

Hugh Ross
Staffin Community Trust
Church of Scotland Annexe
Staffin
Isle of Skye
IV51 9JX

Dear Hugh

ASSET TRANSFER UNDER THE COMMUNITY EMPOWERMENT ACT

DECISION NOTICE 6TH OF SEPTEMBER 2017 - REFUSED

This Decision Notice relates to the asset transfer request made by **Staffin Community Trust** on the 6th of March 2017 in relation to **Storr Woodland (part)**.

The Highland Council has decided to **refuse** the request.

The reasons for this decision are as follows:

- **Disaggregation of the site**-The proposed disaggregation of the car park from the remainder of the site would separate the revenue generating potential of the site from the burden of management and maintenance. The lack of reinvestment in the wider site would be detrimental to the integrated management of the site for wider, sustainable public benefit. The proposal would therefore have a negative impact upon the ability of the Council to deliver its functions.
- **Requested Terms and Conditions**-The request requires the transfer of £400k of capital budget from The Highland Council to Staffin Community Trust. There is no allocation of capital budget specifically to this site for visitor management within the Councils confirmed capital programme for the 2017/18 financial year. With reference to the requirement in the conditions that no economic development burden or clawback is attached to the transfer, a contribution of £400k capital funding from the Council would not be prudent without clearly agreed contractual outcomes and confirmed match funding as it is our opinion that this fails to protect the public interest in perpetuity. Transferring without an economic development burden or similar contractual condition would also not be prudent as there would be no arrangement for the Council to be able to either recover the property if it is not being used for the intended purpose or to recover any increase in value should the use change.

- **Land Requested-**The request includes the areas of ground which currently form the road side layby with the intention that it will be used for coach parking with the Trust imposing parking charges. The layby currently forms part of the adopted public road and this proposal would require the layby to be stopped up and cease to be part of the adopted highway. Based on the professional advice from roads engineers it would not be acceptable to the Council for road safety and management reasons for the layby to be included in any sale or for this area to be stopped up. There is a requirement that within the land requested the sporting rights are transferred at no cost. This is not possible for the Council to approve as they are held by Lord MacDonald under a Sporting Lease by the Secretary of State for Scotland.
- **Alternative Proposal-** The benefits of the Asset Transfer Request are judged to be less than the benefits of an alternative proposal. That proposal being the lease of the whole site owned by the Council at Storr Woodland, excluding the roadside layby. The benefits of this alternative are deemed to be greater than the request made including greater benefits in relation to protecting public access, protecting public Interest in perpetuity and management & maintenance of site as a whole. In addition a number of other alternatives were considered which either involves the transfer of or a partnership working model in respect of the whole site, and could deliver equivalent or greater benefits.

Right to review

You have a right to **apply to the Council to review this decision. Information regarding how to request a review can be found at www.highland.gov.uk/cat**

Any application for review must be made in writing to **The Chief Executive, The Highland Council, Glenurquhart Road, Inverness IV3 5NX cat@highland.gov.uk**

by **the 4th of October 2017** which is 20 working days from the date of this notice.

Guidance on making an application for review is available at-
<https://www.highland.gov.uk/cat>