



FORWARDED VIA EMAIL

Dennis Gowans
Secretary
Crail Community Hall
St Andrews Road
Crail
KY10 3UH

Communities Directorate

Paul Vaughan 03451 555555 ext. 441241
Paul.Vaughan@fife.gov.uk

Our Ref: ZR/CAT/NEF

Your Ref:

Date 25th April 2024

Dear Mr Gowans

**Subject: Community Empowerment (Scotland) Act 2015 (the “Act”)
Community Asset Transfer (Denburn Wood, Crail) Decision Notice**

This Decision Notice relates to the asset transfer request made by Crail Community Partnership validated on 7th November 2023 to purchase Denburn Wood, Crail (the “Asset”).

Fife Council has decided to **agree** to the request. The reasons for this decision are that the organisation will:

- develop the path for the benefit of the local community;
- be able to secure funding to make it accessible for a wide range of people;
- enhance volunteering opportunities thereby benefitting public health, social and environmental well-being.

The attached document specifies the terms and conditions subject to which the Council would be prepared to transfer ownership of the asset to you. If you wish to proceed, you must submit an offer to the Council by 24th October 2024. The offer must reflect the terms and conditions attached and may include such other reasonable terms and conditions as are necessary or expedient to secure the transfer within a reasonable time.

Right to review

Please note that your organisation is entitled to a Review of the Decision under S86 of the Act where:

1. The Council refuses your request;
2. The Council agrees your request but the decision notice specifies material terms or conditions which differ to a significant extent to those stated in your request; or

Communities and Neighbourhoods, 3rd Floor (Main), Fife House, North Street, Glenrothes,
Fife KY7 5LT

3. The Council does not issue a decision within 6 months of the Validation Date.

Any request for a Review should be made within 20 working days of receipt of the Decision Notice or within 20 working days of when the Decision Notice should have been issued. I enclose the Review Form for information.

The Decision Notice will be published on the Council's website www.fife.gov.uk and also notified to all parties who have made representations in terms of Regulation 11 of the Asset Transfer Request (Procedure) (Scotland) Regulations 2016.

Yours sincerely

A handwritten signature in black ink that reads "P. C. Vaughan." The signature is written in a cursive style with a period at the end.

Paul Vaughan
Head of Communities & Neighbourhoods

Enc.

- *Review Form*
- *Terms & conditions*

COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015 - SECTION 86

REVIEW REQUEST FORM

Name of Community Transfer Body	
Address of Community Transfer Body	
Land or asset to which the transfer request relates	
Reasons for requiring a review	
List of documents upon which you intend to rely. You do not need to re-submit previously submitted documents.	

TERMS AND CONDITIONS

The terms and conditions subject to which we would be prepared to transfer ownership of Denburn Woods, Crail (the "Asset") to Crail Community Partnership (the "Applicant") are:

1. The discounted Purchase Price is £1 exclusive of any fees or taxes;
2. The Asset will be used for all time coming as a community green space and a burden to this effect shall be inserted in the Disposition in your favour;
3. A Clawback Agreement will be put in place whereby (a) should the Applicant start using the Asset for a use that is not consistent with your intentions as identified in your business plan or Application (subject to any amendments agreed with the Council) and is not consistent with your constitution (as at the date of entry) or (b) the Applicant sell or otherwise dispose of the Asset, then a Clawback Payment will be made by the Applicant to the Council as follows:

"Uplift in Value" means the difference between:

A: the discounted purchase price of £1;

and

B: the Market Value

"Market Value" meaning the figure agreed between the Council and the Applicant (or in default of such agreement such figure as may be determined by an expert) as being the estimated amount for which the Asset should sell at the date of that sale with vacant possession between a willing buyer and a willing seller in an arm's length transaction after proper marketing wherein the parties had each acted knowledgeably, prudently and without compulsion

100% of the Uplift in Value shall be payable for year 0-1. After that the Uplift in Value shall decrease by 6% per annum reducing to 0% on the 15th anniversary of the date of entry.

This is on the basis that the Applicant deliver the community benefit described in their application and business plan.

Consideration will be given to any resources invested by the Applicant during the Clawback period for the purposes of any further reduction in the Clawback Payment.

The Agreement will subsist for 15 years following the date of transfer;

The Applicant shall be required to grant a Standard Security in favour of the Council which, if so agreed by the Council, shall rank second to any security required by a lender or funder who is lending funds for the purposes of carrying refurbishment/improvements works to the Asset for the purposes detailed in your Application and business plan. The standard security shall subsist for 15 years

along with the security agreement and will pass to any successors in ownership during that time.

4. If the project fails and the Asset is to be sold as part of a winding up process then the Applicant shall, in line with their constitution, ensure that the body who is acquiring the Asset is a charity or community body whose purposes are the same as - or which closely resemble - the purposes of the Applicant. If this event occurs within 15 years of the date of entry the Applicant shall present details of the proposed transferee body and their business plan to the Council.

Partnership working requirements (not to be contained within the formal offer of purchase)

1. The Applicant shall submit annual report on the progress of the project to ensure the benefits are being delivered, to contain information on number and extent of events, third party use and other services outlined in their business plan. Information should also be provided on staff numbers and volunteers.