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Mr Euan Scott  
Coimhearsnachd Bharraidh agus Bhatarsaidh  
Castlebay  
Isle of Barra  
Eilean Siar HS9 5XD

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13th May 2020

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**Land opposite Castlebay Community School, Barra: Asset Transfer Appeal**

Dear Mr Scott,

I refer to The Coimhearsnachd Bharraidh agus Bhatarsaidh (“The Coimhearsnachd”) application for appeal under section 88 of the Community Empowerment (Scotland) Act 2015 (the “Act”) relating to the asset transfer request in respect of land opposite Castlebay Community School, Isle of Barra, made to The Comhairle nan Eilean Siar (“The Comhairle”) under section 82 of the Act. In line with Scottish Government guidance, the Scottish Ministers appointed an independent Reporter to consider the case and report to them.

The Reporter took account of an asset transfer request from The Coimhearsnachd dated 4 August 2017 and The Comhairle’s decision to refuse the request on 9 January 2018. Also considered were The Coimhearsnachd’s request for a review on 29 January 2018 and The Comhairle’s decision to confirm its original decision dated 4 May 2018, and The Coimhearsnachd’s appeal submission dated 23 May 2018. The Reporter considered key documents associated with all aspects of this process, and assessed the request against criteria set out in Section 82 of the Act; Scottish Government National Outcomes; best value themes; and matters relating to assessment of outcomes.

I would like to thank The Coimhearsnachd for working with the Reporter during this process, and providing him with necessary information including an accompanied site inspection in connection with the appeal. This work has now concluded and I have been provided with the Reporter’s final report of the Castlebay site, outlining his findings and conclusion.

The Scottish Ministers accept the findings and recommendations of the Reporter, and for the reasons set out in his report, dismiss the appeal and refuse the asset transfer request.

I do appreciate this will be very disappointing news for you. However, the decision does not necessarily mean the end of the vision for an all-weather pitch. I am pleased to see that The Comhairle also recognises the importance of an all-weather pitch to the community, and trust that it will do all it can to minimise any delays. I therefore expect The Comhairle to work constructively with you to realise ambitions for an all-weather pitch.

We will publish the attached report provided to the Scottish Ministers by the Reporter, and this will be made publically available on the Scottish Government's Community Empowerment website within one week of the date of this letter.

Individuals unhappy with the decision made by the Reporter may be able apply to the Court of Session, Parliament House, Parliament Square, Edinburgh, EH1 1RQ for a judicial review. An application for judicial review must be sought within 3 months of the appeal decision. The reporter's decision can only be challenged on a point of law and you might want to take legal advice before considering this option.

For more information on challenging decisions made by Reporters please see: <http://www.gov.scot/Topics/Built-Environment/planning/Appeals/ourperformance/commentsandcomplaints>.



Aileen Campbell  
Cabinet Secretary for Communities and Local Government

Copied to:

Mr Derek Mackay, Democratic Services Manager, Comhairle nan Eilean Siar,  
Paul F Steele, Comhairle nan Eilean Siar,  
Katie Denehy, Comhairle nan Eilean Siar,  
Iain A MacNeil, Comhairle nan Eilean Siar,

Interested parties:

Bernhard Anderson  
Paul Donnelly  
Dee Kearney  
Claire Logan  
Jessie M MacNeil  
Claire MacNeil  
Eoin MacNeil  
Jane MacArthur  
Anne Maguire  
Len Maguire