

The Highland Council

Agenda Item	6i
Report No	LA/4/25

Committee: Lochaber

Date: 27 January 2025

Report Title: Community Asset Transfer Request - Land adjacent to the Spean Bridge Community Centre

Report By: Assistant Chief Executive – Place

1. Purpose/Executive Summary

- 1.1 The Community Empowerment (Scotland) Act introduces a right for community bodies to request to own, lease or use public sector assets through a process known as Community Asset Transfer. As part of this request a discount on market value can be requested. Once a formal request is submitted, Local Authorities have 6 months after validating the request to assess the application against a range of potential community benefits and determine whether to grant the request.
- 1.2 Where Council assets are between the value of £10,000 up to £100,000, decision on the transfer of any asset rests with the Area Committee. This report asks Members to consider and agree the Community Asset Transfer request received from Spean Bridge, Roy Bridge and Achnacarry Scottish Charitable Incorporated Organisation (SCIO) for sale of 2.3 Acres of land adjacent to the Spean Bridge Community Centre for £1.

2. Recommendations

2.1 Members are asked to agree the following Community Asset Transfer request:

- Transfer of ownership of circa 2.3 acres of land adjacent to the Spean Bridge Community Centre for £1, based upon the terms set out in the report, subject to Scottish Government Minister approval as the land is on Housing Revenue Account.

3. Implications

- 3.1 **Resource:** The land subject to this Community Asset Transfer is currently owned by Highland Council, part of the Housing Revenue Account. Spean Bridge, Roy Bridge and Achnacarry SCIO are requesting 100% discount on the market value of the land which is valued at £23,000.

The land is in two main sections, one section is circa 1.4 acres of a predominantly broadleaf woodland area which sits between the River Spean and a Highland Council housing development, adjacent to the Spean Bridge Community Centre. The other area is circa 0.9 acres of playpark situated next to Spean Bridge Community Centre and is sited between Morrison Avenue and Altour Road. The land included in the asset transfer request is unlikely to get permission for development or housing. The value is based on notional amenity value of £10,000 per acre.

The officer-led Asset Management Board including representatives from Legal, Finance, Property and Communities and Place has considered and scrutinised the request and supporting evidence. The request is recommended to proceed as the wider community benefits would outweigh the negligible benefit from the Council retaining the land.

- 3.2 **Legal:** Community Asset Transfer is a legislative process set out in the Community Empowerment Act. Public bodies have the right to refuse a Community Asset Transfer application on the grounds that greater community benefit will arise from current or alternative use. However, community bodies have the right of review, first to the public body and then by appeal to Scottish Ministers.

As this Community Asset Transfer request relates to Housing Revenue Account land, consultation with tenants required to be undertaken and, because the discount exceeds 25% and the land value is over £10,000, an application to the Scottish Minister is required and will be made in due course subject to agreement from this Committee.

- 3.5 **Risk:** Although any Community Asset Transfer assessment considers sustainability, there are risks that any group could fail in the future or choose to dispose of the transferred asset. The Community Empowerment Act provides a clause which stipulates how dissolution must be dealt with to ensure any transferred asset remains in community hands, for the benefit of the community, in the event of an organisation ceasing to exist.

- 3.6 **Health and Safety (risks arising from changes to plant, equipment, process, or people):** There are not considered to be any implications associated with this transfer.

- 3.7 **Gaelic:** There are not considered to be any implications associated with this transfer.

4. Integrated Impact Assessment Screening - Summary

- 4.1 In Highland, all policies, strategies or service changes are subject to an integrated screening for impact for Equalities, Poverty and Human Rights, Children's Rights and Wellbeing, Climate Change, Islands and Mainland Rural Communities, and Data Protection. Where identified as required, a full impact assessment will be undertaken.

- 4.2 Considering impacts is a core part of the decision-making process and needs to inform the decision-making process. When taking any decision, Members must give due regard to the findings of any assessment.
- 4.3 An Integrated Impact Assessment screening has been undertaken and the conclusions have been submitted to the relevant Manager for review and approval.
- 4.4 The Screening process has concluded that there are no direct negative impacts identified by this Community Asset Transfer and it has been acknowledged that this asset transfer will likely have a positive impact through enhanced amenity for the community in Spean Bridge and may have a positive impact in relation to equalities, poverty and human rights, children’s rights and wellbeing, mainland rural communities and climate change socio economic and children’s rights impacts as a result of the plans.
- 4.5 Members are asked to consider the Integrated Impact Assessment Screening summary in **Appendix 1** to support the decision-making process.

Impact Assessment Area	Conclusion of Screening
Equality	<i>Potential positive</i>
Socio-economic	<i>Potential positive</i>
Human Rights	<i>No impact</i>
Children’s Rights and Well-being	<i>Potential positive</i>
Island and Mainland Rural	<i>Potential positive</i>
Climate Change	<i>Potential positive</i>
Data Rights	<i>No impact</i>

5. Asset Transfer Request

- 5.1 The request by Spean Bridge, Roy Bridge and Achnacarry SCIO seeks ownership of sections of land adjacent to Spean Bridge Community Centre (total size = circa 2.3 Acres - map at **Appendix 2**).
- 5.2 The proposed benefits of this transfer, as presented by Spean Bridge, Roy Bridge and Achnacarry SCIO is to develop the land, which is currently not in use, to a community garden with allotments, a polytunnel, a sensory garden, open amenity space and a riverside walk to benefit everyone in the community.

Increased community ownership with improved outcomes for communities is a priority for both Scottish Government and The Highland Council.

6. Summary of CAT Assessment

7. Overall Summary

- 7.1 This is a strong application from a well-established local community group which has the experience, financial stability, and skills to deliver on commitments for this project for the benefit of the local and wider community through development of this land for increased public facilities with a considerable focus on community food growing, recreation and leisure with inclusive access to the area / facilities for all. The organisation has demonstrated a strong commitment to taking on and improving this asset for the benefit of the community.
- 7.2 The proposal has been evaluated and the scores suggest that the request should be **agreed**:
- *Community Benefit: Strong*
 - *Capacity to deliver: Very Strong*
 - *Community support: Very Strong*
 - *Sustainability: Strong*
 - *Resourcing: Very Strong*

8. Recommendation

- 8.1 Sale of the of land, comprising sections of land adjacent to Spean Bridge Community Centre (of a total size of circa 2.3 Acres) for £1. Terms of the transfer would include:
- Spean Bridge, Roy Bridge and Achnacarry SCIO will cover all reasonably incurred property and legal costs associated with the asset transfer process – both the Council's and its own.
 - Spean Bridge, Roy Bridge and Achnacarry SCIO will cover costs associated with any surveys it requires to be undertaken related to the asset transfer process (e.g. hazard tree survey).
 - Community access to the use of the facility must be maintained.
 - Any transfer will be subject to existing burdens/conditions in the Council's title to the property (e.g., third party access rights, etc.). The Council may also impose further burdens/conditions if they consider this expedient (e.g., economic development burdens, etc).
 - The Council will only transfer/lease property for which it has title to do so.

Any other terms to be agreed by the Assistant Chief Executive – Place, in consultation with the Chair of Housing and Property Committee.

Date: 07 January 2025

Author: Lynn Bauermeister, Community Development Manager

Appendices Appendix 1: Integrated Impact Assessment Screening Summary
Appendix 2: CAT Assessment Framework

The screening highlighted overall positive impacts for the community, noting the applicant has expressed that the proposed community garden with allotments, a polytunnel, a sensory garden, open amenity space and a riverside walk will be accessible and open to all members of the community.

It is noted that all groups may be positively impacted by the enhanced amenity in Spean Bridge.

Equalities, poverty, and human rights

Developing the currently unused land identified has the potential to reach all groups through the development of a sustainable outdoor space for community use to meet for recreation and leisure.

Community food growing has wider health and wellbeing benefits and potential for reducing social isolation for those involved and is understood to be a positive route for people to be connected with others and to improve the place where people live. It is expected the proposal from Spean Bridge, Roy Bridge and Achnacarry SCIO will support an increased sense of pride in an area of ground which is located at the heart of the community as well as generating increased levels of participation in community activities.

In addition to the social benefits outlined above, the economic benefits from the proposal highlight potential for modest generation of income to the community from allotments, food growing areas and orchards.

Environment, wildlife and biodiversity

The screening notes that community gardens can provide opportunities to increase biodiversity. Food growing can also support pollinators and provide a nourishing habitat for a range of flora and fauna.

Community growing also provides opportunities to reduce carbon footprints through reduced air miles for food transportation, reduced plastic packaging, and absorbing carbon emissions through planting and soil management.

THE HIGHLAND COUNCIL

Community Asset Transfer Approach

Assessment Framework

Purpose

The purpose of the assessment is to ensure that the decision-making process will produce the best decision for the community, not necessarily Highland Council nor the requesting Community Asset Transfer Body.

Evidence

Primarily the assessment will be based on the information received within the application form and any business plan however additional representations from external parties will also be included along with internal service knowledge.

Cognisance will be taken regarding the nature of the request e.g. whether it is for lease, use or ownership. The level of assurance required will differ depending upon the nature of the request with higher level of compliance/support required for organisations wishing transfer of an asset as opposed to a leasing arrangement.

Structure of Assessment

The assessment will be structured under 5 key headings.

- Benefit to the community (outcomes)
- Capacity to deliver
- Level of community support
- Sustainability
- Resourcing

Consideration will also be given to the terms and conditions requested by the Community Asset Transfer Body and what equivalent terms may be appropriate.

Each of the 5 assessment areas will be assessed separately, considering evidence of best value and be given an overall rating from very strong to poor. A summary of the evidence required to achieve each rating is outlined below:

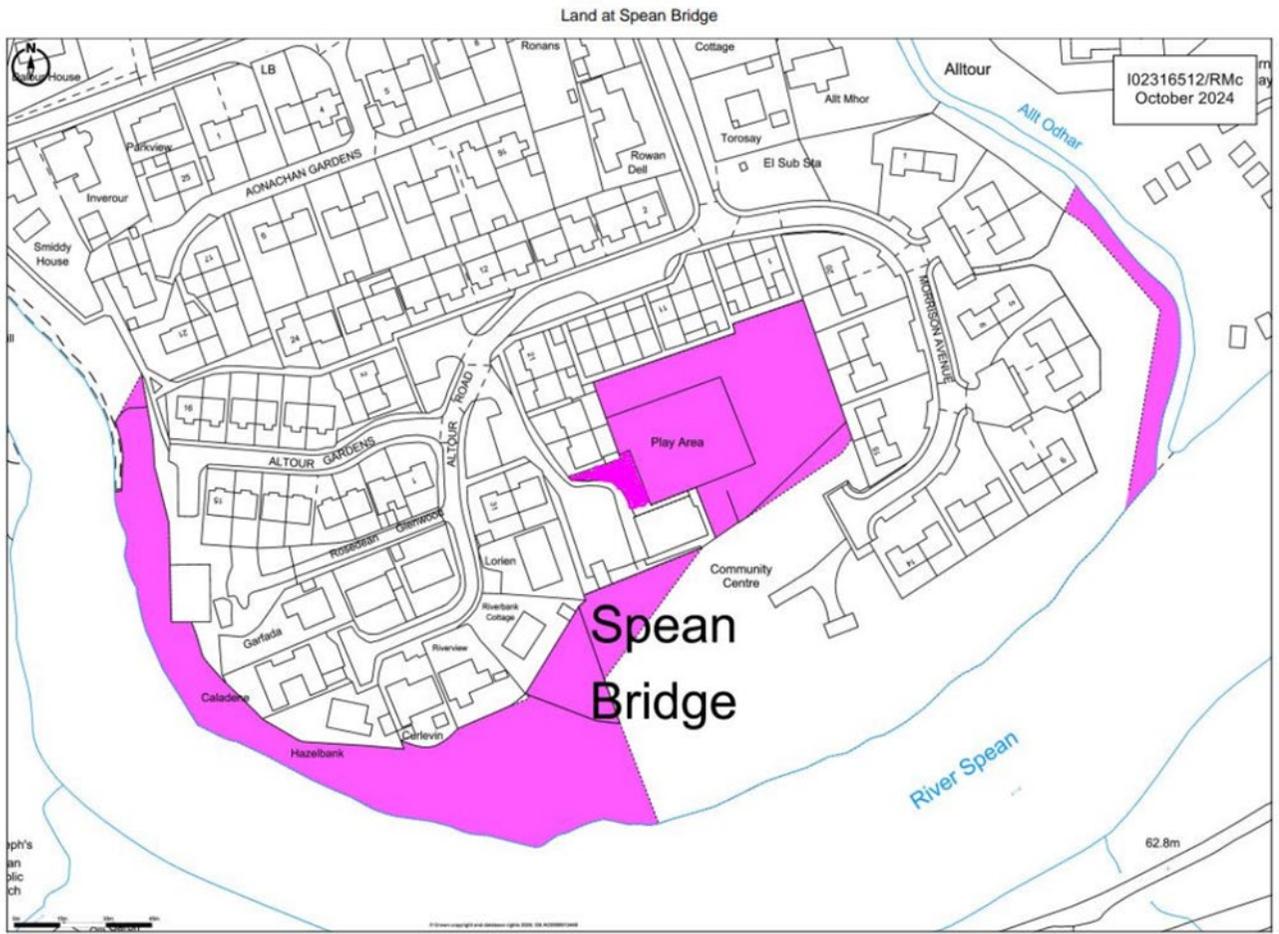
Evidence	Overview
Very strong	Governance and financial arrangements are strong and sustainable. Best value characteristics are evidenced and contained throughout the approach. Related projected benefits are very robust and demonstrate value for money.
Strong	Governance and financial arrangements are sound and sustainable. Best value characteristics are in evidence in the proposal. Related projected benefits are demonstrated well and represent value for money.
Moderate	Governance and financial arrangements are in place and acceptable. Best value characteristics have been considered as part of the proposal. Related projected benefits are acceptable and could lead to value for money.
Weak	Governance and financial arrangements are weak. Best value characteristics are not well demonstrated in the proposal. Related projected benefits are not based on robust information and demonstrates questionable value for money.
Poor	Governance and financial arrangements are poor. There is little evidence of Best Value characteristics in the proposal. Related projected benefits are ill defined and/or unrealistic and do not demonstrate value for money.

Proposal Outline:

Spean Bridge, Roy Bridge and Achnacarry SCIO propose the establishment of a community Garden with allotments, a polytunnel, a sensory garden and open amenity space as well as a riverside walk - all adjacent to the Spean Bridge Community Centre.



Ariel view of land at Spean Bridge



Map of land at Spean Bridge with areas requested for Community Asset Transfer highlighted.

ASSESSMENT AREA:	BENEFIT TO THE COMMUNITY		
Criteria	Evidence from Community Asset Transfer Body	Additional Evidence/Information	Assessment of Compliance
Economic benefits	Encouraging food growing by the community. Modest generation of income from allotments / food growing areas. Potential for food selling from self-generated food growing from allotments / growing areas and orchards.		Moderate
Regeneration benefits	Development of currently unused woodland and green space within the village into a community garden, recreational pathways, allotments and food growing areas. Community ownership and control of the land for use to develop a community garden and riverside woodland walk will see an area which is not currently utilised brought into full usage, and carefully managed for public enjoyment. Pride in an area of ground at the heart of the community on all sides of Spean Bridge's Community Centre will be restored. Increased participation in community activities.	The proposal links to the following Highland Outcome Improvement Plan Strategic Priority: Place (Work in partnership to develop sustainable and resilient local communities) ¹	Very strong
Health benefits	Encourage use of outdoor green space by members of the community for recreation, sport and leisure.	Greenspace exposure is associated with wide ranging health benefits ² Use of green environments and nature	Very strong

¹ [Highland Outcome Improvement Plan](#)

² [Health Benefits of the Great Outdoors \(2018\)](#)

		spaces improves physical, emotional and mental health and wellbeing . ³ The proposal links to the following Highland Outcome Improvement Plan Strategic Priority: People Enable people to live independently, safe and well within their community	
Social wellbeing benefits	Development of a sustainable outdoor space for community use to meet for recreation, sport and leisure. Community food growing has wider health and wellbeing benefits and reducing social isolation for those involved.	The proposal aligns well with The Highland Council Community Food Growing Strategy (Growing Our Future). ⁴ Community gardening is understood to be a positive route for people to be connected with others and also to improve the place where people live. ⁵	Very strong
Environmental Benefits	Not aware of any restrictions on usage or environmental designations over either the open ground or the wooded riverside.	Community gardens can provide opportunities to increase biodiversity. Food growing can also support	Strong

³ [Nature Scot, Our Natural Health Service](#)

⁴ [Growing Our Future \(2022 – 2027\)](#)

⁵ [Why Garden in Your Community](#)

		pollinators and provide a nourishing habitat for a range of flora and fauna. Community growing also provides opportunities to reduce carbon footprints through reduced air miles for food transportation, reduced plastic packaging, and absorbing carbon emissions through planting and soil management. ⁶	
Tackling inequality	No explicit intention has been expressed in regards to tackling inequality.		Weak
Promotion of equality	The applicant has expressed that the proposals will be accessible and open to all members of the community.		Moderate
Benefit to the Community Assessment Summary:			<i>Rating – Strong</i>

ASSESSMENT AREA:	CAPACITY TO DELIVER		
<i>Criteria</i>	<i>Evidence from Community Asset Transfer Body</i>	<i>Additional Evidence/Information</i>	<i>Assessment of Compliance</i>

⁶ [Growing Our Future \(2022 – 2027\)](#)

<p>Experience of organisation</p>	<p>Spean Bridge, Roy Bridge and Achnacarry SCIO was established in 2012. Their constitution was approved for asset transfer purposes by Scottish Government's Community Land Team on 6 March 2023 (Ref ZLA/15/1).</p> <p>The SCIO successfully fundraised £17,000 to replace playpark equipment in Spean Bridge in 2024. The playpark is located on the land included in this Community Asset Transfer request. The SCIO currently insure the playpark equipment for public liability and replacement.</p> <p>During 2023-24 the organisation set up and operated a Community Firewood Bank cutting, splitting, processing and delivering 25 tonnes of donated larch timber free of charge on request to any household in any area with a resident over age 75. More than 70 deliveries were carried out using trustee, member and volunteer labour. Professional assistance was sought during the processing stage.</p>	<p>Spean Bridge, Roy Bridge and Achnacarry SCIO was registered as a charity from 25 June 2013.⁷</p> <p>The organisation has assisted with numerous other initiatives and activities for community benefit (in addition to those previously detailed) in its locality including: cycle and footpath projects; Covid-19 community response; purchase and stocking of tubs and planters for the villages of Spean Bridge and Roy Bridge.⁸</p>	<p>Very Strong</p>
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⁷ [OSCR Charity Details](#)

⁸ [Spean Bridge, Roy Bridge and Achnacarry SCIO Website](#)

Access to appropriate advice and support	Spean Bridge, Roy Bridge and Achnacarry SCIO are registered with OSCR (Scottish Charity Regulator) and are members of the Scottish Council for Voluntary Organisations (SCVO).		Strong
Have sought advice and support during application phase	The applicant wishes to carry out a tree survey (prior to any possible asset transfer) to help them identify any potential immediate works required in the interests of health of safety in light of the increased community usage they envisage.		Strong
Appropriate skills within the organisation	Spean Bridge, Roy Bridge and Achnacarry SCIO have a number of individuals who have wide ranging experience including: administering projects, technical administration skills, funding application experience, science and environmental back grounds. ⁹		Very strong
Access and level of volunteer support	Spean Bridge, Roy Bridge and Achnacarry SCIO has 12 trustees and 104 members from a community of approximately 1,585 permanent residents.		Very strong
Capacity to Deliver Assessment Summary:			<i>Rating – Very Strong</i>

⁹ [Spean Bridge, Roy Bridge and Achnacarry SCIO Trustees](#)

ASSESSMENT AREA:	LEVEL OF COMMUNITY SUPPORT		
<i>Criteria</i>	<i>Evidence from Community Asset Transfer Body</i>	<i>Additional Evidence/Information</i>	<i>Assessment of Compliance</i>
Community involvement in developing the request	<p>Spean Bridge, Roy Bridge and Achnacarry SCIO undertook community consultation between July - October 2022 which revealed an appetite for this community asset transfer request.</p> <p>Its creation has therefore been identified as a community priority within their Community Action Plan published in April 2023.</p> <p>The organisation has produced newsletters via their Facebook group (with over 400 followers) and on noticeboards with further engagement as they installed playpark equipment in April 2024.</p> <p>The organisation plans to form a Steering Group drawn from both their Trustees and other community members, focussing on those who neighbour the site.</p> <p>The organisation plans to host local events to promote engagement and seek ideas and input from the wider community at an early stage, and at key milestones.</p>		Very strong

Community support for the request	92% of 385 respondents to the Community Survey (out of 832 addresses in the area) were in favour of creating a Community Garden and Riverside Walk at Spean Bridge, including 46% citing it as an “excellent” idea.	The Highland Council Housing Service undertook a resident’s consultation during December 2024 – no negative representations were received.	Very strong
Level of Community Support Assessment Summary:		<i>Rating – Very Strong</i>	

ASSESSMENT AREA:	SUSTAINABILITY		
<i>Criteria</i>	<i>Evidence from Community Asset Transfer Body</i>	<i>Additional Evidence/Information</i>	<i>Assessment of Compliance</i>
Financial – ability to support/fund the asset in the future	<p>The organisation estimate the capital costs on acquisition as outlined in the bullet points below (there is nothing to indicate contrary to this outline):</p> <ul style="list-style-type: none"> • Legal Fees (as quoted) £2,000 • Design input (potentially donated in kind by members) £1,250 • Landscaping (potentially donated by local renewables contractor) £2,500 • Storage shed and polytunnel £1,000 • Hand tools (secured in shed) £500 		Moderate

	<ul style="list-style-type: none">• Water supply (purchase of bowsers and pipework to be fed from river) £750 <p>Total £8,000 one-off (although £3,750 may be donated in-kind)</p> <p>The organisation's estimated annual running costs are:</p> <ul style="list-style-type: none">• Public liability insurance £400• Playpark maintenance and sinking fund for equipment renewal £700• Periodic replacement of hand tools £150• Grass cutting contractor (£150 fortnightly from 1 Apr to 30 Sep) £2,000 avoiding need to purchase, service, fuel and secure a mower <p>Total £3,200 per annum (volunteer labour may reduce this)</p> <p>The organisation anticipates a modest income from around 10 allotment rentals, totalling £500 per annum</p> <p>The organisation has stated it is in receipt recurring income from micro hydro-electric schemes (c. £8,750 per annum, with index-linked rise) and has</p>		
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	consistently provided Annual Accounts submissions to OSCR.		
Governance – sustainability of the organisation	<p>The Spean Bridge, Roy Bridge and Achnacarry SCIO was established in 2012. By the end of 2021 the SCIO had begun to receive long-term Community Benefit from two hydro-electricity schemes at Nevis Range and Allt Mhuic for their expected lifetime as well as short term (3 years) benefit from a windfarm just out of area.</p> <p>Trustees meet on a quarterly basis and have links with the Community Council e.g. regarding Place Planning.</p>		Very strong
Sustainability Assessment Summary:		<i>Rating – Strong</i>	

ASSESSMENT AREA:	RESOURCING		
Criteria	Evidence from Community Asset Transfer Body	Additional Evidence/Information	Assessment of Compliance
Value of asset	Estimated £23,000		
Legal title and relevant information	<p>Currently held by HRA (Housing Revenue Account).</p> <p>For a Community Asset Transfer on HRA land, when the discount exceeds 25% and the land value is over</p>		

	<p>£10,000, an application to the Scottish Minister is required.</p> <p>Currently there are circa. 21 homes in the immediate vicinity and consultation with residents has been undertaken with them – no representations were made during the consultation process</p>		
Current use of the asset and potential impact	No plans for use. No negative impact expected from transfer.		
Requested purchase/discount value	£1		
Ability of organisation to pay	Very strong		
Resourcing Assessment Summary:		<i>Rating – Very Strong</i>	