

Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

Customer Services
Executive Director: Douglas Hendry



Kilmory, Lochgilphead, PA31 8RT
Tel: 01546605522
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9 May 2019

NOTICE OF MEETING

A meeting of the **SUB-COMMITTEE OF THE POLICY AND RESOURCES COMMITTEE** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **THURSDAY, 16 MAY 2019** at **2:00 PM**, or at the conclusion of the Policy and Resources Committee, whichever is the later, which you are requested to attend.

Douglas Hendry
Executive Director of Customer Services

BUSINESS

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST (IF ANY)**
- 3. COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015 - ASSET TRANSFER REQUEST - ISLE OF GIGHA HERITAGE TRUST - ISLE OF GIGHA FERRY TERMINAL CAR PARK - ASSESSMENT AND DECISION (Pages 3 - 60)**

Report by Executive Director – Customer Services

Sub-Committee of the Policy and Resources Committee

Councillor Rory Colville
Councillor Gary Mulvaney (Chair)
Councillor Sandy Taylor

Councillor Roderick McCuish
Councillor Len Scoullar
Councillor Richard Trail

Contact: Hazel MacInnes Tel: 01546 604269

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ARGYLL AND BUTE COUNCIL**POLICY & RESOURCES SUB COMMITTEE****CUSTOMER SERVICES****16 MAY 2019**

**COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015 – ASSET TRANSFER
REQUEST – ISLE OF GIGHA HERITAGE TRUST - ISLE OF GIGHA FERRY TERMINAL
CAR PARK – ASSESSMENT AND DECISION**

1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to advise the standing sub-committee of the Policy & Resources Committee on the decision made by the Executive Director of Customer Services to refuse the asset transfer request (ATR) submitted by Isle of Gigha Heritage Trust (IGHT) in respect of Gigha Ferry Terminal Car Park for transfer of ownership for £1 in accordance with the recommendation of the Asset Transfer Group (ATG). There is a presumption of agreement to an ATR, unless there are reasonable grounds for refusal.
- 1.2 The ATR is *inter alia* in the following terms: IGHT is requesting ownership of the car park at the Gigha ferry terminal to use it as their primary access to provide camping and motorhome facilities at Ardmish on the Isle of Gigha. This will include serviced pitches, car parking and an accommodation block comprising toilets, showers, laundry, kitchen, a communal area for campers and a small welcome office for Gigha. Later phases of the development will include glamping pods, bunkhouse and games room.
- 1.3 IGHT stated in their Expression of Interest to the Scottish Government Rural Tourism Infrastructure Fund (RTIF) (which was submitted for consideration as part of their ATR) that acquisition of the Gigha Ferry Terminal car park was not crucial to their project as the Trust own the land covering alternative access routes to the site identified. As a consequence, it is considered that there may be other avenues short of an ATR transferring ownership that could be utilised to advance their proposal.
- 1.4 Where the Executive Director of Customer Services refuses an ATR in accordance with the recommendation from the ATG, the final decision on that ATR shall be determined by the standing sub-committee of the Policy & Resources Committee comprising 6 members to be chaired by the Vice Chair of the Policy and Resources Committee.

RECOMMENDATIONS

It is recommended that:

- 1.5 The standing sub-committee of the Policy & Resources Committee refuses the ATR submitted by Isle of Gigha Heritage Trust in respect of the Isle of Gigha Ferry Terminal Car Park in accordance with the recommendation of the ATG and the Executive Director of Customer Services.

- 1.6 Notes that in the event the standing sub-committee of the Policy & Resources Committee determine that the asset transfer request should be refused officers will explore with IGHT other avenues short of an ATR transferring ownership that could be utilised to advance their proposal.

**COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015 – ASSET TRANSFER
REQUEST – ISLE OF GIGHA HERITAGE TRUST - ISLE OF GIGHA FERRY TERMINAL
CAR PARK – ASSESSMENT AND DECISION**

2. INTRODUCTION

- 2.1 The purpose of this report is to advise the standing sub-committee of the Policy & Resources Committee on the decision made by the Executive Director of Customer Services to refuse the asset transfer request submitted (ATR) by Isle of Gigha Heritage Trust (IGHT) in respect of Gigha Ferry Terminal Car Park for transfer of ownership for £1 in accordance with the recommendation of the Asset Transfer Group (ATG). There is a presumption of agreement to an ATR, unless there are reasonable grounds for refusal.
- 2.2 The ATR is *inter alia* in the following terms: IGHT is requesting to take ownership of the car park at the Gigha ferry terminal to use it as their primary access to provide camping and motorhome facilities at Ardminish on the Isle of Gigha. This will include serviced pitches, car parking and an accommodation block comprising toilets, showers, laundry, kitchen, a communal area for campers and a small welcome office for Gigha. Later phases of the development will include glamping pods, bunkhouse and games room.
- 2.3 IGHT stated in their Expression of Interest to the Scottish Government Rural Tourism Infrastructure Fund (RTIF) (which was submitted for consideration as part of their ATR) that acquisition of the Gigha Ferry Terminal car park was not crucial to their project as the Trust own the land covering alternative access routes to the site identified. As a consequence, it is considered that there may be other avenues short of an ATR transferring ownership that could be utilised to advance their proposal.
- 2.4 Where the Executive Director of Customer Services refuses an ATR in accordance with the recommendation from the ATG, the final decision on that ATR shall be determined by a standing sub-committee of the Policy and Resources Committee comprising 6 members to be chaired by the Vice Chair of the Policy and Resources Committee.

3. RECOMMENDATIONS

It is recommended that:

- 3.1 The standing sub-committee of the Policy & Resources Committee refuses the ATR submitted by Isle of Gigha Heritage Trust in respect of the Isle of Gigha Ferry Terminal Car Park in accordance with the recommendation of the ATG and the

Executive Director of Customer Services.

- 3.2 Notes that in the event the standing sub-committee of the Policy & Resources Committee determine that the asset transfer request should be refused officers will explore with IGHT other avenues short of an ATR transferring ownership that could be utilised to advance their proposal.

4. DETAIL

ISLE OF GIGHA HERITAGE TRUST – ISLE OF GIGHA FERRY TERMINAL CAR PARK

- 4.1 On 22 October 2018, Isle of Gigha Heritage Trust (IGHT) submitted an asset transfer request in respect of Isle of Gigha Ferry Terminal Car Park seeking ownership of the asset at £1 per annum (A copy of the asset transfer request form is attached as appendix 1 and a plan showing the location of the car park is attached as appendix 2).
- 4.2 The ATR is inter alia in the following terms: IGHT is requesting ownership of the car park at the Gigha ferry terminal to use it as their primary access to provide camping and motorhome facilities at Ardminish on the Isle of Gigha. This will include serviced pitches, car parking and an accommodation block comprising toilets, showers, laundry, kitchen, a communal area for campers and a small welcome office for Gigha. Later phases of the development will include glamping pods, bunkhouse and games room (a plan showing proposed camping site relative to the car park is attached as appendix 3).
- 4.3 IGHT stated in their expression of Interest to the Scottish Government Rural Tourism Infrastructure Fund (RTIF) (which was submitted for consideration as part of their ATR) that acquisition of the Gigha Ferry Terminal car park was not crucial to their project as the Trust own the land covering alternative access routes to the site identified. As a consequence, it is considered that there may be other avenues short of an ATR transferring ownership that could be utilised to advance their proposal.
- 4.4 On 14 December 2018, the Asset Transfer Group agreed that the request contained the relevant information required by the legislation to enable them to validate the request and consequently, unless otherwise agreed with the applicant, the Council now require to make a decision on the request no later than 6 months following the date of validation - namely 14 June 2019.
- 4.5 As required by the Asset Transfer (Procedure) (Scotland) Regulations 2016 details of a validated asset transfer request were published in a Notice online and the Notice was displayed at a public place in the vicinity of the land to which the asset transfer request relates. Two representations were received in respect of the request and these were considered inter alia during the assessment of the Asset Transfer Request.

VALUATION OF THE SITE

- 4.6 A valuation of the asset was instructed and Galbraiths determined that the Market Value of the site was approximately £75,000.

ASSESSMENT OF THE ASSET TRANSFER REQUEST

- 4.7 The agreed assessment and information documentation was completed and returned by key Services within the Council.
- 4.8 Thereafter, on 28 March 2019, the ATG carried out a final assessment in relation to the submitted request utilising the agreed assessment methodology, incorporating assessments provided by those key Council Services and having regard to the legislation, relevant Guidance and valuation. (A copy of the overall assessment document is attached as appendix 4). The ATG determined the following:

DISPOSAL OF LAND (SCOTLAND) REGULATIONS 2010

- 4.9 In terms of the Disposal of Land by Local Authorities (Scotland) Regulations 2010 the ATG was satisfied that the disposal could be capable of contributing to the purposes set out in 4(2) of the Regulations.
- 4.10 However, it was not satisfied that the disposal was reasonable in all the circumstances, particularly having regard to the alternative use by the Council and the strategic and lifeline nature of the ferry service and that the request had not discharged the requirements of the regulations in relation to disposing of the land at less than best consideration having regard to those factors.

PART 5 OF THE COMMUNITY EMPOWERMENT (SCOTLAND) At 2015

- 4.11 In assessing the ATR the ATG also gave proper consideration to the requirements set out in Part 5 of the Community Empowerment (Scotland) Act 2015 and corresponding Scottish Government Guidance for Relevant Authorities and determined that:
- There were reasonable grounds for refusing the request;
 - It would therefore recommend that the Council did not agree to the request based on the reasonable grounds which are set out below; and
 - That in light of any refusal of the request, officers would seek to have further discussions with IGHT in relation to a potential right of access from the public road or servitude right of access to support them to achieve the aims of their ATR.

REASONABLE GROUNDS FOR REFUSAL

- 4.12 The ATG determined that the reasonable grounds for refusal are as follows:
- The request or accompanying documentation was not sufficiently robust to give confidence that the plans and benefits will be achieved, particularly since not all of the anticipated sources of funding have been awarded and may be substantially materially less than set out; the RTIF funding which has been awarded has a shortfall of £120,783 to that anticipated in the ATR; the community engagement/support element of the request is not robust with objections set out in the representation from the community council; and the request does not adequately address sustainability or equality matters;
 - The proposal at a nil capital consideration is not reasonable having regard to the loss of a strategic asset required to deliver the existing lifeline ferry services between Gigha and the mainland;

- The benefits to be achieved by the request would be outweighed by the current/alternative proposal: adversely affecting and jeopardising the ongoing sustainability of the lifeline ferry services between the mainland and the island; the deliverability of the future development plans for the Gigha Ferry Service and proposed infrastructure (including a breakwater/aligning structure) in light of the anticipated hybrid ferry; the Council wide harbour order; and the proposed rationalisation of the recycling collection in Gigha which it is intended will be situated at the asset; and
- It is considered that there are potential alternatives which would provide IGHT with the access they require to the proposed site namely a clearly defined right of servitude or access to the intended site from the public road. IGHT stated in their Expression of Interest to the Scottish Government Rural Tourism Infrastructure Fund (RTIF) (which was submitted for consideration as part of their ATR) that acquisition of the Gigha Ferry Terminal car park was not crucial to their project as the Trust own the land covering alternative access routes to the site identified.

ALTERNATIVE TO ASSET TRANSFER REQUEST

4.13 As stated above, should the ATR be refused by the Council that there may be alternatives which would provide the IGHT with the access that they require in order to progress their proposal specifically:

- A clearly defined servitude over part of the car park which sets out that it is a right of access only and not a right to park, stay or inhabit the car park; or
- Access to the intended site from the public road.

4.14 It is intended that in the event of any refusal of ATR officers will explore with IGHT other avenues short of an ATR transferring ownership that could be utilised to advance their proposal.

NEXT STEPS

DECISION

4.15 Following a final decision on the ATR by the standing subcommittee of the Policy and Resources Committee the following steps require to be carried out:

DECISION NOTICE

4.16 The Council must issue a decision notice which must:

- State the date on which the asset transfer request was made;
- Identify the community transfer body which made the request;
- Identify the land to which the request relates;
- Set out the Council's decision or agree or refuse the request;
- Set out the Council's reason for that decision;
- Contain notification of the right of review, how an application for review may be made and the date it must be made.

4.17 If the request is refused because an alternative proposal (including the current use) is preferred, the decision notice also requires to describe the alternative proposal

and how it was considered to provide greater benefits. The decision notice should be equally clear if the request is refused because of deficiencies in the community transfer body's case.

4.18 Thereafter the Council must:

- Publish a copy of the decision notice on a website or by other electronic means; and
- Inform every person who made written representations in respect of the asset transfer request (and provided an address) of its decision and where a copy of the decision notice is available for inspection.

REQUEST REFUSED

4.19 It should be noted that if the Council refuse an asset transfer request, and the community transfer body does not believe the grounds for doing so to be reasonable it may apply in writing to the Council for a review of that decision within 20 working days of the date of the decision notice.

4.20 The Community Empowerment (Scotland) Act 2015 amends the Local Government (Scotland) Act 1973 so that a review of an asset transfer decision must be carried out by Councillors. On 28 September 2017 the Council agreed that following refusal of an ATR, any subsequent review of that decision be carried out by Members of the Policy and Resources Committee, not on the standing sub-committee who made the original decision to refuse the ATR.

4.21 If any review of an ATR uphold the original decision to refuse the request the community group can thereafter appeal the decision to the Scottish Ministers.

REQUEST AGREED TO

4.22 If the request is agreed to, the community transfer body must submit an offer to purchase the land by the date stated in the decision notice, and which must reflect the terms and conditions set out in the decision notice. However, if those terms and conditions are significantly different to those in the original request they can require the Council to carry out a review of the decision.

4.23 It should be noted that if no offer is made by the date in the decision notice the process is terminated and the Council may deal with the asset in any way it wishes.

4.24 Following receipt of the community transfer body's offer, the Council may carry out further negotiations with them if required in order to conclude the contract. The contract must normally be concluded within 6 months of the date of the community transfer body's offer.

4.25 If no contract is concluded within 6 months of the offer the process is concluded and the community transfer body has no further claim on the asset unless the community transfer body:

- agrees and extension with the Council;

- applies to the Scottish Ministers for a direction to extend the period; or
- appeals to the Scottish Ministers to determine the terms and conditions for the contract which the Council may be required to accept.

5. CONCLUSION

It is recommended that:

- 5.1 The standing sub-committee of the Policy & Resources Committee refuses the ATR submitted by Isle of Gigha Heritage Trust in respect of the Isle of Gigha Ferry Terminal Car Park in accordance with the recommendation of the ATG and the Executive Director of Customer Services.
- 5.2 Notes that in the event the standing sub-committee of the Policy & Resources Committee determine that the asset transfer request should be refused officers will explore with IGHT other avenues short of an ATR transferring ownership that could be utilised to advance their proposal.

6.0 IMPLICATIONS

- 6.1 Policy – In line with Council policy on Asset Transfer Requests
- 6.2 Financial – Possible loss of strategic asset valued at £75,000
- 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 –Lifeline Ferry Services may be affected
- 6.6. Risk – As above
- 6.7 Customer Service - None

Executive Director of Customer Services: Douglas Hendry
Policy Lead: Rory Colville

24 April 2019

For further information contact:

David Logan, Special Projects and Quality Improvement Manager 01546 604 322
Michael Nicol, Solicitor, Special Projects, 01546 604 468

APPENDICES

- Appendix 1 – Asset Transfer Request Form Submitted by IGHT
Appendix 2 – Plan showing location of the car park
Appendix 3 – Plan showing proposed camping site relative to car park

Appendix 4 – Overall assessment document

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Paragraphs 1.8 and 4.1 have been formatted to allow all text to be clearly read



COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015

ASSET TRANSFER REQUEST FORM

IMPORTANT NOTES:

This asset transfer request form can be used to make a request to Argyll and Bute Council.

You do not need to use this form to make an asset transfer request but using a form will help you to make sure you include all the required information.

You should read the [asset transfer guidance](#) provided by the Scottish Government before making a request. We also provide [additional guidance](#) and notes on our scheme.

www.argyll-bute.gov.uk/asset-transfer

We strongly advise you to contact Argyll and Bute Council at the address below to discuss your proposals before making an asset transfer request.

When completed, this form should be sent to

asset-transfer@argyll-bute.gov.uk

This is an asset transfer request made under Part 5 of the Community Empowerment (Scotland) Act 2015.

Section 1: Information about the community transfer body (CTB) making the request

1.1 Name of the CTB making the asset transfer request.

Isle of Gigha Heritage Trust

1.2 CTB address. This should be the registered address, if you have one.

Postal address: Craft Workshop 1
Isle of Gigha
Argyll

Postcode: PA41 7AA

1.3 Contact details. Please provide the name and contact address to which correspondence in relation to this asset transfer request should be sent.

Contact name: Kathryn Howell

Job Title/Role: Business Development Officer

Postal address: Craft Workshop 1
Isle of Gigha
Argyll

Postcode: PA41 7AA

Email: kathryn@gigha.org.uk

Telephone: 01583 505390



I agree that correspondence in relation to this asset transfer request may be sent by email to the email address given above. *(Please tick to indicate agreement)*

You can ask Argyll and Bute Council to stop sending correspondence by email, or change the email address, by telling them at any time, as long as 5 working days' notice is given. For more information on our Data protection and privacy notice [follow this link](#)

1.4 Please check the relevant box to confirm the type of CTB and add its official number, if it has one.

<input checked="" type="checkbox"/>	Charity and its charity number is:	SC032302
<input checked="" type="checkbox"/>	Company, and its company number is:	SC224141
<input type="checkbox"/>	Scottish Charitable Incorporated Organisation (SCIO), and its charity number is:	
<input type="checkbox"/>	Community Benefit Society (BenCom), and its registered number is :	
<input type="checkbox"/>	Unincorporated organisation (no number)	

Please attach a copy of the CTB’s constitution, articles of association or registered rules

1.5 Has the organisation been individually designated as a community transfer body by the Scottish Ministers?

- No**
- Yes**

Please give the title and date of the designation order:

1.6 Does the organisation fall within a class of bodies which has been designated as community transfer bodies by the Scottish Ministers?

- No**
- Yes**

If yes what class of bodies does it fall within?

1.7 When was your organisation established?

2002

1.8 What does your organisation do?

To promote the benefit of the inhabitants of the Community, without distinction on grounds of race, political, religious, or other opinions by associating with the local statutory authorities, voluntary organisations and inhabitants in a common effort to advance education and to provide, or assist in providing facilities for recreation and other leisure-time occupation, following principles of sustainable development and in the interests of social welfare so that their conditions of life may be improved, where 'sustainable development' means development which meets the needs of the present without compromising the ability of future generations to meet their own needs.

To promote for the public benefit rural regeneration, following principles of sustainable development, where 'sustainable development' means development which meets the needs of the present without compromising the ability of future generations to meet their own needs, in areas of social and economic deprivation within the Community by all or any of the following means:

- (a) the relief of poverty in such ways as may be thought fit
- (b) the relief of unemployment in such ways as may be thought fit, including assistance to find employment
- (c) the advancement of education, training or retaining, particularly amongst unemployed people, and providing unemployed people with work experience
- (d) the creation of training and employment opportunities by the provision of workspace, buildings and/or land for use on favourable terms
- (e) the provision of housing for those who are in conditions of need and the improvement of housing in the public sector or in charitable ownership provided that such power shall not extend to relieving any local authorities or other bodies of a statutory duty to provide or improve housing
- (f) the maintenance, improvement or provision of public amenities
- (g) the preservation of buildings or sites of historic or architectural importance
- (h) the provision or assistance in the provision of recreational facilities for the public at large and/or those who, by reasons of their youth, age, infirmity or disablement, poverty or social and economic circumstances, have need of such facilities
- (i) the protection or conservation of the environment
- (j) the provision of public health facilities and childcare

To advance the education of the Community about its environment, culture and/or history.

- Taken from IGHT's Memorandum of Association (attached).

1.9 What is your organisational structure?

Members, associate members, junior members, voluntary directors and staff members who run the day-to-day operations of the business.

1.10 Who is responsible for running your organisation?

Name	Volunteer / Employee	Role in Organisation	Previous Experience
Ian Wilson	Volunteer	Chairperson	Board Member / Resident
Pamela James	Employee	Finance Manager	Corporate Banking
Board Members	Volunteers	Directors	

1.11 How many members does your organisation have?

Around 100

1.12 Does your organisation comply with the Equalities Act 2010?

Yes (if yes, please attach a copy of your policy statement)



No

1.13 Does your organisation have a comprehensive Health and Safety Policy?

Yes (if yes, please attach a copy of your policy statement)



No

1.14 Does your organisation have relevant Child Protection /Vulnerable Adults Policies?

Yes (if yes, please attach a copy of your policy statement)



No

Section 2: Information about the land and rights requested

2.1 Please identify the land to which this asset transfer request relates.
(In law, "land" includes buildings and any other structure on the land, such as a bridge, wall or pier.)

You should provide a street address or grid reference and any name by which the land or building is known. If you have identified the land on Argyll and Bute Council's register of land, please enter the details listed there.

*It may be helpful to provide one or more maps or drawings to show the boundaries of the land requested. If you are requesting part of a piece of land, you **must** attach a map and full description of the boundaries of the area to which your request relates. If you are requesting part of a building, please make clear what area you require. A drawing may be helpful.*

Gigha Ferry Terminal Car Park
Gigha Ferry
Ardrinish
Argyll
PA41 7AA

Map coordinates: 165345 / 649125
Mapped drawings of boundaries attached.

2.2 Please provide the UPRN (Unique Property Reference Number), if known.

This may be found our [register of land](#).

UPRN:PV03504400001

SECTION 3: Type of request, payment and conditions

3.1 Please tick what type of request is being made:

- For ownership (under section 79(2)(a) of the Act) - go to section 3A
for more details look under section 8 of the Guidance
- For lease (under section 79(2)(b)(i) of the Act) – go to section 3B
for more details look under section 8 of the Guidance
- For other rights (section 79(2)(b)(ii) of the Act) - go to section 3C
for more details look under section 8 of the Guidance

3A – Request for ownership

What price are you prepared to pay for the land requested?

Proposed price: £1.00

Please attach a note setting out any other terms and conditions you wish to apply to the request.

3B – Request for lease

What is the length of lease you are requesting?

N/A

How much rent are you prepared to pay? Please make clear whether this is per year or per month.

Proposed rent: £ per

Please attach a note setting out any other terms and conditions you wish to be included in the lease, or to apply to the request in any other way.

3C – Request for other rights

What are the rights you are requesting?

N/A

Do you propose to make any payment for these rights?

Yes

No

If yes, how much are you prepared to pay? Please make clear what period this would cover, for example per week, per month, per day.

Proposed payment: £ per
--

Please attach a note setting out any other terms and conditions you wish to apply to the request.

Section 4: Community Proposal

4.1 Please set out the reasons for making the request and how the land or building will be used

This should explain the reasons behind the project, the objectives of your project, why there is a need for it, any development or changes you plan to make to the land or building, and any activities that will take place there.

IGHT is requesting to take ownership of the car park at the Gigha ferry terminal to use it as their primary access to provide camping and motorhome facilities at Ardminish on the Isle of Gigha. This will include serviced pitches, car parking and an accommodation block comprising toilets, showers, laundry, kitchen, a communal area for campers and a small welcome office for Gigha. Later phases of the development will include glamping pods, bunkhouse and games room.

The Isle of Gigha has a serious accommodation shortage which has a knock-on effect on the island's tourist season. At present, the Isle of Gigha has one hotel, two established bed and breakfasts and eight self-catering accommodation units. The number of visitors to Gigha has steadily risen from 2015 onwards and during high season, the island cannot accommodate the number of visitors wishing to holiday on Gigha. For example, with reference to Caledonian MacBrayne recorded passenger figures, from peak season (June, July and August) 2015 compared with the same three months in 2017, foot passenger figures alone have increased by 13.2%. The number of foot passengers has increased again in 2018 by 9.97% on 2017 figures.

The island currently has no facilities for camping or motorhomes, and with the introduction of Caledonian MacBrayne's Road Equivalent Tariff scheme, the number of this type of visitors has increased. In 2018, motorhome and campervan figures have increased by 10.2% of 2017 figures. This has caused a significant amount of indiscriminate camping at various points across the island. For example, at Ministers Beach on Gigha, the indiscriminate camping blocks access for small boat launching for both fisherman and the Gigha Boats Activity Centre assistant. This also causes further access problems for family's day-tripping to Gigha and hoping to visit beaches due to tents and camper vans being pitched across the edge of the beach. Motorhome and campervans are packing in sensitive laybys and disrupting resident traffic on the island's only single road. Currently, there are no restrictions for motorhome and campervans and they park at both north and south ends of the island. On different occasions this season, this has blocked access for the emergency services and home owners trying to access their roads.

GHT own the land on which the campsite will be located. Management of campsite would enable IGHT to further strengthen its financial position by generating sustainable income. This would be run by Gigha Trading Limited – established trading arm of the Trust with staff and experience in managing

holiday properties. Therefore, the Trust proposes to develop a high quality, low impact, zero emissions camp site which has the following vision:

- * To address the issues being caused by increased number of motorhomes visiting Gigha
- * To address the issues of unauthorised and wild camping on Gigha, including litter, human waste, blocking access and impacts on cattle/sheep
- * To offer modern, well maintained and designed facilities at the ferry point to encourage more visitors to stay on Gigha overnight in a regulated and controlled manner minimising impact on the island
- * By offering facilities, being able to prohibit wild camping and motorhomes using the narrow single track road on the island
- * Provide central waste recycling facilities on Gigha for visitors and residents that is easy to access at the ferry point
- * Provide upgraded public toilet facilities for visitors to the island, to replace the Council portakabins if agreement can be reached with the Council on issues such as maintenance and repair.

Benefits of the proposal

4.2 Please set out the benefits that you consider will arise if the transfer request is agreed to.

This section should explain how the project will benefit your community, and others. Please refer to the [Scottish Government guidance](#) (Section 13) on how Argyll and Bute Council will consider the benefits of a request.

The creation of a campsite will help to enhance visitors experience by reducing the impact of indiscriminate parking and dumping of waste and blocking of access to beaches and roads for all users including the emergency services. The implementation of the campsite will also enhance visitor experience by upgrading the poor public toilets and developing island recycling facilities. This project would also extend the range of accommodation available on island, therefore catering for a wider market and enhancing potential new visitors experience.

The campsite project fits in with the IGHT 10-year strategy plan which aims to develop the environment and create a more diverse local economy with lower seasonal dependencies. A campsite will also form a part of a long-term strategy to improve the visitor experience as well as using tourism to boost the local economy.

The campsite will minimise the environmental impact of tourism on Gigha through restricting motorhome access across the island roads and will prevent indiscriminate parking on sensitive sites and laybys. The campsite will reduce indiscriminate waste disposal as the proposed scheme will also provide island recycling and waste facilities. The restriction of motorhome and campervan access across the island will encourage more walking and cycling. The architects design will follow a sustainable approach including minimal energy usage, vernacular local design and sympathetic use of traditional materials to respect the location of the development in the landscape of Gigha.

The creation of a campsite will allow IGHT to manage vehicular traffic much more effectively on the islands only road to protect residents, farmers, fishermen and visitors. The campsite will also allow IGHT to reduce the impact indiscriminate parking, camping and waste disposal is having on the island's residents, businesses and visitors. It will create more accommodation to deal with times of peak demand. For example, the annual Gigha Music Festival, The Boathouse Restaurant Raft Race and the Gigha Challenge. A campsite will offer a range of accommodation that's not currently available to extend the range of visitors that visit Gigha and will extend visitor stay and consequent spend in the privately-run hotel, shop and Boathouse restaurant.

The creation of the campsite could also offer a potential business opportunity for individual(s) wishing to lease and manage the campsite on behalf of GTL. This campsite could also be run in collaboration with the islands self-catering units by GTL – established trading arm of IGHT.

Restrictions on use of the land

4.3 If there are any restrictions on the use or development of the land, please explain how your project will comply with these.

Restrictions might include, amongst others, environmental designations such as a Site of Special Scientific Interest (SSI), heritage designations such as listed building status, controls on contaminated land or planning restrictions. If your organisation is proposing a change of use of the asset, you should provide details.

In terms of LDP 2015, part is within the Settlement Boundary, part in Countryside. In terms of the local plan, an exception case will be required to support development in the Countryside. A planning pre-application enquiry has been submitted to Argyll and Bute Council and has returned with no major concerns.

Negative consequences

4.4 What negative consequences (if any) may occur if your request is agreed to? How would you propose to minimise these?

You should consider any potential negative consequences for the local economy, environment, or any group of people, and explain how you could reduce these.

None forecasted. The aim of this project is to generate environmental and economic benefits for the community.

Capacity to deliver

4.5 Please show how your organisation will be able to manage the project and achieve your objectives.

This could include the skills and experience of members of the organisation, any track record of previous projects, whether you intend to use professional advisers, etc.

IGHT has successfully managed and developed the Isle of Gigha for the last 16 years. Since the buy-out in 2002, IGHT has:

- * renovated housing as part of an ongoing investment programme
- * sold 11 plots for private development - providing islanders and incomers with new opportunities
- * reversed the population from 98 pre-buy out to roughly 168 and the school role has increased
- * installed 4 wind turbines which operate the islands commercial activities and fund development and regeneration on Gigha
- * installed moorings and pontoon facilities
- * successfully market self-catering accommodation, activity centre, airstrip and Achomore Gardens

IGHT continues to manage and develop the Isle of Gigha and by the 20th anniversary, IGHT have the following plans:

- * creation of official campsite
- * creation of assisted living complex
- * improved access to path networks and Achamore Gardens for visitors/residents

5: Level and Nature of Support

5.1 Please provide details of the level and nature of support for the request, from your community and, if relevant, from others.

This could include information on the proportion of your community who are involved with the request, how you have engaged with your community beyond the members of your organisation and what their response has been. You should also show how you have engaged with any other communities that may be affected by your proposals.

The initial consultation with the community was delivered at a Members meeting in early 2018. Although this was project was still at a very early stage, the project received constructive feedback. Some examples of comments included:

- * How many accessible pitches/parking will there be?
- * Would the campsite incorporate a dog walking route to beaches beyond the site identified?
- * How many tent pitches would there be?

The Members appreciated that this was still very early stages in the project and would benefit from full proposal information when this was ready.

The island residents and Members of IGHT approved a 10-year strategy in 2016 which supports the Trust developing the environment and creating a more diverse local economy with lower seasonal dependencies. This proposed campsite development fits in line with both the 10-year strategy developed in 2016 and IGHT's Memorandum and Articles of Association.

Once the costed scheme has been designed, IGHT will hold a Members meeting to deliver the campsite proposal. At this Members meeting, full campsite plans, timescales and costs will be discussed with additional time given to the Members to provide them with the opportunity to review the information and report back any concerns. This will be followed by a Members surgery with drop-in appointments to speak to individuals privately to gain constructive feedback.

Separate consultations will take place with local businesses on Gigha, including Gigha Hotel, shop and Boathouse Restaurant.

Section 6: Funding

- 6.1 Please outline how you propose to fund the price or rent you are prepared to pay for the land, and your proposed use of the land.
- i. You should show your calculations of the costs associated with the transfer of the land or building and your future use of it, including any redevelopment, ongoing maintenance and the costs of your activities.
 - ii. The proposed operating costs and how they would be met.
 - iii. All proposed income and investment should be identified, including volunteering and donations.
 - iv. You should state whether you have been in receipt of a Council grant over the last five years.
 - v. If you intend to apply for grants or loans you should demonstrate that your proposals are eligible for the relevant scheme, according to the guidance available for applicants.

IGHT propose to pay a sum of £1.00 for the transfer. The car park does not generate any income and currently presents a maintenance liability for the Council. The IGHT proposal intends to see the car park improved, properly laid out and form a much more attractive welcome to Gigha.

The site falls within the Countryside Planning designation so would not be suitable for any development other than tourism related.

IGHT are not proposing any conditions be attached to the sale.

We will forward a copy of our draft Business Plan for the development shortly.

Funding for the development of the campsite will be sourced from:

- LEADER – expression of Interest submitted and project confirmed eligible
- HIE – confirmed eligible for funding. IGHT are account managed by HIE
- Rural Tourism Infrastructure Fund – confirmed eligible for this Fund with Expression of Interest submitted.

IGHT have been in receipt of Council funding for housing refurbishments but not specifically related to this project.

Section 7: RISK/SOCIAL IMPACT

7.1 This section should explain whether any other organisation/business in your area will be affected by your operational proposals, how you will monitor the benefits of the asset transfer and what barriers or challenges to your project succeeding you have identified.

The development of the campsite will generate a beneficial impact on other businesses on Gigha as it will extend the length of visitor stay and encourage more visitors, who will spend in the island hotel, shop, restaurant and Achamore Gardens. It will also mitigate against the environmental impacts of indiscriminate camping and motorhome parking and waste dumping on the island, which will benefit farming and B&B businesses, as well as Gigha residents.

There is a small campsite adjoining the Boathouse restaurant although this offers limited pitches and facilities. IGHT intend to work in partnership with the Boathouse on the management and promotion of camping and motorhome opportunities on Gigha.

These benefits will be measured through:

- Reduction in numbers of incidences of unauthorised wild camping and motorhome parking
- Reduction in waste dumping and rubbish dumping
- Increase in numbers of visitors coming to Gigha
- Increase in numbers of visitors staying overnight on Gigha
- Increase in visitor spend on Gigha

This evidence will be collected through surveys and Calmac passenger numbers

A full risk analysis of the proposal is included in the Business Plan.

7.2 All Asset Transfer requests should comply with state aid rules. With reference to Scottish Government Guidance please explain why your proposal will not breach [State Aid Rules](#). Find out more about [State Aid Test](#) here.

Please refer to the [Scottish Government guidance](#) (Section 11.8) for an explanation of State Aid Rules and further links.

The value of the site is considered to be very low as it does not (and cannot currently) generate income for the Council and does in fact present a maintenance burden on the Council. Therefore, it is suggested that the value of any £1 transfer is very low.

Any value would not be considered State Aid as it will not affect trade between Member States. This is a small low value project with a very specific local market.

Section 8: Community Planning Partnership/Single Outcome Agreement

8.1 Please tell us which Community Planning Partnership (CPP) outcomes you would be contributing to. Further information in relation to the Community Planning Partnership/Single Outcome Agreement can be found at:

- <https://www.argyll-bute.gov.uk/council-and-government/community-plan-and-single-outcome-agreement>

CPP outcomes

Outcome 1: The economy is diverse and thriving	Yes
Outcome 2: We have infrastructure that supports sustainable growth	Yes
Outcome 3: Education, skills and training maximises opportunities for all	
Outcome 4: Children and young people have the best possible start	
Outcome 5: People live active, healthier and independent lives	Yes
Outcome 6: People live in safer and stronger communities	Yes

8.2 Please tell us which Corporate Plan outcomes you would be contributing to. Further information in relation to the Corporate Plan 2015 -2017 can be found at:

- https://www.argyll-bute.gov.uk/sites/default/files/corporate_plan_2015-17_2_-_on_web_-_approved_council_june_2015.docx#

Making Argyll and Bute a place people choose to live	
Supply of affordable housing	

Investment in the infrastructure of our towns, villages and islands	Yes
Communities are empowered to work in partnership with the council to meet their local needs	Yes
Making Argyll and Bute a place people choose to learn	
Provide quality education to young people	
Working in partnership with FE/HIE providers and businesses to ensure young people are best placed to gain employment or create their own business in the future	

Making Argyll and Bute a place people choose to work and do business	
Make Argyll and Bute the best and easiest place to do business	Yes
Use Council resources and facilities innovatively to generate income in order to protect and enhance services	Yes
Take advantage of the opportunities improved broadband availability brings and continue to demand improved mobile phone coverage	
Market Argyll and Bute to encourage companies and individuals to relocate to the area	
Improve strategic transportation links	

Signature

Two office-bearers (board members, charity trustees or committee members) of the community transfer body must sign the form. They must provide their full names and home addresses for the purposes of prevention and detection of fraud.

This form and supporting documents will be made available online for any interested person to read and comment on. Personal information will be redacted before the form is made available.

- We, the undersigned on behalf of the community transfer body as noted at section 1, make an asset transfer request as specified in this form.**
- We declare that the information provided in this form and any accompanying documents is accurate to the best of our knowledge.**

Name: Ian Wilson
Address: West Drumachro, Isle of Gigha, PA41 7AD
Date: 18/10/2018
Position: Chair
Signature: I. Wilson (wet signature attached)
Name: Jane Clements
Address: Balmore, Isle of Gigha, PA41 7AA
Date : 18/10/2018
Position: Director
Signature: (Wet signature attached)

Checklist of accompanying documents

To check that nothing is missed, please list any documents which you are submitting to accompany this form.

- Section 1 – you must attach your organisation’s constitution, articles of association or registered rules**

Title of document attached:

Memorandum and Articles of Association

- Section 2 – any maps, drawings or description of the land requested**

Documents attached:

Car Park Maps attached

- Section 3 – note of any terms and conditions that are to apply to the request**

Documents attached:

- Section 4 – about your proposals, their benefits, any restrictions on the land or potential negative consequences, and your organisation’s capacity to deliver**

Documents attached:

IGHT 10 year plan / Planning pre-application enquiry and architect response.

- Section 5 – evidence of community support**

Documents attached:

To Follow

- Section 6 – funding**

Documents attached:

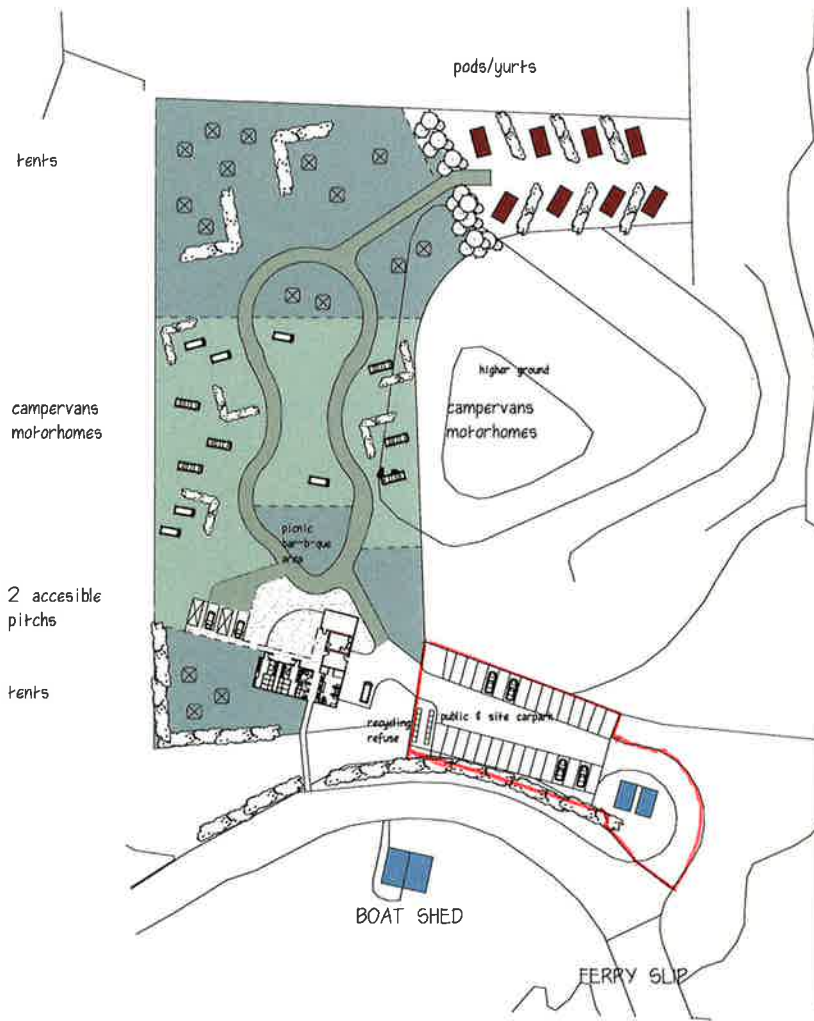
To Follow



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SITE PLAN
scale 1:750



shauna cameron architect ltd		
selma church	benderloch	alan ps37 lq
01833 720213		
shauna.cameron@argyllarchitects.co.uk		
client:	IGHT	
project:	Campsite Ardmish Isle of Gigha	
title:	SITE PLAN	
drg no:	15.04.0k1	scale: 1:750 @A3 date: 03.15
rev	description	date
Notes: do not scale drawings use given dimensions only dimensions to be confirmed prior to commencing building works or manufacture of components all deviations to the approved plans to be reported to the architect and agreed in writing		

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ASSET TRANSFER REQUEST - OVERALL ASSESSMENT

The purpose of this document is to evidence the assessment of an Asset Transfer Request (ATR) in respect of the asset identified below and in compliance with the Part 5 of the Community Empowerment (Scotland) Act 2015

The Assessment will be populated in accordance with the Assessment Matrix at appendix 1 hereof. The Asset Transfer Group will review and evaluate the assessments provided by the relevant Council Departments and carry out a comparison of the benefits of the proposal against the Council alternative.

CTB Information/Information about the Land and Rights Requested

Name: Isle of Gigha Heritage Trust

Address: Craft Workshop 1, Isle of Gigha, Argyll

Contact Details: [Click here to enter text.](#)

Relevant documents attached Y / N

Asset: Isle of Gigha Ferry Terminal Car Park

Plan attached: Y / N

Title Confirmed Y / N

The Council's title is Disposition by Oldcastle Trustees Company Limited in favour of The Strathclyde Regional Council dated 26 October and 12 November and recorded G.R.S Argyll 16 December all days in the year 1981.

Registers of Scotland plan assistance has plotted the extent of the Council's title on the OS map. The extent of the Council's title is shown on the 'residue plan' attached subject to the caveat that the deed plan annexed to the Council's title does not have sufficient reliable surrounding detail to allow the PAS plan to be replicated to the exact extent. This notwithstanding the Council could rely on the 'residue plan' in the event of registration of the Council's title, the Council has title to the whole of the carpark



<https://sharepoint.argyll-bute.gov.uk/sites/assettransfer/SitePages/Home.aspx>

UPRN: UPRN:PV03504400001

Ownership

Lease

Details of Lease: [Click here to enter text.](#)

Other Rights Y / N

Details [Click here to enter text.](#)

COMMUNITY REQUEST / CURRENT PROPOSED USE

Set out the reasons for the request and how Land / Building (s) will be used:

IGHT is requesting to take ownership of the car park at the Gigha ferry terminal to use it as their primary access to provide camping and motorhome facilities at Ardmish on the Isle of Gigha. This will include serviced pitches, car parking and an accommodation block comprising toilets, showers, laundry, kitchen, a communal area for campers and a small welcome office for Gigha. Later phases of the development will include glamping pods, bunkhouse and games room.

Set out current or proposed use of asset:

The site is currently used as an off-street car park. The car park is the only such Council controlled facility on the island. The car park is sited near the slip for the Gigha-Tayinloan Ferry. It is the only facility for those travelling off island but wish to leave vehicles on the island (the ferry is a vehicle ferry).



SECTION 1: BENEFITS - ASSESSMENT

1.1 Does the request demonstrate that agreeing to the request be likely to promote or improve Economic Development

Yes No to some extent (Assessed as STRONG by Economic Development)

How does the Request demonstrate this:

Economic Development have highlighted the following examples from the request in support:

Section 8.2 1b and 2b

Section 7.1 paragraph 1

The development of the campsite will generate a beneficial impact on other businesses on Gigha as it will extend the length of visitor stay and encourage more visitors, who will spend in the island hotel, shop, restaurant and Achamore Gardens. It will also mitigate against the environmental impacts of indiscriminate camping and motorhome parking and waste dumping on the island, which will benefit farming and B&B businesses, as well as Gigha residents.

Section 4.2 paragraph 4 and 5

The creation of a campsite will allow IGHT to manage vehicular traffic much more effectively on the islands only road to protect residents, farmers, fishermen and visitors. The campsite will also allow IGHT to reduce the impact indiscriminate parking, camping and waste disposal is having on the island's residents, businesses and visitors. It will create more accommodation to deal with times of peak demand. For example, the annual Gigha Music Festival, the Boathouse Restaurant Raft Race and the Gigha Challenge.

A campsite will offer a range of accommodation that's not currently available to extend the range of visitors that visit Gigha and will extend visitor stay and consequent spend in the privately-run hotel, shop and Boathouse restaurant. The creation of the campsite could also offer a potential business opportunity for individual(s) wishing to lease and manage the campsite on behalf of GTL. This campsite could also be run in collaboration with the islands self-catering units by GTL – established trading arm of IGHT.

Section 4.1 paragraph 2, 3 and 4

The Isle of Gigha has a serious accommodation shortage which has a knock-on effect on the island's tourist season. At present, the Isle of Gigha has one hotel, two established bed and breakfasts and eight self-catering accommodation units.

The number of visitors to Gigha has steadily risen from 2015 onwards and during high season, the island cannot accommodate the number of visitors wishing to holiday on Gigha. For example, with reference to Caledonian MacBrayne recorded passenger figures, from peak season (June, July and August) 2015 compared with the same three months in 2017, foot passenger figures alone have increased by 13.2%.



The number of foot passengers has increased again in 2018 by 9.97% on 2017 figures.

The island currently has no facilities for camping or motorhomes, and with the introduction of Caledonian MacBrayne's Road Equivalent Tariff scheme, the number of this type of visitors has increased. In 2018, motorhome and campervan figures have increased by 10.2% of 2017 figures. This has caused a significant amount of indiscriminate camping at various points across the island. For example, at Ministers Beach on Gigha, the indiscriminate camping blocks access for small boat launching for both fisherman and the Gigha Boats Activity Centre assistant.

This also causes further access problems for family's day-tripping to Gigha and hoping to visit beaches due to tents and camper vans being pitched across the edge of the beach. Motorhome and campervans are parking in sensitive laybys and disrupting resident traffic on the islands only single road. Currently, there are no restrictions for motorhome and campervans and they park at both north and south ends of the island.

On different occasions this season, this has blocked access for the emergency services and home owners trying to access their roads. IGHT own the land on which the campsite will be located. Management of campsite would enable IGHT to further strengthen its financial position by generating sustainable income. This would be run by Gigha Trading Limited – established trading arm of the Trust with staff and experience in managing holiday properties.

IGHT own the land on which the campsite will be located, Management of the campsite would enable IGHT to further strengthen its financial position by generating sustainable income. This would be run by Gigha Trading Limited – established trading arm of the Trust with staff and experience in managing holiday properties.

If yes, would it be to a greater extent than any alternative proposal?

Yes No Not applicable

Outline Relevant Evidence Below:

Council current / proposed use:

The alternative proposal is the current use which is a ferry terminal and related infrastructure in support of the terminal (including the car park subject to this proposal) which is operated by the Council and supports the lifeline ferry services between the mainland and the island operated by Calmac.

The economic development benefits to be achieved by the request would be outweighed by the proposal adversely affecting and jeopardising the ongoing sustainability of the lifeline ferry services between the mainland and the island; the deliverability of the future development plans for the Gigha Ferry Service and infrastructure (including a breakwater/aligning structure) in light of the anticipated hybrid ferry; the Council wide harbour order; and the proposed rationalisation of the recycling collection in Gigha which it is intended will be situated at the asset.



1.2 Does the request demonstrate that agreeing to the request be likely to promote or improve Regeneration

Yes No to some extent (Assessed as MODERATE by Economic Development)

How does the Request demonstrate this:

Economic Development have highlighted the following examples from the request in support:

Section 7.1

Suggests that the development of the campsite will generate a beneficial impact for other businesses on Gigha. It will also mitigate against the environmental impacts of indiscriminate waste dumping on the island, which will benefit farming and B&B businesses, as well as Gigha residents. The project could lead to improved Partnership working with other businesses.

If yes, would it be to a greater extent than any alternative proposal?

Yes No Not applicable

Outline Relevant Evidence Below:

Council current / proposed use

The alternative proposal is the current use which is a ferry terminal and related infrastructure in support of the terminal (including the car park subject to this proposal) which is operated by the Council and supports the lifeline ferry services between the mainland and the island operated by Calmac.

The regeneration benefits to be achieved by the request would be outweighed by the proposal adversely affecting and jeopardising the ongoing sustainability of the lifeline ferry services between the mainland and the island; the deliverability of the future development plans for the Gigha Ferry Service and infrastructure (including a breakwater/aligning structure) in light of the anticipated hybrid ferry; the Council wide harbour order; and the proposed rationalisation of the recycling collection in Gigha which it is intended will be situated at the asset.

1.3 Does the request demonstrate that agreeing to the request be likely to promote or improve Public Health

Yes No to some extent (assessed by SET as moderate)

How does the Request demonstrate this:

The Social Enterprise Team have highlighted the following examples from the request in support:

Section 4.2 States that the restriction of motorhome and campervan access across the island will reduce the impact of indiscriminate parking, camping and waste disposal and encourage more walking and cycling to explore the Island. Maintenance and managing the site will be with local people.



Paragraph 3 ; The campsite will reduce indiscriminate waste disposal as the proposed scheme will also provide island recycling and waste facilities.....

Additionally - Health benefits would include ambulance being able to have unhindered access on the single track road. Also the indiscriminate dumping would be addressed by the proposal.

If yes, would it be to a greater extent than any alternative proposal?

Yes No Not applicable

Outline Relevant Evidence Below:

Council current / proposed use

No promotion of public health in current/proposed use.

However, the alternative proposal is the current use which is a ferry terminal and related infrastructure in support of the terminal (including the car park subject to this proposal) which is operated by the Council and supports the lifeline ferry services between the mainland and the island operated by Calmac.

The public health benefits to be achieved by the request would be outweighed by the proposal adversely affecting and jeopardising the ongoing sustainability of the lifeline ferry services between the mainland and the island; the deliverability of the future development plans for the Gigha Ferry Service and infrastructure (including a breakwater/aligning structure) in light of the anticipated hybrid ferry; the Council wide harbour order; and the proposed rationalisation of the recycling collection in Gigha which it is intended will be situated at the asset.

1.4 Does the request demonstrate that agreeing to the request be likely to promote or improve Social or Environmental wellbeing

Yes No to some extent (assessed as MODERATE by SET)

How does the Request demonstrate this:

The Social Enterprise Team have highlighted the following examples from the request in support:

Section 4.2 - States that creating the campsite will minimise the environmental impact of tourism on Gigha through the restriction of motorhome access across the island roads to prevent indiscriminate parking on sensitive sites and laybys. The campsite will reduce indiscriminate waste disposal as the proposed scheme will also provide island recycling and waste facilities.

Paragraph 3 & 4 - The campsite will minimise the environmental impact of tourism on Gigha through restricting motorhome access across the island roads and will prevent indiscriminate parking on sensitive sites and laybys. The campsite will reduce indiscriminate waste disposal as the proposed scheme will also provide island recycling and waste facilities. The restriction of motorhome and campervan access across the island will encourage more walking and cycling. The architects design will follow a sustainable approach including minimal energy usage, vernacular local design and



sympathetic use of traditional materials to respect the location of the development in the landscape of Gigha.

The creation of a campsite will allow IGHT to manage vehicular traffic much more effectively on the islands only road to protect residents, farmers, fishermen and visitors. The campsite will also allow IGHT to reduce the impact indiscriminate parking, camping and waste disposal is having on the island's residents, businesses and visitors. It will create more accommodation to deal with times of peak demand.

Section 4.3 - Demonstrates an understanding of the issues involved. In terms of LDP 2015, part of the proposed development is within the Settlement Boundary, part in Countryside. In terms of the local plan, an exception case will be required to support development in the Countryside. A planning pre-application enquiry has been submitted to Argyll and Bute Council and has returned with no major concerns.

Section 4.1 Paragraph 3; This has caused a significant amount of indiscriminate camping at various points across the island.....

If yes, would it be to a greater extent than any alternative proposal?

Yes No Not applicable

Outline Relevant Evidence Below:

Council current / proposed use

The alternative proposal is the current use which is a ferry terminal and related infrastructure in support of the terminal (including the car park subject to this proposal) which is operated by the Council and supports the lifeline ferry services between the mainland and the island operated by Calmac.

The social and environmental well-being benefits to be achieved by the request would be outweighed by the proposal adversely affecting and jeopardising the ongoing sustainability of the lifeline ferry services between the mainland and the island; the deliverability of the future development plans for the Gigha Ferry Service and infrastructure (including a breakwater/aligning structure) in light of the anticipated hybrid ferry; the Council wide harbour order; and the proposed rationalisation of the recycling collection in Gigha which will be situated at the asset.

1.5 Does the request demonstrate that the request would be likely to reduce inequalities of outcome which result from socio-economic disadvantage

Yes No to some extent (assessed as STRONG by SET)

How does the Request demonstrate this:

The Social Enterprise Team have highlighted the following examples from the request in support:



Section 5.1 Indicates the level of Community involvement and support. The Trust held a community meeting 7th December 2018 with support for the acquisition of the car park.

Section 7.1 States that the development of the campsite will generate a beneficial impact on other businesses on Gigha by increasing the level of tourism and associated spend on the island. There is a small campsite adjoining the Boathouse restaurant offering limited pitches and facilities. IGHT intend to work in partnership with the Boathouse on the management and promotion of camping and motorhome opportunities on Gigha.

Additionally - This proposal is part of a clearly articulated and agreed plan for the island's development which includes economic impact as a result of this proposal by increasing income to island business and improving employment opportunities.

If yes, would it be to a greater extent than any alternative proposal?

Yes No Not applicable

Outline Relevant Evidence Below:

Council current / proposed use

The alternative proposal is the current use which is a ferry terminal and related infrastructure in support of the terminal (including the car park subject to this proposal) which is operated by the Council and supports the lifeline ferry services between the mainland and the island operated by Calmac.

The benefits in reducing socio economic disadvantage to be achieved by the request would be outweighed by the proposal adversely affecting and jeopardising the ongoing sustainability of the lifeline ferry services between the mainland and the island; the deliverability of the future development plans for the Gigha Ferry Service and infrastructure (including a breakwater/aligning structure) in light of the anticipated hybrid ferry; the Council wide harbour order; and the proposed rationalisation of the recycling collection in Gigha which will be situated at the asset.

1.6 Does the request demonstrate that set out the extent to which the requests ties into CPP, SOA and CP outcomes

Yes No to some extent (assessed as MODERATE by SET)

How does the Request demonstrate this:

The Social Enterprise Team advised that IGHT consider that their request tied in with the following Community Planning Partnership outcomes at Section 8.1

Outcome 1 – The economy is diverse and thriving

Outcome 2 – We have infrastructure that supports sustainable growth

Outcome 5 – People live active healthier and independent lives

Outcome 6- People live in safer and stronger communities



Having reviewed the request SET consider that the request ties in with Outcome 1, 2 and 6.

Request claims to match 1, 2, 5 & 6

SET has identified it shows 1, 2 and 6

The Social Enterprise Team advised that IGHT consider that their request tied in with the following Corporate Plan outcomes at Section 8.2:

Request claims to match 1b + c 2 a+b

SET has identified it shows 1b, possibly c and 2b

- 1.7 Consider any other benefits which might arise if the request were agreed to and compare with any other benefits which might arise if an alternative request, including current use were to be adopted in respect of the asset to which the request relates

(Assessed as MODERATE BY SET)

Request

SET have made the following comments in support of their assessment:

The group are seeking to increase the footfall of tourism to the community owned Island and improve the quality of the visitor experience by providing much needed accommodation. They are proposing improvements in facilities which the Council does not have the resources to do.

The group set out that their proposals will facilitate an increase in physical activity through walking and cycling although they have not provided evidence of this and therefore it is difficult to assess whether this is the case.

There are consequences to existing businesses and they have evidenced a level of community involvement and support.

The group could have access to funding that the Council does not, bringing much needed investment to the Island.

Alternative Request (including current use)

The alternative use is the current use which is a ferry terminal and related infrastructure in support of the terminal (including the car park subject to this proposal) which is operated by the Council and supports the lifeline ferry services between the mainland and the island operated by Calmac.

Development and Infrastructure are looking to continue use current use in the future to safeguard the sustainable provision of pier and related infrastructure and ensure lifeline services can continue in a sustainable way into the future.

The off-street car park is the only such facility on the island. While traffic volumes on the island are low, Officers consider that the retention of the car park, under the control of the Council, is necessary. Loss of the car park could potentially lead to irresponsible & indiscriminate parking and



damage to the road asset (e.g. verge damage). In addition to this, the potential use of the car park for ferry facility improvements and as the site for recycling point requires that we retain control of the car park. The Council doesn't own other suitable land on the island that could be utilised for the proposals and, in any case, the cost of purchasing third party land introduces costs to the Council at a time when budgets are being reduced.

The ferry for the Gigha-Tayinloan crossing may be replaced with a hybrid ferry in the future. The Council is also moving towards having a single Harbour Order which will cover all Council ports. There are plans drafted for improvements to the ferry facilities, including a proposed breakwater /aligning structure. Further to this there may be a requirement to build additional marshalling space which may require utilization of some of the car park area. There are also plans to rationalise the recycling collection on Gigha, it is likely that the single recycling collection point will be sited within the car park.

1.8 Outline any other negative impact(s) if request agreed to

Assessed by ALL

- There is the possibility of business displacement and loss of business for the Boat House/B&B and the shops.
- Potential congestion at the Ferry Terminal.
- Loss of Car Parking may introduce future costs to the Council's reducing budget and prevent improvement being made to the ferry facilities.
- Lack of Partnership involvement – A&B Council, CALMAC, Boat House

1.9 Outline the impact of the request's failure would have

Yes No to some extent (Assessed as MODERATE by SET)

How does the Request demonstrate this:

The Social Enterprise Team have highlighted the following examples from the request in support of this assessment:

Section 4.4 There is minimal risk to the project. The group have provided information to highlight issues and risks to the asset. They have been in initial discussions with the council planning department to ascertain the likelihood of any potential objections, with a positive outcome. The aim of this project is to generate environmental and economic benefits for the community.

Additionally - The organisation has established a trading arm to protect the trust from financial failure of an enterprise. There might be significant issues for ferry traffic if the project were to fail.

Section 1 - Assessment

Please rate Section 1 in accordance with the evidence table (page 17) at Section 6 from Poor – Very Strong

MODERATE - The request is 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 to Development and Infrastructure are looking to continue use current use in the future to safeguard the sustainable provision of pier and related infrastructure and ensure lifeline services can continue in a sustainable way into the future.

The alternative use is the current use which is a ferry terminal and related infrastructure in support of the terminal (including the car park subject to this proposal) which is operated by the Council and supports the lifeline ferry services between the mainland and the island operated by Calmac.

Therefore, on balance the benefits to be achieved by the request would be outweighed by the proposal adversely affecting and jeopardising the ongoing sustainability of the lifeline ferry services between the mainland and the island; the deliverability of the future development plans for the Gigha Ferry Service and infrastructure (including a breakwater/aligning structure) in light of the anticipated hybrid ferry; the Council wide harbour order; and the proposed rationalisation of the recycling collection in Gigha which will be situated at the asset.



SECTION 2 - GOVERNANCE AND FINANCIAL ARRANGEMENTS - ASSESSMENT

GOVERNANCE

- 2.1 Does the request demonstrate that the CTB members have the appropriate skills, experience and qualifications to deliver the request, or does the body have a plan for engaging people who do?

Yes No to some extent (assessed as MODERATE by SET)

How does the Request demonstrate this:

The Social Enterprise Team have highlighted the following examples from the request in support of this assessment:

Section 4.5

IGHT has a strong track record of developing the Isle of Gigha. Following years of decline under private ownership Gigha was purchased by the Trust in 2002 and has subsequently benefited from investment and focused governance which has improved the housing stock and other assets, increased the population and the economic activity of the island to the benefit of all the residents and thus the Board remains committed to the Community Ownership model as the most equitable and effective way of meeting the needs of residents and ensuring the long-term sustainability and wellbeing of the community of Gigha. They have experienced staff and the structures to easily manage this project in the medium to long term.

Their Strategic Plan focuses on the following priorities:

- Ensuring long-term sustainability of IGHT and the ability to effectively deliver its purpose
- Reducing the gearing (loan funding in relation to total assets)
- Preserving and enhancing the natural and developed environment of the Island of Gigha
- Promoting the health, wellbeing and prosperity of the residents of Gigha
- Creating a more diverse local economy with lower seasonal dependencies

Additionally, there are issues in business plan that show they have recently made major changes to their structure and how they run. A more detailed plan of how they see this project going forward would have been helpful.

- 2.2 Does the request demonstrate that the Community body have suitable governance arrangements for the scale of the request?

Yes No to some extent (assessed as MODERATE by Legal Services)

How does the Request demonstrate this:

Legal Services have stated the following in support of this assessment:

The Isle of Gigha Heritage Trust (the IGHT) is a company registered under the Companies Acts (Company Number SC224141) and a registered Charity (number SC032302). Having full regard to the Memorandum of Association and Articles of Association of the Isle of Gigha Heritage Trust Legal



Services are satisfied that IGHT have suitable governance arrangements in place for the scale of the project.

2.3 Where relevant do they have a succession plan in place for recruiting Board Members /Trustees in the future?

Yes No to some extent (assessed as MODERATE by SET)

How does the Request demonstrate this:

The Social Enterprise Team have stated the following in support of this assessment:

The Trust has evidenced its long-term commitment to achieving the objects identified in the 10 year Business Plan. It has an excellent track record of sustaining and developing support for the organisation

2.5 Does the request demonstrate compliance with state aid rules?

Yes No Not applicable (assessed as weak by Legal Services)

If no, set out evidence below:

The four key tests as set out at <http://www.gov.uk.scot/Topics/Government/State-Aid/About/state-aid-tests> require to be met to establish that a measure constitutes state aid. The submission in respect of state aid contained at section 7.2 of the application form does not consider all four tests in detail. It is however provided that 'Any value would not be considered State Aid as it will not affect trade between member states. This is a small low value project with a specific local market'. In the event that the submission by the IGHT is correct, the 4th of the four key tests will not be met and the asset transfer will comply with State Aid rules.

Governance - Assessment

Please rate Section 2 – Governance in accordance with the evidence table (page 17) at Section 6 from Poor – Very Strong

MODERATE – Governance arrangements in place and acceptable.

Please outline the reasons for this assessment below:

IGHT have submitted their Memorandum and Articles of Association which demonstrate that Governance arrangements are in place and acceptable.



FINANCIAL ARRANGEMENTS

- 2.7 Has the CTB identified all the relevant costs of the request or facilities including initial investment, ongoing running costs and end of project costs?

Yes No Not applicable (Assessed as WEAK by Strategic Finance)

Outline Relevant Evidence Below:

Strategic Finance stated the following in support of this assessment:

There are estimates of the costs involved in the business plan submitted as an accompanying document with the request but no information that verifies what those estimates are based on.

The submission makes no reference to the payment of Non Domestic Rates. The average costs across the whole Council area for car parks is £60-65 per bay per year.

- 2.8 Has the CBT identified appropriate and realistic sources of funding?

Yes No Not applicable (Assessed as WEAK by Strategic Finance and Poor by SET)

Outline Relevant Evidence Below:

Strategic Finance stated the following in support of this assessment:

There are estimates of how the project will be funded, however, nothing substantial to suggest that they are realistic. Based on their timeline the LEADER final application was due January as well as the RTIF final application – together these amount to 75% of the funding and there is no information as to whether there is agreement in principal or what would be considered a good application. Difficult to understand whether these are reliable estimates of income.

Revised Evaluation following confirmation of RTIF funding: RTIF funding has now been confirmed at a maximum £171,000 subject to some conditions. The business case had RTIF funding at £291,783, therefore there is now a shortfall in funding of £120,783 and it is unclear what other source of funding is available. No change to assessment.

SET have stated the following in support of this assessment:

Cost for the purchase is minimal but they have submitted applications to fund the wider projects.

While IGHT has an excellent history of raising funding for their business development projects, apart from indicative funders the group have supplied no indicative costs for the project or its ongoing development.

- 2.9 Where relevant have they identified how the request will be funded in the longer term?

Yes No Not applicable (assessed as Weak by Strategic Finance)

Outline Relevant Evidence Below:

Strategic Finance have stated the following in support of this assessment:



Cash flow projections are included, however, not sure whether they are realistic. No information is provided on the number of campervans landed between September and March. The income estimates are based on their being business during these winter months. In April to August 2018 there were 253 campervans/motorhomes on the island but no information as to how long they stayed for. Its very difficult to gauge whether the income forecasts during the summer months are realistic.

2.10 Set out value to the Council in existing/proposed use

Assessed as Moderate by Strategic Finance

Strategic Finance stated the following in support of this assessment:

The Council would no longer have to maintain the car park

2.11 Set out feasibility and cost of relocation of services elsewhere

The alternative use is the current use which is a ferry terminal and related infrastructure in support of the terminal (including the car park subject to this proposal) which is operated by the Council and supports the lifeline ferry services between the mainland and the island operated by Calmac.

The ferry slip could not be reasonably re-sited elsewhere. The loss of the car park may impact on improvements to the ferry facilities. In addition to this the Council does not currently own or control any other land where it could site a single recycling point and this may result in the prosed refuse savings not being met. The loss of car parking may cause traffic issues (irresponsible parking) or damage to the road asset (verges etc.) This in turn may require the Council to reinvest in car parking facilities in the future.

Given that the car park is part of the ferry terminal infrastructure it is considered that it is not feasible to relocate the terminal elsewhere.

2.12 Set out potential revenue savings to the Council arising from transfer

(Assessed as WEAK by Strategic Finance)

The Council would no longer have to maintain the carpark, but from the consultation it appears that the public aren't happy with the level of maintenance indicating that it is limited, therefore, there is possibly little potential revenue saving, from what is ultimately a fairly small car park.

Financial - Assessment

Please rate Section 2 – Financial in accordance with the evidence table (page 17) at Section 6 from Poor – Very Strong

WEAK - Financial arrangements are weak

Please outline the reasons for this assessment below:

Financial arrangements are weak, based on estimates and it is not clear if they are realistic of the proposal is sustainable.



Moreover, identification of sources of funding are anticipated and only one has been awarded. However, the business case had RTIF funding at £291,783, therefore there is now a shortfall in funding of £120,783 amount. Given this, it has not been demonstrated that these are reliable estimates of income.

SECTION 3 - RELATED PROJECTED BENEFITS - ASSESSMENT

3.1 Do the proposed benefits of the request contribute to achieving the authority's functions?

Yes No Not applicable (Assessed as WEAK by the holding Service)

How:

The holding Service has assessed that the proposed benefits of the request do not contribute to achieving the authority's functions for the following reasons:

The alternative use is the current use which is a ferry terminal and related infrastructure in support of the terminal (including the car park subject to this proposal) which is operated by the Council and supports the lifeline ferry services between the mainland and the island operated by Calmac.

The Service seeks to continue to use the asset in its current use in the future to safeguard the sustainable provision of pier and related infrastructure and ensure lifeline services can continue in a sustainable way into the future.

If the car park asset was transferred the Council loses control of what can be done with the site. There is nothing preventing the sites use being changed in the future, potentially leading to the loss of the only off-street car park on the island (and serving the ferry).

Additionally, the loss of the car park facility would require the Council to identify and possibly need to lease or purchase an area where recycling facilities could be located.

Therefore, the benefits to be achieved by the request would be outweighed by the proposal adversely affecting and jeopardising the ongoing sustainability of the lifeline ferry services between the mainland and the island, and the deliverability of the future development plans for the Gigha Ferry Service and infrastructure (including a breakwater/aligning structure) in light of the anticipated hybrid ferry and the Council wide harbour order and the proposed rationalisation of the recycling collection in Gigha which will be situated at the asset.

3.2 Do the proposed benefits of the request have an unacceptable impact on the ability of the authority to deliver its functions?

Yes No to some extent (Assessed as POOR by the holding Service)

How

The holding Service has assessed that the proposed benefits of the request do impact on the ability of the authority to deliver its functions for the following reasons:



The loss of the asset may have an impact on the future development plans for the ferry and the ability to site a single recycling point for the island (which is intended to reduce the cost of waste collection to the Council). The loss of the car park could lead to indiscriminate parking which may damage the road asset (verges etc.)

The car park may be required should the proposed improvements to ferry facilities of ahead. The loss of the car park is likely to adversely effect the deliverability of this. The loss will also impact on refuse collection services plans to reduce the cost of recycling collection on the island.

It should also be noted that that the proposed caravan/campsite could be serviced by an access from the public road rather than through the car park.

3.3 Are there any obligations / restrictions imposed on the Authority that may prevent, restrict, or effect ability to agree to the request? (Matrix 3.3)

Yes No

Describe how the request intends to comply with any obligations / Restrictions imposed (Matrix 3.4)

The price of £1 offered is less than the value of the asset as determined by the valuation. Where the Council disposes of land for a consideration less than the best that can reasonably be obtained it must follow the procedure set out in the Disposal of Land by Local Authorities (Scotland) Regulations 2010. The local authority must—(a) appraise and compare the costs and other disbenefits and the benefits of the proposal; and (b) determine that the following circumstances are met; a) it is satisfied that the disposal for that consideration is reasonable; and (b) the disposal is likely to contribute to any of the following purposes—(a) economic development or regeneration;(b) health; (c) social well-being; or (d) environmental well-being in respect of the whole or any part of the area of the local authority or any persons resident or present in that area. It should be noted that compliance with the regulations does not always mean obtaining the highest possible price for an asset. All authorities have the ability to dispose of property at less than market value where there are wider public benefits to be gained.

The asset transfer could potentially lead to increased costs to the Council in its service delivery as there is no other suitable land as the Council's proposals require to be undertaken where the ferry docks.

3.4 Does the request demonstrate Community Support for the project./Community demand for the request and the extent to which the community will be served by the request ? (Asset Matrix 3.5/3.6)

Yes No To some extent (assessed as weak by SET)

How does the Request demonstrate this:

The Social Enterprise Team have highlighted the following examples from the request in support:

Section 5.1 Indicates the group have provided enough information to evidence a wide range of local community support. An initial consultation with the community was delivered at a Members meeting in early 2018. Although this was project was still at a very early stage. The Trust



subsequently held a community meeting 7th December 2018 with support received for the acquisition of the ferry car park.

However, the consultation indicated only mixed support for IGHT to run the project. It would also be fair to say answers were often a comment on the state of the car park now rather than support for the project.

Additionally the Council received a negative representation from the Gigha Community Council. It is considered that there is a difference of the opinion between IGHT and the Community Council which indicates a level of opposition in the community and that support in the community is not universal.

This should be borne in mind given that the effects of the ATR would mean loss by the Council of a key strategic site which would result in changes in the delivery of services to the community and may have an impact on the every day lives of the community. There is potential for a reduction in community cohesion.

Section 3 - Assessment

Please rate Section 3 in accordance with the evidence table (page 17) at Section 6 from Poor – Very Strong

WEAK - related project benefits are not based on robust information and demonstrate questionable value for money

Please outline the reasons for this assessment below:

The proposed benefits of the request do not contribute to achieving the authorities functions, may have an unacceptable impact on the ability of the authority to deliver its functions.

The ATR would potentially lead to increased costs to the Council in service delivery as there is no other suitable land on the Island to locate the current use which requires to be adjacent to where the ferry docks.

Therefore, on balance the benefits to be achieved by the request would be outweighed by the proposal adversely affecting and jeopardising the ongoing sustainability of the lifeline ferry services between the mainland and the island; the deliverability of the future development plans for the Gigha Ferry Service and infrastructure (including a breakwater/aligning structure) in light of the anticipated hybrid ferry; the Council wide harbour order; and the proposed rationalisation of the recycling collection in Gigha which will be situated at the asset.



SECTION 4 – SUSTAINABILITY AND EQUALITY – ASSESSMENT

4.1 Outline any evidence of the sustainability of the request (assessed as WEAK by SET)

Limited initial development would suggest to group need to do further work on this aspect. Forecasts seem based on ferry traffic information with little in the way of potential customers or markets.

It is difficult to provide assurance on the sustainability of the project based on the information received.

4.2 Outline the extent to which the request encourages equal opportunities (Assessment Matrix) (assessed as POOR by SET)

The Trust has an open membership and are a democratic group. However, the group have not submitted any equal opportunities policy and makes no mention of it.

4.3 Outline the extent to which the request demonstrates robust monitoring / reporting arrangements are in place (assessed as MODERATE by SET)

The Social Enterprise Team Strategic Finance stated the following in support of this assessment:

Section 6.1 – Details information that would support an expectation that robust monitoring of any funding and development of the asset would be run in an acceptable way.

Business Plan submitted as part of Asset Transfer Request at a much later date that the original submission does refer at 6.0 to measuring success through:

Booking Numbers at campsite, GTL income, development of guest marketing database, annual visitor surveys, complaints, survey of tourism

No detail on financial monitoring arrangements.

Section 4 - Assessment

Please rate Section 4 in accordance with the evidence table (page 17) at Section 6 from Poor – Very Strong

POOR – little evidence of sustainability, performance management or promotion of equality is demonstrated.

Please outline the reasons for this assessment below:

No submission of mention of equal opportunities policy and not possible to provide assurance on the sustainability of the project based on the information currently received.



SECTION 5 – BEST VALUE – ASSESSMENT

- 5.1 Outline the extent to which the request demonstrates Best Value in the following (Assessment Matrix)

Vision & Leadership (Section 1 – Benefits)

Moderate – Section 1.6 – asset transfer request shows links with local priorities

Effective Partnerships (Section 1 Benefits and Section 3 – Related Project Benefits)

Weak - Section 3.4 - consultation indicated only mixed support for IGHT to run the project - answers were often a comment on the state of the car park now rather than support for the project

Governance and accountability (Section 2 – Governance)

Moderate – Section 2.2 - Governance arrangements are in place and acceptable

Use of Resources (Section 1 Benefits and Section 2 – Governance)

Weak – 2.7-2.9 – Financial arrangements are weak or unverifiable – sources of funding while included are assumptions and none have been secured – failure to secure funding would mean the project being withdrawn by the group according to their own business plan

Performance Management (section 4 – Sustainability and Equality)

Moderate – Monitoring Proposals evidenced in business plan for use /success of proposed facilities – however no detail on financial monitoring arrangements.

Sustainability (Section 4 – Sustainability and Equality)

Weak - Limited initial development would suggest to group need to do further work on this aspect. Forecasts seem based on ferry traffic information with little in the way of potential customers or markets.

It is difficult to provide assurance on the sustainability of the project based on the information received.

Equality (Section 1 and Section 4 – Sustainability and Equality)

Poor – The group have not submitted any equal opportunities policy and makes no mention of it.



Section 5 - Assessment

Overall Scoring of Best Value				
Area Assessed	Rating	Score	Weighting	Weighted Score
Vision and Leadership	MODERATE	3	14.285%	0.42855
Effective Partnerships	WEAK	2	14.285%	0.2857
Governance and Accountability	MODERATE	3	14.285%	0.42855
Use of Resources	WEAK	2	14.285%	0.2857
Performance Management	MODERATE	3	14.285%	0.42855
Sustainability	WEAK	2	14.285%	0.2857
Equality	POOR	1	14.285%	0.14825

Overall Rating	
Score/Weighted Score	Overall Rating
>4.5	Very Strong
>3.5 and <=4.5	Strong
>2.5 and <=3.5	Moderate
>1.5 and <=2.5	Weak
<=1.5	Poor

Total Weighted Score: 2.291

WEAK

**SECTION 6 – OVERALL ASSESSMENT**

Evidence	Overview
Very Strong	<ol style="list-style-type: none"> 1. The request strongly sets out a more positive benefit for the Council and Community than the current of proposed use by the Council. 2. Governance and financial arrangements are strong and sustainable. 3. Related projected benefits are very robust and demonstrate value for money: suitability, effectiveness, prudence, quality, value, and the avoidance of error and other waste. 4. Robust demonstration of sustainability equality and Performance Management 5. Best Value characteristics are evidenced and contained throughout the overall approach
Strong	<ol style="list-style-type: none"> 1. The request provides evidence of a more positive benefit for the Council and Community than the current of proposed use by the Council. 2. Governance and financial arrangements are sound and sustainable. 3. Related projected benefits are demonstrated well and represent value for money 4. Demonstration of sustainability and performance management are in evidence and promotion of equalities is demonstrated well 5. Best Value characteristics are in evidence in the request.
Moderate	<ol style="list-style-type: none"> 1. The request is neutral in terms of setting out a more positive benefit for the Council and Community than the current of proposed use by the Council. 2. Governance and financial arrangements are in place and acceptable 3. Related projected benefits are acceptable and could lead to value for money 4. Some evidence of sustainability, equality and performance management is demonstrated 5. Best Value characteristics have been considered in the request
Weak	<ol style="list-style-type: none"> 1. The Request does not set out a more positive benefit for the Council and Community than the current of proposed use by the Council. 2. Governance and financial arrangements are weak. 3. Related projected benefits are not based on robust information and demonstrates questionable value for money. 4. Sustainability and Performance Management are not well demonstrated and promotion of equality is not well demonstrated 5. Best Value characteristics are not well demonstrated in the request.
Poor	<ol style="list-style-type: none"> 1. The Request does not set out a more positive benefit for the Council and Community than the current of proposed use by the Council. 2. Governance and financial arrangements are poor. 3. Related projected benefits are ill defined and/or unrealistic and do not demonstrate value for money. 4. Little evidence of sustainability, Performance Management or promotion of equality is demonstrated 5. There is little evidence of Best Value characteristics in the request.



OVERALL CONCLUSION

This sets out the conclusions on the request with regard to the information provided in the request and the provisions set out in Part 5 Section 82(3) of the Community Empowerment (Scotland) Act 2015.

Please note that the Act requires that the Council assesses each request transparently against a specified list of criteria and agrees to the request unless there are reasonable grounds for refusal.

However, the request is capable of being refused when such reasonable grounds exist including cases where the benefits of the asset transfer request are judged to be less than the benefits of an alternative proposal, where agreeing to the request would restrict the relevant authority's ability to carry out its functions, or where another obligation on the relevant authority prevents or restricts its ability to agree to the request.

(Matrix 6.1-6.5)

6.1. Please assess strength of the Proposal

Overall Scoring of Request				
Area Assessed	Rating	Score	Weighting	Weighted Score
Section 1 – Benefits	MODERATE	3	16.667%	0.500
Section 2 – Governance	MODERATE	3	16.667%	0.500
Section 2 – Financial Arrangements	WEAK	2	16.667%	0.333
Section 3 – Related Project Benefits	WEAK	2	16.667%	0.333
Section 4 – Sustainability and Equality	POOR	1	16.667%	0.166
Section 5 – Best Value	WEAK	2	16.667%	0.333

Overall Rating	
Score/Weighted Score	Overall Rating
>4.5	Very Strong
>3.5 and <=4.5	Strong
>2.5 and <=3.5	Moderate
>1.5 and <=2.5	Weak
<=1.5	Poor

Total Weighted Score: 2.165

Total Weighted Rating: **WEAK**



6.2. Please identify any State Aid Issues

None Identified

6.3. What is the justification for the price at less than market value?

Valuation: £75,000

In terms of Disposal of Land by Local Authorities (Scotland) Regulations) 2010 the local authority is satisfied that the disposal could be capable of contributing to the purposes as set out in section 4(2) of the Regulations.

However the local authority is not satisfied that the disposal is reasonable in all the circumstances, particularly having regard to the alternative use by the Council and the strategic and lifeline nature of the ferry service and that the request has not discharged the requirements of the Regulations in relation to disposing of the land at less than best consideration having regard to these factors

6.4. How does the proposal present Best Value against any current or intended proposal?

Best Value has been assessed as MODERATE in Section 5 of the document

6.5. Outline any reasonable grounds for refusal:

1. The request or accompanying documentation was not sufficiently robust to give confidence that the plans and benefits will be achieved, particularly since not all of the anticipated sources of funding have been awarded and may be substantially materially less than set out; the RTIF funding which has been awarded has a shortfall of £120,783 to that anticipated in the ATR and accompanying documentation; the community engagement/support element of the request is weak with significant objections set out in the representation from the community council; and the request does not adequately address sustainability or equality matters;
2. The proposal at a nil capital consideration is not reasonable having regard to the loss of a strategic asset required to deliver the existing lifeline ferry services between Gigha and the mainland;
3. The benefits to be achieved by the request would be outweighed by the current / alternative proposal: adversely affecting and jeopardising the ongoing sustainability of the lifeline ferry services between the mainland and the island; the deliverability of the future development plans for the Gigha Ferry Service and proposed infrastructure (including a breakwater/aligning structure) in light of the anticipated hybrid ferry; the Council wide harbour order and the proposed rationalisation of the recycling collection in Gigha which it is intended will be situated at the asset; and
4. It is considered that there are alternatives which would provide IGHT with the access they require to the proposed site namely a clearly defined right of servitude or access to the intended site from the public road. Additionally, it should be noted that IGHT stated in their Expression of Interest to Scottish Government Rural Tourism Infrastructure Fund (which was submitted for consideration as part of their ATR) that acquisition of the Gigha Ferry Terminal car park was not crucial to their project as the Trust own the land covering alternative access routes to the site identified. Therefore refusal of the ATR will not prevent the project from proceeding.

Date Determined:

28 March 2019 (Financial position re-assessed by Strategic Finance on 24 April 2019)