

Our ref: CATS17-18-01

**Forest Enterprise Scotland**

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Chief Executive  
Simon Hodge

## **ASSET TRANSFER UNDER THE COMMUNITY EMPOWERMENT ACT**

### **COMMUNITY ASSET TRANSFER SCHEME FOR THE NATIONAL FOREST ESTATE**

#### **DECISION NOTICE - REFUSED**

To: Etrick and Yarrow Community Development Company  
The Waterwheel Café, Philiphaugh, Selkirk TD7 5LU

**3 November 2017**

This Decision Notice relates to the asset transfer request made by **Etrick and Yarrow Community Development Company** on **26 June 2017** in relation to **173 ha of land at Gamescleuch Forest and the Etrick Marshes**.

Forest Enterprise Scotland has decided to **refuse** the request.

The reasons for this decision are as follows:

- The business plan is written at high level, with a lack of detail on implementation and outcomes, and a lack of clear overall vision to provide a rationale for a purchase of this scale.
- The main objective of the request is to restore the boardwalks to the Etrick Marshes and improve access for other recreation activities in the forest. However it is not clear that the scale of the asset transfer request is proportionate to delivery of these objectives and that the community has fully consider what options would best deliver these objectives.
- The revised felling plans will result in potentially increased visual impacts and risk of windblow. Further evidence of consultation with the community and with Forestry Commission Scotland on the revised felling plans would be necessary to identify and mitigate potential negative impacts.
- The request has not identified adequate resources to deliver the project including: how a forest management plan would be developed; how costs compare with benefits and addressed the practical issues of obtaining forestry certification; and evidence of how the community will create jobs in the community additional to those currently supported by management of the forest.

- The likelihood that additional resources will be required increases the risk that the project is not viable and will have a negative impact on the sustainable management of the forest.

Forest Enterprise Scotland's assessment is therefore that the benefits of the asset transfer request do not exceed the impacts on management of the National Forest Estate, taking into consideration the risks that the benefits will not be delivered and of increased negative impacts resulting from the proposed forest management plan.

Forest Enterprise Scotland can decline to consider a request which is substantially the same for a period of 2 years, but would consider a further request from Etrick and Yarrow Community Development Company which addressed the reasons for refusal as set out in this decision letter.

## Right to appeal

You have a right to appeal to the Scottish Ministers.

Any appeal must be made in writing by **1 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](mailto:CRTB@gov.scot)

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