

Minister for Public Finance, Planning, and
Community Wealth
Tom Arthur MSP



Scottish Government
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Ms Jane Kell
St Andrews Environmental Network Ltd
c/o North East Fife Community Hub
St David's Centre
23 Albany Park
St Andrews KY16 8BP

22 November 2021

Fife Council Local Office, St Andrews: Asset Transfer Appeal

Dear Ms Kell,

I refer to St Andrews Environmental Network Ltd 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 Fife Local Office, St Andrews from Fife 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 St Andrews Environmental Network dated 19 March 2020 and Fife Council's decision to refuse the request on 25 August 2020. Also considered were St Andrews Environmental Network's request for a review and Fife Council's decision to confirm its original decision dated 15 February 2021, the Network's appeal submission dated 17 March 2021 and the council's response to the appeal dated 12 May 2021. 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 St Andrews Environmental Network 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 Fife Local Office 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 appreciate this will be very disappointing news but I hope you are able to source an alternative solution for an environmental advice hub and eco shop in the St Andrews area.

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 Scottish Ministers 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 Scottish Ministers 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 Ministers please see: <http://www.gov.scot/Topics/Built-Environment/planning/Appeals/ourperformance/commentsandcomplaints>.

Kind regards,

A handwritten signature in black ink, appearing to read 'Tom Arthur', is centered on the page.

Tom Arthur
Minister for Public Finance, Planning, and Community Wealth

Copied to:

Ms Alison Marr, Solicitor, Fife Council