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Ms Lesley Kay
Director
North Berwick Community Development Company
35 Westgate
North Berwick
East Lothian EH39 4AG

26 August 2020

**Former council depot at Lime Grove, North Berwick, East Lothian, EH39 5NH:
Asset Transfer Appeal**

Dear Ms Kay,

I refer to North Berwick Community Development Company (hereafter “NBCDC”) application for appeal under section 88 of the Community Empowerment (Scotland) Act 2015 (the “Act”) relating to the asset transfer request in respect of the former council depot at Lime Grove, North Berwick, East Lothian from East Lothian Council made under section 82 of the Act. In line with Scottish Government guidance, Scottish Ministers appointed an independent Reporter to consider the case and report to them.

The Reporter took account of an asset transfer request from NBCDC dated 27 August 2018 and East Lothian Council’s decision to refuse the request on 12 April 2019. Also considered were NBCDC’s request for a review on 17 May 2019 and East Lothian Council’s decision to confirm its original decision dated 15 November 2019, and NBCDC’s appeal submission dated 12 December 2019. 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. This work has now concluded and I have been provided with the Reporter’s final report of the Lime Grove site, outlining his findings and conclusion.

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 understand that you will be disappointed by this decision given the hard work and effort involved in coordinating all the required information for your application, but I hope that you have gained some positive benefits by engaging with the asset transfer

request process. I also hope that this decision does not discourage you from considering any future asset transfers.

There are other options you may wish to consider such as determining if there are any other suitable areas of land or buildings that could meet your needs. You may wish to consider registering your group's interest in these or look to purchase on the open market. I will be writing to East Lothian Council separately to request that they work with you and colleagues at the North Berwick Community Development Company to explore alternative options to help achieve your community's ambitions.

We will publish the attached report provided to 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 Carlo Grilli, Service Manager, Legal and Procurement, East Lothian Council

Interested parties:

Madelaine Cave
David Gillanders
Tim Harding
Penny Lochhead
David Lochhead