

# Report

Report to:	<b>Housing and Technical Resources Committee</b>
Date of Meeting:	<b>30 June 2021</b>
Report by:	<b>Executive Director (Housing and Technical Resources)</b>

Subject:	<b>Douglas West Woodland – Asset Transfer to Douglasdale REAL Group</b>
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## 1. Purpose of Report

1.1. The purpose of the report is to:-

- ♦ advise the Committee of the request for asset transfer, by sale, of the woodland at Douglas West to Douglasdale Recreation, Environment, Access and Leisure Group (Douglasdale REAL Group) and request approval to the principal terms and conditions of asset transfer by lease as set out in Sections 4 and 5 of the report.

## 2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that the woodland at Douglas West be sold to Douglas REAL Group, subject to the terms and conditions outlined in Section 5 of the report; and
- (2) that the Executive Director (Housing and Technical Resources), in conjunction with the Head of Administration and Legal Services, be authorised to conclude all matters in respect of the sale and enter into the necessary legal agreements on terms which are in the best interests of the Council.

## 3. Background

- 3.1. The Council owns an area of woodland at Douglas West located two kilometres north of Douglas, with access via Station Road from the A70. The site extends across former spoil tips (bings), railway lines and where the mining village of Douglas West once stood. This land was the subject of regeneration and a number of tree planting initiatives during the 1970s and 1980s.
- 3.2. This is not commercial woodland and primarily the area is used by the local community for informal recreation. Douglasdale REAL Group has been involved in the management of the area through various low- key developments, clean-ups and small environmental and planting projects.
- 3.3. Douglasdale REAL Group is now seeking to create a community managed woodland that, over time, offers environmental, recreational and community training opportunities for the local community with an ambition to develop tourist opportunities and green funding infrastructure. They submitted a request for Community Asset Transfer of the woodland, the validation date for which was 15 March 2021.
- 3.4. In addition to placing the application and supporting documentation on the Council's Planning Portal, a notice was placed on the property and nearby Notice Boards advising that the Council was considering an asset transfer. The closing date for responses was 21 April 2021 at which time 2 representations were received.

- 3.5. The representations were in favour of the proposed community asset transfer, however, questioned the exact boundaries of the land to be included in the transfer.
- 3.6. The request was placed before the Community Asset Transfer Assessment Panel on 18 May 2021 when the following matters were taken into consideration.
- 3.7. Property
- 3.7.1. The full extent of the Council's title and the detailed boundaries is still under investigation, however, the asset transfer request remains for the Council's full ownership.
- 3.7.2. The land is not operationally required, has minimal revenue costs and does not feature on any proposed investment plans.
- 3.7.3. Planning and Economic Development have indicated that there would be no significant planning issues as the prospective use is the same as the previous use as a woodland and the proposal sits well with local, regional, and national planning policies/strategies. The site is contained in the Douglas Valley Special Landscape Area.
- 3.7.4. The District Valuer was jointly appointed to value the asset and placed a value of £78,000 on the land, however, this valuation included the areas under question. On the assumption that the Council does not have title to those areas, the valuation has been agreed as £76,000.
- 3.8. Organisation
- 3.8.1. Douglas REAL Group has been a registered charity since 2012 and became a Scottish Charitable Incorporated Organisation (SCIO) (SC047566) in 2017. Their constitution was updated in 2021 to reflect the requirements of funders and community asset transfer. It contains an "asset lock" requiring that if the organisation ceased to exist, the ownership of the land would transfer to another charitable organisation with similar objectives.
- 3.8.2. The organisation is based upon a membership of residents within Douglas, Glespin and surrounding areas. There are currently 45 members. The objectives of the organisation are:-
- the advancement of heritage and culture through the preservation of local rural areas, increasing awareness to and interest in local history, talent and traditions through education, entertainment and partnership working;
  - the advancement of citizenship or community development through the encouragement of voluntary and community activity, capacity building in local groups, regeneration of local amenities and assisting disadvantaged and hard to reach groups;
  - the advancement of environmental protection or improvement through conservation and caring for the environment, increasing awareness of and interest in environmental matters and the delivery of specific projects to preserve local natural heritage and habitats, protect biodiversity and to encourage walking, cycling, equestrian and other pursuits;
  - the advancement of such other similar charitable purposes as may from time to time be determined by the Trustees.
- 3.8.3. The organisation has experience in organising local events and has undertaken maintenance within the woodlands through volunteers for the past 8 years. They

commissioned a feasibility study which included examining the organisational capacity and trustee skills and evidenced that Douglasdale REAL Group has many of the key skills that an organisation would need to progress the project.

- 3.8.4. Douglasdale REAL Group has carried out extensive public consultation securing feedback and support for the proposed asset transfer and future community management.

### 3.9. Project

- 3.9.1. The proposal is to transfer the ownership and management to the community who will develop a long-term woodland management plan for the area. There are several phases to the proposal starting with the improvement of drainage and footpaths and aspiring, in the longer term, to link into the wider national walking and cycling networks, bringing economic benefits to the area.

- 3.9.2. Funding for the acquisition of the woodland and also for a development officer for a period of 2 years has been provisionally secured from SSE Sustainable Development Fund, conditional upon the Council's agreement to the asset transfer.

## 4. **Assessment**

- 4.1. Douglas REAL Group is an organisation that has a stable membership and continues to develop its capacity, moving from organisation of events and low-key clean ups through to regular environmental improvements and planting. Community ownership and management of the woodland is the next step.
- 4.2. The business and financial plans have been prepared with the benefit of appropriate professional advice and an offer of funding for both the purchase of the land and for a development officer has been secured.
- 4.3. The community benefits derived from the proposal relate to cultural, environmental and recreational opportunities as well as providing an immediate employment opportunity.
- 4.5. Within their asset transfer request Douglasdale REAL Group requested a 30% discount on the jointly agreed valuation. The Community Asset Transfer Working Group assessed the potential community benefits and recommend that a discount of 30% be applied to the market value to reflect the benefits to the community.
- 4.6. Future phases are regarded as achievable and, although the pace of development is dependent on the sustainability and capacity of Douglasdale REAL Group, the risks associated with the asset transfer are considered low.

## 5. **Proposal**

- 5.1. It is proposed to dispose of all of South Lanarkshire Council's ownership within Douglas Woodland, as shown on the attached plan, to Douglas REAL Group, on the following principal terms and conditions:-

- The purchase price is £53,200 which reflects 30% discount on the value of £76,000.
- Date of Entry to be agreed.
- Each party to bear their own Legal Fees.
- The disposal being conditional upon the funding arrangements being finalised.
- The disposal being conditional upon the purchaser being satisfied with the ground conditions.

## **6. Employee Implications**

- 6.1. There are no employee implications for South Lanarkshire Council.

## **7. Financial Implications**

- 7.1. The proposed asset transfer removes the future liability for the maintenance and investment in the woodland.
- 7.2. Although the disposal is at less than the assessment of market value, it is unlikely that the Council would find a suitable buyer for the land in the short term should the land be placed on the market given the poor quality of the soil, nature of the woodland and the planning policies.

## **8 Climate Change, Sustainability and Environmental Implications**

- 8.1. There are no issues in relation to climate change, sustainability and the environment contained within this report.

## **9. Other Implications**

- 9.1. In terms of the Community Empowerment (Scotland) Act 2015 the Council has until 15 September 2021 to provide a notice of its decision whether to agree to or refuse the asset transfer request.
- 9.2. The organisation has a right to appeal to Scottish Ministers should a decision not be made in that timescale or the asset transfer request be refused.

## **10. Equality Impact Assessment and Consultation Arrangements**

- 10.1. Consultation has taken place with the Community, Land Services, Planning, Legal, and Finance Services as well as having been published for public consultation.
- 10.2. This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy and, therefore, no impact assessment is required.

**Daniel Lowe**

**Executive Director (Housing and Technical Resources)**

15 June 2021

### **Link(s) to Council Values/Objectives**

- ◆ Accountable, effective, efficient and transparent
- ◆ Work with communities and partners to promote high quality, thriving and sustainable communities

### **Previous References**

- ◆ None

### **List of Background Papers**

- ◆ None

### **Contact for Further Information**

If you would like to inspect the background papers or want further information, please contact:-

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