting (STS), the governing body for shooting in Scotland (as recognised by **sportscotland**), for Mid Argyll Shooting Club and its desire to be expand its activity by supporting the community asset transfer to develop a new sports facility at Lochgilphead in Argyll.

I am aware that the club has now been established for 5 years to the point where it is developing talent competing in our national Air Rifle Grand Prix competitions that take place over the winter across Scotland. This is fantastic news and shows the impact the club is already having off such limited access and therefore is an indicator of what could be done with more. Maybe one day its athletes could follow in the footsteps of Scotland's current World Champion and World No 1, Seonaid McIntosh.

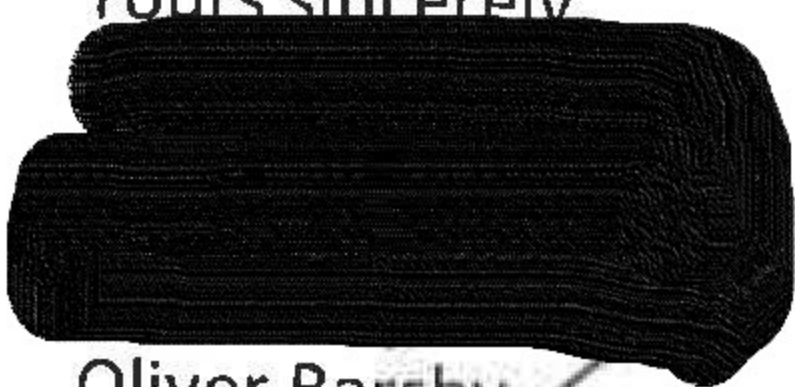
As you will know, shooting is one of the most inclusive sports available, providing parity of competition regardless of age, gender, physical impairment etc. A video illustrating this fact is available on the STS website: www.scottishtargetshooting.co.uk

As well as being a very inclusive sport, it also provides excellent skills to those training. In particular, due to the safety and technical requirements of the sport, it teaches athletes skills regarding concentration and mental preparation. We have heard a lot of anecdotal evidence to support that for many young people this has led to improvements in studies at school and other benefits regarding the mental wellbeing of those involved in the sport, regardless of the level they are at. With so many students in the area, this would be a fantastic opportunity to engage with Lochgilphead High School.

I would also stress and allay any safety concerns around the sport. Due to the controls put in place by Police Scotland and the club's own safety procedures, safety is always paramount and any such concerns should not be a barrier to participating.

We are aware that currently the level of shooting provision in the West is sadly below where would like it to be and as such we support clubs such as Mid Argyll who can bring so much to the area and local community. It is a great sport to introduce to schools and community groups and is particularly good for engaging with young people. However, we are also aware that currently Mid Argyll is restricted in its training due to the limitation of the facility. The development of a new facility that would allow more frequent sessions to take place would expand the ability of the club to reach out to the local community. STS would therefore support your application and wish you every success in developing a new facility.

Yours sincerely


Oliver Barsby
Chief Operating Officer
Scottish Target Shooting
Scottish Target Shooting

Scottish Target Shooting is a company limited by guarantee, incorporated in Scotland with registered number SC515115, having its registered office at Caledonia House, 1 Redheughs Rigg, Edinburgh, EH12 9DQ



Scottish Target Shooting is supported by

sportscotland
the national agency for sport

Fwd: Re: Community Asset Transfer - Mid Argyll Shooting Club

about:blank

----- Forwarded Message -----

Subject: Re: Community Asset Transfer - Mid Argyll Shooting Club
Date: Thu, 9 Jan 2020 22:06:57 +0000 (UTC)

[REDACTED]

Hi Peter,

With a lease and the benefit of planning consent we are off and running.

Funding is subject to grant application but I am very confident this can be achieved for the first phase without long delay. Funding will be available for the further phases too.

We would take the following approach;

- Phase 1 - Build of indoor 10m Air Rifle target facility & club room
- Phase 2 - Addition of indoor 25m facility
- Phase 3 - Build of 50m outdoor range

We would start using the facility as soon as phase 1 is built.

Phase 2 & 3 will help build participation of different groups within target sports and could enhance current facilities for archery and make new provision for field target and target sprint to maximise use of the facilities and increase sustainability.

Note: Target Sprint would dovetail with the athletics club as the sport combines running with target shooting - it is a growth area for the sport around the world.

Phase 3 is the most challenging because of the legislative and safety requirements to be overcome - however, expert advice, support and assistance is on hand through the governing bodies STS and NSRA who have expertise and the final say on civilian range design and safety.

The google map shows Denwood Target Shooting Facility which was built in Aberdeen in 1992 and is a 'best example'. It features 2 outdoor ranges, the longest is 100 yards but the international standard is now 50m. I think we would have approx 50% of this outdoor capacity. The indoor range and club room (on the left) and adjacent car parking is a good indication of the size and massing on completion of phase 1 & 2.

<https://www.google.com/maps/place/Denwood+Target+Shooting+Centre/@57.1300753,-2.1872164,539m/data=!3m1!1e3!4m5!3m4!1s0x488411ace47f9bdb:0xff2606f84a18e1f6!8m2!3d57.1299812!4d-2.1850832>

Graham

-----Original Message-----

[REDACTED]

Sent: Thu, 9 Jan 2020 18:55

Subject: Re: Fwd: RE: Community Asset Transfer - Mid Argyll Shooting Club

Hi Graham

If we got the lease from the Council, do you have the promise of funding to construct the range or would it be subject to a grant application being successful? Would you anticipate any problems acquiring the funding necessary? Presumably, you would be able to start using the facility once the initial safety groundwork had been completed with changing facilities coming later.

Peter

On 09/01/2020 16:19, Peter Hogbin wrote:

Excellent, Graham. Just what is needed.



Certificate Number 389



1112



Registered house builder



Scottish Building Federation

Kenneth MacLeod, Director

Holder of the Queen's Award for Enterprise Promotion
Murdo MacLeod,
Director

KILMORY INDUSTRIAL ESTATE • LOCHGILPHEAD • ARGYLL PA31 8RR
TEL: 01546 602989 (6 LINES) • FAX: 01546 603789
E Mail: sales@mkmacleod.co.uk • Web Site: http://www.mkmacleod.co.uk
DX599705 - Lochgilphead

Peter Hogbin



Ardrishaig
Lochgilphead, Argyll



Kilmory Park – New Industrial Estate

Further to recent discussions, we can confirm we will allow access rights across Kilmory park via the new road junction as per the plan below.



Kind Regards,



Macleod Construction Limited



THE COMPLETE CONSTRUCTION COMPANY

REGISTERED No. 165 362 (SCOTLAND) VAT REG. No. 659 3455 01



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ASSET TRANSFER REQUEST REVIEW ASSESSMENT – KILMORY WOODLANDS

REVIEW – SUBMITTED 13 JANUARY 2020

1. OVERVIEW

The purpose of this document is to assess the grounds of review submitted by Kilmory Woodlands in regard to their Asset Transfer Request (ATR) for a 99 year lease of part of Kilmory Home Farm for £1 per annum.

Section 86(8) of the Act states that Section 82 (3)-(5) apply to a review as they apply to an original asset transfer request. This means that in carrying out a review, the local authority must consider the request in the same way as the original process taking into accounts the same factors and benefits of the request and alternative proposals.

Name: Kilmory Woodlands

Address: 50a Union Street, Lochgilphead, PA31 8JS

Relevant documents attached Y / N

Asset: part of Kilmory Home Farm Lochgilphead

UPRN: [PV08206180001](#)

Lease

2. ORIGINAL REQUEST

Lochgilphead Community Council commissioned Community Enterprise in 2016 to produce an Action Plan for Lochgilphead. The report identified that facilities for young people and children are missing in Lochgilphead. The report listed potential actions should include improving and further developing forest trails, cycle paths and signage.

A survey by Mid Argyll Youth Development Services found that there is a shortage of sporting facilities in Mid Argyll and additional sports facilities emerged as one of the top priorities among young people for improving the quality of life in Mid Argyll.

The Mid Argyll Rugby Football Club does not have a suitable area of ground on which to construct a pitch. It has identified the proposed site would be ideal for the purpose. It needs the pitch to be up to 120m x 70m to comply with SportScotland's recommendations for pitch size. Mid Argyll RFC regularly have around 60 boys & girls from P4 – S3 age groups who train twice a week and playing every weekend throughout the season. At a recent event 170 young players turned out for a game. The numbers have grown considerably in the last 3 years by over 300%. We now have five different age youth teams. The number of members would rise significantly if a pitch is made available. We



have P4-5 minis. P6-7 Mini's, Under14 Boys, Under15 Girls and Under16 Boys to provide training equipment for and also, five sets of strips to provide. The aim at the club is to try to promote rugby participation, extra-curricular activity, team building, health & wellbeing and fitness education throughout all school ages with the hope that this will progress in later life and help to keep Mid Argyll RFC active and training in the community. Our main aim is to re develop our first team which hasn't had the players to run in recent years, but this requires us to grow our grass roots rugby schemes. With the development of our rural children in mind we also know that rugby is a sport that, no matter where the children go to, educationally or work wise in later life, a club will always be looking for new members and players. We are looking to provide a platform for these young players to carry on throughout their life and encourage the fitness and health side of the sport. With increased coach development, we would like to open sessions up further in the future to younger children and children with special needs if possible. This proposed development would gain the full support of the Scottish Rugby Union.

The Mid Argyll Athletics Club does not have a suitable area of ground on which to construct a track. It has identified the proposed site would be ideal for the purpose. It needs the track to occupy 180m x 100m to comply with SportScotland's recommendations for track size. Mid Argyll Athletics Club was started in 1984 and currently has around 70 active members. We provide training for athletes from age 7 to 18 and facilitate the opportunity to compete at indoor and outdoor athletics events at a local, regional and national level. We are fully affiliated to Scottish Athletics and all of our coaches are trained by Scottish Athletics. We do a range of activities included in the three main athletic disciplines of running, jumping and throwing. This proposed development would gain the full support of the Scottish Athletics.

Mid Argyll Shooting Club does not have a suitable area of ground on which to construct target sports facilities. It has identified the proposed site would be ideal for the purpose. It needs the target facility to occupy 75m x 50m to comply with Scottish Target Shooting's recommendations for location of the target and changing rooms. The object of the Club is to provide facilities for and to promote participation of the whole community in the sport of target shooting also to encourage skill in target shooting by providing instruction and practice in the use and safe handling of air weapons. The Club now wishes to grow capacity through new facilities and bring more people together, both young and old through target sports. Kilmory Woodland will help launch the next stage in the Club's development and bring about an off-grid target sports facility. This will not only create a home for target sports in Mid Argyll but increase the resilience for the sport. It will provide a seven-day facility. Bringing people together more often and giving opportunity to more people to socialise and become active through target sports. The Club is affiliated to the national governing body, Scottish Target Shooting. Scotland is successful in the world of target sports having Olympic and Commonwealth athletes within its shooting team. The Club has instructors qualified through UK national body, the National Small-bore Rifle Association. The Club provides opportunity for its members to participate in national leagues and competitions. Through Scottish Target Shooting, the Club can access progression pathways leading to participation in international sport.

Forestry Enterprise Scotland is wishing to further develop its BMX tracks in the area and Kilmory Woodlands would provide a focus point.

The development of sports facilities will be a major factor in improving health and wellbeing of young people.

We will promote equality and inclusion. Our focus will be to include disabled people in all sports and to ensure opportunities are available for women/girls in sport.



This will be a phased development, working with national bodies for sport and the community through local grass roots clubs.

3. CURRENT USE

The the asset is zoned for community use however it is integral to the development of the Kilmory Industrial Estate as set out in the Council's Framework Concept Master Plan 2015 ("the Plan").

4. ORIGINAL ASSESSMENT - SUMMARY

SECTION 1: BENEFITS - ASSESSMENT OF ORIGINAL REQUEST

The assessment of the original decision set out that the ATR had demonstrated that agreeing to the request was likely to promote the matters set out in Section 82 (3)-(5) of the Community Empowerment Act.

MODERATE - The request was determined to be neutral in terms of setting out a more positive benefit for the Council and Community than the current use by the Council

Please outline the reasons for this assessment below:

While the request does set out positive benefits that would arise if it were agreed, the benefits to be achieved by the request would be outweighed by the proposal potentially adversely affecting and jeopardising the development of the Kilmory Industrial Estate set out in the Plan. As part of that development, Economic Development require to retain rights of way to enable the installation of power and water to allow for the development set out in the Plan; and it is anticipated that as the Plan is revisited and amended as required in relation to the layout of the phases, some of the land to which the request relates may be required to be incorporated within it.

In addition, the Plan includes large area of ground which is set aside for community use/ open recreation which will be connected via road network, footpaths & cycle routes which may be suitable for the purpose to which the request relates.

SECTION 2 – GOVERNANCE – ASSESSMENT OF ORIGINAL REQUEST

The assessment of the original decision determined that the group had demonstrated that the CTB members have the appropriate skills, experience and qualifications to deliver the request, or who a plan for engaging people who did, had suitable governance arrangements for the scale of the request, have a succession plan in place for recruiting Board Members /Trustees in the future and demonstrated compliance with State Aid Rules.

MODERATE – Governance arrangements are MODERATE

The request sets out that the Directors, who will be responsible for the running of the company, have a range of experiences in managing differing commercial and charitable operations. However, it is provided that expert advice will be sourced where needed and lists a range of organisations who it states are backing the plan. However, the request not provide evidence or assurance that there is plan for engaging those organisations or to what extent they wish to or will engage with the proposal. In addition the asset transfer request provides no information on the governance arrangements of any other group that will be required to take forward a part/s of the project to deliver the stated benefits of the community proposal. Further, there no information within the asset transfer request on succession planning or in relation to compliance with State Aid rules.

SECTION 2 – FINANCE – ASSESSMENT OF ORIGINAL REQUEST



The assessment of the original decision determined that the group had not identified all the relevant costs of the request or facilities including initial investment, ongoing running costs and end of project costs, had not identified appropriate and realistic sources of funding and had not identified how the request will be funded in the longer term.

POOR - Financial Arrangements are POOR

Please outline the reasons for this assessment below:

Financial arrangements are weak, based on estimates and it is not clear if they are realistic or if the proposal is sustainable. It is not clear whether any of anticipated sources have been applied for and none have been awarded and may be substantially materially less than set out. Additionally, the request has not provided evidence or assurance that the relevant costs have been adequately identified including initial investment, ongoing running costs and end of project costs or how the project will be funded in the future.

SECTION 3 – FINANCE – PROJECT RELATED BENEFITS

The assessment of the original decision determined that proposed benefits of the request contribute to achieving the authority's functions, that proposed benefits of the request would have an unacceptable impact on the ability of the authority to deliver its functions and that obligations / restrictions imposed on the Authority that may prevent, restrict, or effect ability to agree to the request.

In addition, it was determined that community support and demand for the proposal was only demonstrated to an extent.

WEAK - project related benefits are WEAK

Please outline the reasons for this assessment below:

While the request sets out that proposed benefits of the request contribute to achieving the authority's functions there is insufficient information provided as to how those will be achieved. There is not enough information to assess whether the proposed benefits of the request have an unacceptable impact on the ability of the authority to deliver its functions.

In addition, the Economic Development require to ensure that they retain rights of way for water and power to allow the development of the Kilmory Industrial Estate and that any development that takes place will have no negative impact on the future drainage or operation of the expanded industrial estate.

Further, any project related benefits to be achieved by the request would be outweighed by the proposal potentially adversely affecting and jeopardising the development of the Kilmory Industrial Estate set out in the Plan As part of that development the Service require to retain rights of way to enable the installation of power and water to allow for the development set out in the Plan, and as the Plan is revisited and amended as required in relation to the layout of the phases, some of the land may be required to be incorporated into the within it.

SECTION 4 – SUSTAINABILITY AND EQUALITY

The assessment of the original decision determined that the group had not demonstrated any evidence of the sustainability. Although some monitoring / reporting arrangements were considered to be in place these had only be demonstrated to a moderate extent.

WEAK – Sustainability and Equality are weak

Please outline the reasons for this assessment below:

There is evidence of the promotion of equality and monitoring /reporting arrangements contained within the request however it does not provide any evidence or assurance in relation to the sustainability of the project.

SECTION 5 – BEST VALUE



The assessment of the original decision demonstrated vision and leadership, Performance Management AND Equality as moderate and Effective Partnerships , Governance and accountability and Use of Resources as weak whilst Sustainability was assessed as poor.

Total Weighted Score: 2.3 - **WEAK**

ORIGINAL DECISION – REFUSED – 17 DECEMBER 2019

5. REASONABLE GROUNDS FOR REFUSAL OF ORIGINAL REQUEST:

1. The request or accompanying documentation was not sufficiently robust to give confidence that the plans and benefits will be achieved, it is not clear whether anticipated funding sources have been applied for and none have been awarded; the request has not adequately identified relevant costs including initial investment, ongoing running costs and end of project costs or how the project will be funded in the future;
2. There is currently no access to the site which is crucial to its development. While the group have obtained a letter offering access rights there is no detail of what this will entail or what cost they might incur when trying to use the access. Access is some way from the town and entry to the site other than through the new Industrial Estate is limited to a private road off the main road or through the council car park and garden;
3. While the asset has been identified surplus to requirements and is zoned for community use, it is integral to the development of the Kilmory Industrial Estate as set out in the Council's Concept Framework Master Plan 2015. The benefits to be achieved by the request would be outweighed by the proposal potentially adversely affect and jeopardise the development of the Kilmory Industrial Estate. As part of that development the Service require to retain rights of way to enable the installation of power and water to allow for the development set out in the framework plan, and as the plan is revisited and amended as required in relation of the layout of the phases, some of the land may be required to be incorporated into the development plan; and
4. The consideration of the project related benefits, sustainability, equality and best value within the asset transfer request was weak and 99 year lease would provide the community transfer body with security and exclusive right to the land while concerns remained about the deliverability of the project. In addition any other development of the site or other groups wishing to utilise the site would be required to fit within the confines of Kilmory Woodlands aims and objectives.

The original assessment documents are attached as an appendix for cross reference.

The grounds of review are assessed below in the same way as the original process taking into account the same factors and benefits of the request and alternative proposals.



6. GROUNDS OF REVIEW – ASSESSMENT

The grounds of review have been assessed in the same way as the original decision making process taking into account the same factors and benefits of the request and alternative proposals assessed in the original decision namely:

- Benefits
- Governance and Financial Arrangements
- Project Related Benefits
- Sustainability and Equality
- Best Value

GROUND 1 Challenging Ground of Refusal 1

1. The request or accompanying documentation was not sufficiently robust
There had been plenty of opportunity for the officers to request more detail in the period of time from the original submission (which was approved and delivered to the Council at the end of March although it was not validated until 17th June) until we were informed in December that the request would be refused. This land had been the subject of requests to the Council several times before and there was a reluctance to draw up detailed plans again in view of the poor record of the Council supporting the previous requests from community groups. Moreover, funding for project appraisal is not readily available unless there is real prospect of the land becoming available. As is common with other ATRs, we would expect a lease to be granted subject to funding being available for the first phase of development.

Original Assessment Criteria to which this ground relates:

NONE

Does assessment of this ground of review alter the decision made in relation to the original request - **NO**

REASONS

The relevant services determined that there is no change to the original decision as the ground of review is not concerned with any of the assessment criteria in relation to the proposal and does not provide additional information which would alter the original assessment of the proposal.

GROUND 2 Challenging Ground of Refusal 2

Access to the site

We reject the assertion that the site is remote from Lochgilphead. It is not. New access to the site created as part of the overall project plan will ensure that facilities are readily accessible on foot, cycling and by car. Moreover, as the sports facilities will be available to users from all over Argyll, their proximity to the town of Lochgilphead is not material to their greater use. It would be possible to ensure pedestrian access other than through the Council car park as other routes exist. Vehicular traffic would use the access via Kilmory Park. It does not require a super highway to be constructed for access purposes for the uses proposed. A road surface commensurate with the proposed use would be readily funded.

Original Assessment Criteria to which this ground relates: BENEFITS (SEE SECTION 1.8 (OTHER NEGATIVE IMPACTS) OF ORIGINAL ASSESSMENT DOCUMENT)

Does assessment of this ground of review alter the decision made in relation to the original request - **NO**



REASONS

While the ground of review rejects the original determination that the site is not remote from Lochgilphead there is no further information provided which has not already been considered in the original assessment of the asset transfer request.

There is no real access to the site which lies some way from the town and entry to the site other than through the new Industrial Estate is limited to a private road off the main road or through the council car park and garden.

Additionally while the review states that a road surface commensurate with the proposed use could be easily funded it does not identify or provide any further information about whether anticipated funding sources have been applied for or awarded and therefore there is no additional information provided which was not assessed as part of the original request.

On that basis the relevant services have assessed the ground or review against the relevant criteria in set out in the assessment of the original asset transfer request and determined that there is no change to the original decision and in relation to this ground of review the original assessment stands in all respects.

GROUND 3 Challenging Ground of Refusal 3

Development of the Kilmory Industrial Estate and Kilmory Park

The site requested in the ATR is outwith, and not integral to, the development of either the Kilmory Industrial Estate nor Kilmory Park. The proposed recreational activities would have absolutely no adverse effect on Kilmory Park nor would it jeopardise the development of the Kilmory Industrial Estate. We have been told that the space in Kilmory Park identified in the Masterplan for community use is already earmarked for other purposes.

There is no indication if the Council has in mind any alternative use for the area requested in the ATR even though it has been left derelict for many years. If the Council require to retain rights of way over any part of the land applied for in the ATR, it would be expected that this would be provided for as a condition in any lease offered.

Original Assessment Criteria to which this ground relates:

PROJECT RELATED BENEFITS (SEE SECTION 3 OF ORIGINAL ASSESSMENT DOCUMENT)

Does assessment of this ground of review alter the decision made in relation to the original request - **NO**

REASONS

While the ground of review rejects the original determination that the site is integral to the development of the Kilmory Industrial Estate there is no further information provided which might demonstrate this which has not already been considered in the original assessment of the asset transfer request.

There is no real access to the area therefore no current use is possible, however it is integral to developing the Kilmory Industrial Estate as set out in the Council's Framework Concept Master Plan 2015 ("the Plan")

While the comments that retention of rights of way over the land to which the review relates could be provided for as a condition of any lease – a lease would generally provide exclusivity of possession and retention is required to enable water and power and drainage installation as part of the development which would not be possible should the site be transferred to be developed for the reasons set out in the request.

Additionally, as stated in the original assessment of the request it is anticipated that as the Plan is revisited and amended as required in relation to the layout of the phases, some of the land to which the original asset transfer request relates may be required to be incorporated within it and therefore retention of the site by the Council is necessary.



On that basis the relevant services have assessed the ground or review against the relevant criteria in set out in the assessment of the original asset transfer request and determined that there is no change to the original decision and in relation to this ground of review the original assessment stands in all respects.

GROUND 4 Challenging Ground of Refusal 4

4. Project related benefits, sustainability, equality and best value

The clubs have expertise in the various sports and activities. They also wish to promote more sporting equality and diversity. The Rugby Club want the pitch particularly to allow it to develop girls' rugby with the support and encouragement of Scottish Rugby. The Target Sports Club is affiliated to Scottish Target Shooting, the governing body in Scotland and former Scottish Team members in target sports will be able to pass on their own expertise. The facilities will help to redress social and economic inequality that occurs for people living outside of urban areas, where sporting facilities are more readily available. It will help reduce the isolation that can be felt by people living in rural communities. Provision of sporting and recreational facilities is high on the Scottish Government's priorities. Development of these facilities will promote economic growth as it will provide additional reasons for people to stay or move into the area. How can you evaluate the benefit of providing facilities such as a rugby pitch, cycling paths, target range, athletics track as being weak?

The project will be run by people with the right skills and attitudes. The clubs which are interested in developing the facilities are run by people with trades and management skills and who already work with contractors that will be needed for the successful delivery of the project. The plans for sporting facilities are supported by the public in Mid Argyll and by national sports organisations. It is supported by the local Argyll and Bute Councillors and by the MSP. It can be progressively developed as the community's needs and aspirations grow and change. Proper management of the currently neglected woodland within the site would contribute to the sustainability of the site.

It is identified in the Local Plan as being for community use limiting its value as it is not available for residential or commercial development. The Council may wish to impose a market rent although this would be contrary to the intention of community asset transfer. However, as the proposed development is something that could be carried out in conjunction with the Argyll and Bute Council, any amount over and above a pepper corn lease could be regarded as the Council's contribution to providing recreational and sporting facilities.

A long lease is required as it could take 10 years to complete the full development and then it will need continued maintenance and funding over time. The Council needs to encourage long-term thinking, particularly if Mid Argyll is to grow in economic terms. It is anticipated that the terms of the lease would include a clause for the land to revert to the Council as and when the Company is no longer able to maintain the site to the expected level of use and maintenance.

Being a community organisation with membership open to all in the community, it would therefore be open to any group or person to influence the aims and objectives of the Company (see below) to accommodate their peculiar requirements. Widespread use of Kilmory Woodlands would be ensured for the whole community.

Original Assessment Criteria to which this ground relates:

BENEFITS/GOVERNANCE/ PROJECT RELATED BENEFITS (SEE SECTIONS 1 AND 3 OF ORIGINAL ASSESSMENT DOCUMENT) – THESE GROUNDS ARE ALL CONSIDERED UNDER THE BEST VALUE SECTION – SECTION 6.

Does assessment of this ground of review alter the decision made in relation to the original request – **NO**



REASONS – BENEFITS

The assessment of the original asset transfer request determined that the request did set out positive benefits (which were assessed as moderate) that would arise if the request were agreed to however, it was considered that the benefits to be achieved would be outweighed by the proposal potentially adversely affecting and jeopardising the development of the Kilmory Industrial Estate.

Moreover while the ground of review suggests that the Council may wish to impose a market rent this is not the case. The asset is zoned for community use, however it is integral to the development of the Kilmory Industrial Estate as set out in the Plan, and stated in the original assessment of the asset transfer request and elsewhere in the review.

GOVERNANCE

The assessment of the original asset transfer request determined that it did set out that the directors responsible had a range of experiences in managing different commercial and charitable operations. However no information is provided in respect of the governance arrangements of any other group that will be required to take forward a parts of the project to deliver the stated benefits of the community proposal. Nor it is clear to what extent if any they will be involved. The review does not provide any additional information in respect of these issues therefore there is no further information provided which might demonstrate that appropriate governance arrangements are in place which has not already been considered in the original assessment of the asset transfer request.

PROJECT RELATED BENEFITS

While the original request and the review document do provide some evidence of support within the community, the original request did receive one representation which strongly object to the proposal which indicates that such support is not universal. Moreover, there is nothing contained within the review documents which indicates support from local members or the MSP. It should also be noted that council members took the decision to refuse the overall request and will determine the outcome of this review.

SUSTAINABILITY AND EQUALITY

The assessment of the original asset transfer request determined that while a 99 year lease was requested little work was shown on how the project would be developed. The request suggested the site would be developed over 10 years but the only area it showed any work on developing is the rugby pitches and there was no detailed costing or draft business plan. Additionally, such a lease would provide the community transfer body with security and exclusive right to the land while there were concerns about the deliverability of the project. In addition it concluded that any other development of the site or other groups wishing to utilise the site would be required to fit within the confines of Kilmory Woodlands aims and objectives.

No additional information has been provided in the review which provides further additional clarity or information or rebuts any of the points considered in when the original asset transfer request was assessed and as outlined above.

On that basis the relevant services have assessed the ground of review against the relevant criteria in set out in the assessment of the original asset transfer request and determined that there is no change to the original decision and in relation to this ground of review the original assessment stands in all respects.



7. OVERALL CONCLUSION

This sets out the conclusions on the review of the original asset transfer request with regard to the information provided in the review and the provisions set out in Section 82 (3)-(5) which apply to a review as they apply to an original asset transfer request. In carrying out a review, the authority must consider the request in the same way as the original process, taking into account the same factors and benefits of the request and alternative proposals. Having carried out the review the authority may confirm the original decision, modify it or any part of it or substitute a different decision.

The Asset Transfer Group have assessed the grounds of review having regard to the above and have determined that the grounds of review do not change or alter the outcome of the assessment of the ATR in respect of the factors and benefits set out in the original assessment specifically - **Benefits, Governance and Financial Arrangements, Project Related Benefits, Sustainability and Equality and Best Value.**

On that basis the ATG recommend that the ATRSC confirms the original decision to refuse the ATR submitted by Kilmory Woodlands in respect of the part of Kilmory Home Farm for the reasons set out in the original decision and as set out below:

1. The request or accompanying documentation was not sufficiently robust to give confidence that the plans and benefits will be achieved, it is not clear whether anticipated funding sources have been applied for and none have been awarded; the request has not adequately identified relevant costs including initial investment, ongoing running costs and end of project costs or how the project will be funded in the future;
2. There is currently no access to the site which is crucial to its development. While the group have obtained a letter offering access rights there is no detail of what this will entail or what cost they might incur when trying to use the access. Access is some way from the town and entry to the site other than through the new Industrial Estate is limited to a private road off the main road or through the council car park and garden;
3. While the asset has been identified surplus to requirements and is zoned for community use, it is integral to the development of the Kilmory Industrial Estate as set out in the Council's Concept Framework Master Plan 2015. The benefits to be achieved by the request would be outweighed by the proposal potentially adversely affect and jeopardise the development of the Kilmory Industrial Estate. As part of that development the Service require to retain rights of way to enable the installation of power and water to allow for the development set out in the framework plan, and as the plan is revisited and amended as required in relation of the layout of the phases, some of the land may be required to be incorporated into the development plan; and
4. The consideration of the project related benefits, sustainability, equality and best value within the asset transfer request was weak and 99 year lease would provide the community transfer body with security and exclusive right to the land while concerns remained about the deliverability of the project. In addition any other development of the site or other groups wishing to utilise the site would be required to fit within the confines of Kilmory Woodlands aims and objectives.

Date Review Determined 18 March 2020