



THE ISLE OF GIGHA HERITAGE TRUST

Isle of Gigha Heritage Trust
Craft Workshop 1
Isle of Gigha
PA41 7AA

Executive Director of Customer Services
Kilmory
Lochgilphead
PA31 8RT

Application for Review of Asset Transfer Request Decision
Isle of Gigha Heritage Trust (IGHT), Craft Workshop 1, Isle of Gigha, PA41 7AA
Ferry Terminal Car Park at Ardmish, Isle of Gigha

Wednesday 12th June 2019

Further to the decision by Argyll and Bute Council on the 17 May 2019, the Isle of Gigha Heritage Trust wish to apply for a review of the decision. Referring to the individual reasons set out in the Decision Notice, we provide the following information:

We feel that the Council has not properly considered the benefits such a Transfer will confer on the island; that the Council have not recognised the effect their poor management and control of the car park is having on the island; have not consulted with IGHT on the planned proposals which they advise are reasons for a refusal, despite having 6 months to do so; have failed to provide details of these proposed plans (for ferry/ recycling etc despite requests); have not given sufficient weight to the proposals put forward to the Council and the positive impact this will have on Gigha; have not offered any workable alternative proposal to IGHT.

| Decision Notice | IGHT Appeal |
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| The request or accompanying documentation was not sufficiently robust to give confidence that the plans and benefits will be achieved, particularly since not all of the anticipated sources of funding have been awarded and may be substantially materially less than set out; the Scottish Government Rural Tourism | IGHT submitted an expression of interest and expected feedback. IGHT however received no feedback or notification of the necessary discussions which should have taken place before the Asset Transfer Request was submitted. This did not meet the Council's published standards for dealing with ATRs. , who was dealing with the expression of interest, left her role and nobody from A&BC followed up directly with IGHT. It is unfair to penalise IGHT for poor communication from the Council's end. IGHT have secured funding of £171,000 from RTIF for the Campsite Project that is subject to 5 conditions. The only condition that is of |



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| <p>Infrastructure Fund funding which has been awarded has a shortfall of £120,783 to that anticipated in the Asset Transfer Request; the community engagement/support element of the request is not robust with objections set out in the representation from the community council; and the request does not adequately address sustainability or equality matters;</p> | <p>concern is the ATR. It is also worth noting that Highlands and Islands Enterprise (HIE), the match funder of the Campsite project, did make A&BC's Social Enterprise Team aware of their support of the project. HIE are very disappointed to not have been contacted by the Council for an update on their match funding position after HIE's efforts in showing their support for the project. I note in the email from the Head of Strengthening Communities at HIE:</p> <p>"my team is working closely with IGHT to progress several areas of activity to support the Trust to become financially sustainable and deliver economic and social impacts for Gigha and wider Argyll area. Progress over the last 18 months has been excellent and the Board is, in my view, the strongest it has been in a long time."</p> <p>"Please let [redacted] know if there is anything that we can do by way of providing information or context re HIE's view of the significance of this project to the medium and long term IGHT strategy."</p> <p>As attached, IGHT held a drop-in session open to the local community to attend where 90% of the feedback was positive for the Campsite development and in favour of IGHT having ownership of the car park. IGHT's response to the Gigha Community Council's (GCC) objection is also attached. At a MAKI area committee meeting held on Gigha on 5th June 2019, the Chair of the GCC raised the issue of the current condition of the car park and the toilet facilities provided by A&BC. Despite the GCC being aware of the poor condition of this area, they have only now raised these issues at the MAKI committee meeting. It is also worth noting that the Chair of the GCC publicly announced at this same meeting that he has no objection to a Campsite proposal on Gigha if it is approved by the Trusts membership.</p> |
| <p>The benefits to be achieved by the request would be outweighed by the current/alternative proposal: adversely affecting and jeopardising the ongoing sustainability of the lifeline ferry services between the mainland and the island; the deliverability of the future development plans for the Gigha Ferry Service and proposed infrastructure</p> | <p>The proposal would NOT adversely affect the ongoing sustainability of ferry services. IGHT contacted CMAL at the beginning of 2019 to see if they would like to partner up with the Campsite project and kickstart the developments. CMAL at this point said that Gigha wasn't one of their locations and passed us on to [redacted] Head of Facilities and Property Management at Cal Mac Ferries. [redacted] stated that there were no plans for major development at the ferry point. IGHT have an overwhelming interest in securing and improving the ferry services and would not propose anything that would jeopardise this. The Council have not provided any evidence as to why the proposals to retain use of the land as a car park, but ensure it is tidied up and better maintained, would affect the ferry services. The Council should have done this when reviewing the ATR application but failed to do so</p> |



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| <p>(including a breakwater/aligning structure) in light of the anticipated hybrid ferry; the Council wide harbour order; and the proposed rationalisation of the recycling collection in Gigha which it is intended will be situated at the asset; and</p> | <p>and failed to consult with the community to discuss how any perceived jeopardy by the proposed ATR could be mitigated.</p> <p>The proposed rationalisation of the recycling collection is built into the IGHT scheme. IGHT have been asking for improvements to this service for some time, without success, therefore recycling collection has been also built into the campsite proposal. A&BC believe they provide recycling facilities at the ferry car park however this is strictly not true. To now use an undated and unspecified plan for improvement as a reason for refusal of the ATR is unjustified. Again, the Council should have explained their proposals for improvement during the ATR period allowing the Council and IGHT to work in partnership to deliver a better service for the island. They did not do this.</p> |
| <p>It is considered that there are potential alternatives which would provide the Isle of Gigha Heritage Trust with the access they require to the proposed site namely a clearly defined right of servitude or access to the intended site from the public road. IGHT stated in their Expression of Interest to the Scottish Government Rural Tourism Infrastructure Fund (which was submitted for consideration as part of the asset transfer request) that acquisition of the Gigha Ferry Terminal car park was not crucial to their project as the Trust own the land covering alternative access routes to the site identified.</p> | <p>Again, the Council made no attempt to offer or define these during the 6-month period of the ATR application. Whilst an alternative access is possible to the site (at increased cost) it will not address the issues of an untidy and poorly maintained car park as a welcome to the island. IGHT have offered to take on this car park to ensure it is better managed and maintained and replace the very poor toilet provision – to create a significantly improved welcome to Gigha. The Council’s proposals will ensure the current condition as evidenced in the attached photographs remain.</p> <p>For the purpose of the RTIF application, and to ensure it was not rejected if the Council chose unfairly to reject the ATR application, of course IGHT had no option but to confirm that an alternative (but much poorer) option was available.</p> |
| <p>It is considered that there are potential alternatives which would provide the Isle of Gigha Heritage Trust with the access they require to the proposed site namely a clearly defined right of servitude or access to the intended site from the public road. IGHT stated in their Expression of Interest to the Scottish Government Rural</p> | <p>Although the car park would provide a main point of access through to the campsite, it is also necessary for the Campsite to have a car park for users. As part of our planning conditions for the Campsite proposal as approved by A&BC, we are required to provide 14 parking bays and 2 disabled parking bays. We believe it would be more reasonable for the parking for the campsite to be provided at the currently under-used public car park already on the island. It does not seem sensible for there to be 2 car parks within 100 metres of each other if the Trust were to create another for the campsite development (at an increased cost again). IGHT should not be penalised for trying to attract</p> |



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| <p>Tourism Infrastructure Fund (which was submitted for consideration as part of the asset transfer request) that acquisition of the Gigha Ferry Terminal car park was not crucial to their project as the Trust own the land covering alternative access routes to the site identified.</p> | <p>investment into Gigha, something the Council has signally failed to do.</p> |
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Please also find attached: copy of photos taken of the car park taken on 15th May 2019; IGHT's response to GCC addressing their issues; and a copy of the feedback from the community consultation on the Campsite and ferry car park that took place on 6th December 2018.

We are therefore requesting that the Council reviews their decision as the next step in the appeal process. We would like this review process to include a visit to the site by the Committee members taking the decision so they can understand the impact of their decision. We would also like the process to include a Hearing at which IGHT can properly and effectively make its case, be heard by all attending including IGHT and any members of the public and to enable discussion.

In the spirit of working in partnership together to progress the social and economic development of Gigha, we hope to find a mutually acceptable solution to this.

Yours sincerely,

Chair

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