

ASSET TRANSFER UNDER THE COMMUNITY EMPOWERMENT ACT

DECISION NOTICE - AGREED

To: Friends of Burdiehouse Burn Valley Park
Address: 3 Moredun Park Drive , Edinburgh EH17 7ER

20 November 2017

This Decision Notice relates to the asset transfer request made by Friends of Burdiehouse Burn Valley Park on **4th August 2017** in relation to the **former bothy at Burdiehouse Burn Valley Park, 26B Gilmerton Dykes Street, Edinburgh.**

The City of Edinburgh Council has decided to **agree** to the request.

The reasons for this decision are as follows:

- The community benefit is substantial compared to the value of the asset.
- The disposal will remove the bothy from Council responsibility and the associated liability of holding costs and repairs or demolition costs.
- The property will be refurbished and brought back into beneficial economic and community use.
- A capital receipt will be achieved on a property that is surplus to council requirements
- The request will make a significant positive contribution to The City of Edinburgh Councils aspirations and values.

The attached document specifies the terms and conditions subject to which we would be prepared to **transfer ownership** of the land to you. If you wish to proceed, you must submit an offer to us at the address below by **8th May 2018**. 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 appeal

If you consider that the terms and conditions attached differ to a significant extent from those specified in your request, you may appeal **to the Scottish Ministers**.

Any appeal must be made in writing by **15 December 2017**, which is 20 working days from the date of this notice, to:

Community Land Team

D Spur

Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD

Email: CRTB@gov.scot

Guidance on making an **appeal** is available at
[:http://www.gov.scot/Topics/People/engage/AssetTransfer](http://www.gov.scot/Topics/People/engage/AssetTransfer)

TERMS AND CONDITIONS

The terms and conditions subject to which we would be prepared to transfer ownership of the bothy at 26b Gilmerton Dykes Street Edinburgh to the Friends of Burdiehouse Burn Valley Park are:

1. Purchase price is to be £5000 exclusive of any fees or taxes.
2. The purchaser to meet the City of Edinburgh Council's (CEC) reasonable legal fees incurred in concluding the sale.
3. CEC to retain ownership of the advertising board in the north of the property and to retain a right of access thereto.
4. CEC to retain ownership of the railing to the north of the property and to retain rights of access thereto for repairs and maintenance. CEC to maintain a right of access to the park over the land fronting the bothy on the North from the West of the property.
5. Erection of any additional boundary fencing to be agreed by both parties.
6. Corporate Property Fee of £250 to CEC is applicable to this sale

Making a Legal Offer Under the Community Asset Transfer Scheme

If you wish to proceed, you must submit an offer via Registered Post to us by 8 May 2018.

Under Scots law the offer must be prepared by a firm of solicitors, and the offer should be

addressed to:

**Craig Lamont, Senior Estates Surveyor, The City of Edinburgh Council,
Estates Services, Waverley Court, Level 1:6, 4 East Market Street, Edinburgh,
EH8 8BG**

The offer must contain the following:

1. The name of the subjects on which the offer is made
2. The name of the Community Transfer Body
3. The date of the Decision Notice
4. Confirmation that available funding will be in place at point of transfer
5. Confirmation of permissions (planning, environmental etc) in place and any that remain outstanding at the time of offer
6. Confirmation that the specific terms and conditions under which the Decision Notice was issued are acceptable.

An appeal process to the Scottish Ministers is available for any request to extend the deadline

for an offer to be received or completion dates and further details on this may be found

Guidance on making an appeal is available at

www.gov.scot/Topics/People/engage/AssetTransfer.

Any appeal must be made in writing by 15 December 2017 to the address given in the Decision Notice above.

Following receipt of the formal offer it is expected that the asset transfer will be concluded within 6 months. If Friends of Burdiehouse Burn valley Park cannot conclude the transfer within 6 months then a request for an extension should be made as soon as possible.

Craig Lamont, Senior Estates Surveyor, Property & Facilities Management, Resources

G4 Waverley Court, 4 East Market Street, Edinburgh EH8 8BG Tel 0131 529 5983 Fax 0131 529 6209
craig.lamont@edinburgh.gov.uk

