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[REDACTED]
Chairperson

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Ellon Wheels Park Group
5 July 2022

Dear Mr. Allanach,

**ASSET TRANSFER UNDER THE COMMUNITY EMPOWERMENT ACT DECISION
NOTICE – AGREED**

This Decision Notice relates to the asset transfer request made by Ellon Wheels Park Group on 31 March 2022 in relation to Lower Gordon Park in Ellon. This site is shown in the attached plan and outlined in blue.

Aberdeenshire Council ('the Council') has decided to **agree to the** request. The reasons for this decision are as follows:

The Council is satisfied that leasing the land to you will support you to deliver an outdoor wheeled sports facility and that there is overall community benefit.

The signed Schedule of Conditions attached to this Decision Notice specifies the terms and conditions subject to which the Council would be prepared to lease the land to you. If you wish to proceed, you must submit an offer to the Council at formartine@aberdeenshire.gov.uk by no later than 30 December 2022. The offer must reflect the terms and conditions as are necessary or expedient to secure the lease within a reasonable time.

Right to Review and Appeal

If you consider that the terms and conditions contained in the Schedule of Conditions differ to a significant extent from those specified in your request, you may apply to the Council to review this decision in which event the Council are obliged to carry out a review of the case.

Any application for review must be made in writing to the Council at formartine@aberdeenshire.gov.uk within 20 working days from the date of this notice.

In the event of the Decision Notice which is issued following your making an application to the Council to review this decision specifies material terms or conditions which differ to a significant extent from those specified in your asset transfer request you are entitled to appeal to the Scottish Ministers. Guidance on making an application for review and appeal is available [here](#).

Yours sincerely



Elaine Brown

Formartine Area Manager



Signed:

Elaine Brown, Formartine Area Manager

Schedule of Conditions

- 1. Price of Lease** - £1 per annum for the duration of a 25-year lease.
- 2. Uses** – to allow the development of a wheeled sports facility.
- 3. Maintenance** – Ellon Wheels Park Group (“The Tenant”) is bound to maintain at their own expense the area of land leased.
- 4. Suspensive and / lease conditions:** -
 - a. 100% funding must be secured by the Tenant before construction can begin.
 - b. The Tenant obtaining planning permission for the Use referred to.
 - c. If a phased approach to construction is taken, then 100% funding for each component (pump track / cycle track / skate park) of the wheeled sports park must be in place before work to construct a further component can begin.
 - d. Land may only be released on a phased, rolling basis on completion of the construction of each component of the wheeled sports park.
 - e. At the end or sooner termination of the lease, the Tenant will be required to restore the subjects of lease to their original condition, removing all fixtures, fittings and structures and returning the surface to its original condition and at their own cost.
 - f. The Tenant will be required to provide a copy of their annual accounts to confirm the funds being accrued as part of a sinking fund for maintenance and returning the site to its previous state.
 - g. Submission of the Tenant’s constitution, memorandum, and articles to the Council when it changes its status to become an incorporated group.

Signed:

Elaine Brown, Formartine Area Manager