

SCOTLAND'S NATIONAL FOREST ESTATE - COMMUNITY ASSET TRANSFER SCHEME (CATS)

Introduction

Please read the relevant parts of the [Community Asset Transfer Scheme Guidance](#) before completing this form. You may also wish to refer to the Scottish Government's [Asset Transfer Guidance for Community Bodies](#).

The Request must be submitted in writing, either as a hard copy or by email. Please answer all the questions. You can attach additional information as extra sheets or electronic documents. Please be specific. When answering the questions do not repeat any information you have already given, simply refer to an earlier answer or attached document.

Please return the completed form and supporting documentation to:

Community Asset Transfer Scheme Team
Forest Enterprise Scotland
231 Corstorphine Road
Edinburgh
EH12 7AT

E-mail: communities@forestry.gsi.gov.uk

We will confirm receipt of your Request within 5 working days and you will receive a formal acknowledgement letter within 15 working days to confirm whether your Request is valid or requesting further information. We may need to ask you for more information during the assessment and evaluation process.

This is an asset transfer request made under Part 5 of the Community Empowerment (Scotland) Act 2015.

Information about the community transfer body making the request

1.1 Name of the community transfer body making the asset transfer request

Peebles Community Trust

1.2 Community transfer body address. This should be the registered address, if you have one.

Postal address:

Peebles Community Trust (registered office)
The Old Manse
Innerleithen Road
Peebles

Postcode: EH45 8BD

1.3 Contact details. Please provide the name and contact address to which correspondence in relation to this asset transfer request should be sent.

Contact name:

Steve Dubé,

Postal address:

Postcode:

Email:

Telephone:

Yes We agree that correspondence in relation to this asset transfer request may be sent by email to the email address given above. *(Please tick to indicate agreement)*

You can ask the Forest Enterprise Scotland to stop sending correspondence by email, or change the email address, by telling them at any time, as long as 5 working days' notice is given.

1.4 Please mark an "X" in the relevant box to confirm the type of community transfer body and its official number, if it has one.

Company, and its company number is	X	432119
Scottish Charitable Incorporated Organisation (SCIO), and its charity number is		
Community Benefit Society (BenCom), and its registered number is		
Unincorporated organisation (no number)		

Please attach a copy of the community transfer body's constitution, articles of association or registered rules. SEE PCT_1-1

1.5 If the organisation is **not** an eligible community transfer body under the Community Empowerment (Scotland) Act 2015:

a) Has the organisation been individually designated as a community transfer body by the Scottish Ministers?

No **Yes**

Please give the title and date of the designation order:

or b) Does the organisation fall within a class of bodies which has been designated as community transfer bodies by the Scottish Ministers?

No **Yes**

If yes what class of bodies does it fall within?

Section 2: Information about the land and rights requested

(see CATS Guidance Section 1.2)

2.1 Please identify the land to which this asset transfer request relates.

You should provide a grid reference and attach a map clearly showing the boundaries of the land to which this asset transfer request. You should also provide any name by which the land is known, and you may also wish to provide additional description. You can contact your local [Forest District](#) office for assistance in providing a copy of the map.

If you request it for a building, you should provide a street address and the Unique Property Reference Number if known. If you have identified the land on Forest Enterprise Scotland's [Register of Land](#), please enter the details listed there.

Grid reference: NT 27894 39088 (centre of site).

Map: See attached PCT_2-1 for OS map

Name: Eshiels Wood (occasionally, Eshiels Long Wood).

Description:

Eshiels Wood is 7 ha on the banks of the R. Tweed from NT274392 to NT284390 lying wholly within the area of Royal Burgh of Peebles and District Community Council and is situated within a designated Special Landscape Area. The centre of the wood is 3km from the centre of Peebles, and part of the wood lies within 1 km of the current settlement boundary of Peebles. As a consequence of its situation on the banks of the River Tweed it directly affects the Tweed which is designated as both a Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). The wood contains within its northern boundary a 1km section of the multi-use Sustrans path joining the settlement of Peebles and the recently established settlement of Cardrona. This path is identified by Scottish Borders Council (SBC) as a Promoted Path for countryside access. A SBC-designated Core Path for countryside access lies next to the wood's short eastern boundary. Information extracted from <https://www.scotborders.gov.uk/mapadvanced>

Eshiels Wood consists of a strip of spruce plantation with regenerating semi-natural broadleaved woodland and marginal neutral grassland, mire and tall-herb poor-fen on the immediate north bank of the River Tweed at Eshiels opposite Scotsmill and Kailzie. Some of the spruces are mature specimens of considerable stature. There is some evidence of past coppicing with several mature multi-stemmed oak, ash and sycamore. The field/ground layer corresponds to native ash-elm (or mixed broadleaved) woodland and is somewhat ancient in character. There are some invasive non-native species present but these do not currently pose a threat to the ecological value of the site. The wood harbours a UK Biodiversity Action Plan Priority Species (*Lampronia capitella*), and lies within a Priority Area for Red Squirrel Conservation (PARC; <https://www.ruralpayments.org/publicsite/futures/topics/all-schemes/forestry-grant-scheme/sustainable-management-of-forests/grey-squirrel-control/>)

The extraction route for timber from Eshiels Wood is established by a Deed of Servitude on SBC, registered in the Register of Sasines, although this extraction route has

not been built. There is an additional agreement with SBC concerning access rights in relation to the Sustrans path. These agreements are addressed in Section 4.3 below.

UPRN (if known): Unique Property Reference Number Not Known

3: Type of request, payment and conditions
(see CATS Guidance Section 1.4)

3.1 Please tick what type of request is being made:

- for ownership (under section 79(2)(a)) – **go to section 3A**
- for lease (under section 79(2)(b)(i)) – **go to section 3B**
- for other rights (section 79(2)(b)(ii)) – **go to section 3C**

3A – Request for ownership

What price are you prepared to pay for the land requested (see CATS Guidance Section 2.2)?

Proposed price: £27,685. See PCT_3-1.

Please attach a note setting out any other terms and conditions you wish to apply to the request.

3B – request for lease

What is the length of lease you are requesting?

n/a

How much rent are you prepared to pay (see CATS Guidance Section 2.2)? Please make clear whether this is per year or per month.

Proposed rent: n/a

Please attach a note setting out any other terms and conditions you wish to be included in the lease, or to apply to the request in any other way.

3C – request for other rights

What are the rights you are requesting?

n/a

Do you propose to make any payment for these rights?

Yes **No**

If yes, how much are you prepared to pay? Please make clear what period this would cover, for example per week, per month, per day?

Proposed payment: n/a

Please attach a note setting out any other terms and conditions you wish to apply to the request.

Section 4: Community Proposal

4.1 Please set out the reasons for making the request and how the land or building will be used.

This should explain the objectives of your project, why there is a need for it, any development or changes you plan to make to the land or building, and any activities that will take place there.

Objectives of our project:

We have a **vision** of a place where biodiversity and woodland production meet, as part of a wider vision for education in sustainable community living.

Our three **headline objectives** are:

1. Improve **biodiversity** and the River Tweed corridor – by diversifying the species and bringing more light into the wood;
2. Improve sustainable **productive** management of our local woodlands through community ownership and partnership;
3. Resurrect coppice management skills and provide a space for further **skills training and nature learning**.

Why there is a need for it

Eshiels Wood is a small conifer plantation (7ha) between the River Tweed and a Sustrans path for pedestrians, cyclists and horse-riders, downstream of Peebles, 3 km as the crow flies from its centre. It is well known to many residents of Peebles and nearby communities including Cardrona, Eshiels and Innerleithen, because it lies alongside the Sustrans route from Peebles to Innerleithen. There are many informal paths running through the woods, and it has been used informally in the past as a community space for den-building and art work with a former community group that worked with Borders Forest Trust. The question of buying it for community management has been discussed several times in the past, but always ended with ‘why would we need to own it?’. Several factors have changed that view:

- FES has put the woodland on its disposals list and there is a strong local preference for the wood to be in local ownership (see evidence in Section 5)
- An important new record was made for a rare moth, the Currant Shoot-borer (*Lampronia capitella*) – whose only known Scottish location is Eshiels. It was discovered and recorded in Eshiels Wood in 2017 by Reuben Singleton, and verified by Butterfly Conservation (see PCT_4.1). It is considered by Scottish Ministers to be of principal importance for biodiversity conservation in Scotland and is listed on the Scottish Biodiversity List.
- A thriving community woodfuel group (Tweeddale Community Woodfuel) has built its membership, skills and demand to the extent that it is looking for sites to manage and in particular where sustainable, hardwood fuel can be produced e.g. through coppicing

The group of interested people has developed into an active sub-committee of Peebles Community Trust (PCT) with nine members who have wide-ranging skills and experience. We have invited experts from FCS and the private sector to visit the wood and advise us on

options for management and grants to help us, and we were awarded a small Community Fund grant by FCS to help us prepare a community bid, under the umbrella of PCT.

Development / changes planned

We intend to manage the woodland through a gradual transformation **from** conifer plantation with many self-seeded broadleaves, **to** open, mixed woodland. Much of this will be managed as coppice, a part of our woodland heritage that has nearly disappeared in Scotland, to provide woodfuel, fencing, basketry materials and more. At the same time, the woodland along the river bank will be protected and managed to maintain natural vegetation, with willows, alder, elm, bird cherry, and birch. In particular we aim to protect and enhance the old redcurrant bushes that provide the food-plant of *Lampronia capitella* in what is currently its only known Scottish location. This is an improvement on the current management of the woodland, which does not take into account the conservation requirements of the moth. The details of this approach were informed by the baseline habitat survey (see PCT_4-2) and are set out in the management plan (see PCT_4-3) commissioned through our scoping study. To develop the link between the management plan and the business plan, we sought four additional professional opinions about the potential for sustainable levels of timber and / or woodfuel harvest while converting to broadleaf and coppice. The range of their opinions informs our business plan (see Section 6 below).

Planned activities

In line with our objectives and seeing this as a place of community learning and demonstration, of sustainable and productive woodland management combined with conservation, activities will include:

- Woodland management to increase light and favour a diverse structure and species composition
- Felling of conifers and some broadleaf trees, as part of woodland management and to provide income from coppicing
- Planting native broadleaf species particularly those suitable for coppicing
- Nature-based outdoor learning
- Events which form part of the Tweed Valley Forest Festival
- Training courses in coppicing, and other woodland management skills

Further into the future and subject to the work of a project officer, we may be able to develop further income-generating activities, using the woodland as the site for others to conduct chainsaw training courses, coppicing, etc., and potentially a venue for weddings and parties at the western end of the wood where the largest most charismatic trees are located.

4.2 Benefits of the proposal

Please set out the benefits that you consider will arise if the request is agreed to (see CATS Guidance Section 3.2)

This section should explain how the project will benefit your community, and others. Please refer to the guidance on how the relevant authority will consider the benefits of a request.

4.2.1 To what extent do the overall vision for the project and the project outcomes contribute to Scotland's National Outcomes?

The project contributions to the sixteen National Outcomes are described in PCT_4-4, where they are justified directly from Scottish Government guidance on each outcome. In summary the vision of PCT makes a powerful contribution far beyond its 7 ha size to Outcome 12 concerned with valuing, protecting and enhancing the natural environment. Firstly, the management is targeted towards protecting a unique Scottish population of a UK Biodiversity Action Plan Priority Species (*Lampronia capitella*). Secondly, the management will contribute to saving Scotland's Red Squirrels as the woodland is situated in a PARC. Major contributions, commensurate with its size, are made to Outcomes 1, 2 concerned with business and employment opportunities, Outcome 10 concerned with sustainable living, Outcome 11 concerned with strong communities, and Outcome 14 concerned with the environmental impact of the human population. The project makes minor and/or indirect contributions to other outcomes, and does not contribute negatively to any of the outcomes.

4.2.2 Will the project have an overall financial benefit on public sector costs and/or enhanced provision of public benefit?

The proposal will remove the public sector cost of managing the 7 ha of plantation, which has no pre-prepared extraction route. As a consequence of existing legal agreements, the financial burden of providing the extraction routes for standard harvesting procedures will fall on the taxpayers of Scottish Borders Council, potentially making the existing or future ownership a net public liability. The management plans put forward by PCT provide for a tangible means of relieving the public purse of this burden.

As outlined in 4.2.1 the proposal provides for long-term conservation of a UK Biodiversity Action Plan Priority Species (*Lampronia capitella*) at no annual cost to the public purse which is estimated to be a Net Present Value of £12,315 over 25 years, as described in PCT_3.1.

4.2.3 What is the impact of any non-financial benefits, including economic development, regeneration, public health, social wellbeing, environmental wellbeing, inequalities of outcome, any other benefits?

As outlined in 4.2.1 the proposal contributes strongly to several of Scotland's National Outcomes, which are the priority public benefits identified by Scottish Government. The project's contributions to these are justified in PCT_4.4. These particular outcomes are concerned with economic development (Outcomes 1 and 2), public health (Outcome 6,

concerned with exercise and public health), social wellbeing from strong and empowered communities (Outcome 11), environmental wellbeing (Outcome 12, 14).

4.2.4 What evidence has the organisation provided of how it will take into account the different needs of the community, and what contribution will the project make to equalities outcomes?

The project is inclusive. PCT have undertaken a large-scale public consultation involving: the public display of information and recording opinion at a regional woodland event; canvassing opinion from the local residents most closely affected by the proposal; canvassing users of the Sustrans path which runs for 1km within the woodland along its northern boundary; and social media. The outcome of this consultation is that we are addressing the wishes of the vast majority of the community (see Section 5).

PCT is best placed to ensure gender equality within the project, but it is harder for PCT to have an impact upon other dimensions of inequality. The safeguarding of the paved Sustrans path in turn safeguards an important route for disabled access to the countryside. The management of the project is clear in its objective of establishing partnerships with local businesses as contractors, and so is addressing income inequality by supporting local employment.

4.3 Restrictions on use of the land

If there are any restrictions on the use or development of the land, please explain how your project will comply with these. The local [Forest District](#) office can provide assistance in identifying any restrictions and how to comply with them.

Restrictions might include, amongst others, environmental designations such as a Site of Special Scientific Interest (SSI), heritage designations such as listed building status, controls on contaminated land or planning restrictions.

1. The River Tweed is designated as a Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). This requires notification and, in certain cases, consent from Scottish Natural Heritage (SNH) to carry out certain activities which may negatively impact this internationally and nationally protected habitat. The corridor for these designated areas takes in both the stream itself and five meters on either bank. It is the responsibility of the landowner/manager to maintain this key habitat in favourable condition and any proposed management prescriptions will have to take this into account. Any activities proposed within five metres of the river may require an SSSI consent from SNH. Operations requiring consent from SNH are listed in the notification package and are tailored to the conservation of the

natural features for which the site is notified. PCT and its management plans will comply fully with SNH guidance at all times.

2. The adjacent Sustrans Tweed Valley Railway Path lies within the boundaries of Eshiels Wood for 1km. The terms under which public access is governed is the subject of a legal agreement (see PCT_4-5) between FCS and Scottish Borders Council (SBC). Legal opinion obtained by PCT (see PCT_4-6) is that this agreement will fall on sale of the land by FCS. A key objective of PCT proposal is to safeguard this public access, and we have initiated discussions on how this agreement can be renewed to the public benefit.

3. Development of the land for forestry is restricted by the lack of a pre-existing extraction route for timber. However the provision of an extraction route by SBC is established by a Deed of Servitude on SBC, registered in the Register of Sasines (see PCT_4-7 & PCT_4-8). This specifies the route of extraction, the quality of surface, and the provision of a wood store. Legal opinion obtained by PCT (see PCT_4-6) is that this agreement is heritable with the land. Enforcement of the Deed in full will cause SBC considerable difficulty as the extraction route runs through sensitive areas of Eshiels Depot. PCT has been proactive in overcoming this public liability by: firstly, developing a management plan that will require only minor modifications to existing infrastructure; and secondly by initiating discussions with SBC on how a partnership between SBC and PCT that is beneficial and enabling to both can best be achieved.

4. Other potential restrictions include those arising from: wayleaves (overhead power lines; gas pipeline) on the site; fishing rights, which are held by a private individual; and flooding. PCT will seek amicable agreements with all interested parties or stakeholders at all times.

4.4 Negative consequences

What negative consequences (if any) may occur if your request is agreed to? How would you propose to minimise these?

You should consider any potential negative consequences for the local economy, environment, or any group of people, and explain how you could reduce these.

Woodland management, especially tree-felling, will always provoke debate. We intend to address this through transparency, information boards on-site, and education at events.

4.5 Capacity to deliver

Please show how your organisation will be able to manage the project and achieve your objectives.

This could include the skills and experience of members of the organisation, any track record of previous projects, whether you intend to use professional advisers, etc.

The Eshiels Wood project will be managed under the umbrella of Peebles Community Trust (PCT), a company limited by guarantee and not having a share capital. One of PCT's primary objectives is to manage - and where appropriate acquire - community land and associated assets for the benefit of the community and the public in general. Under Article 67 of the PCT's Articles of Association (PCT_1-1), the PCT board may delegate any of its powers to sub-committees, in this case the Eshiels Wood sub-committee. Each sub-committee must consist of not less than one PCT director reporting back to the PCT Board. The sub-committee so formed shall conform to any remit and regulations imposed on it by the PCT board. Eshiels Wood sub-committee currently has 9 PCT members, including the PCT Company Secretary. They are described in (PCT_4-9). As will be seen the group has extensive and impressive professional experience - ecologists, foresters, environmental educators, as well as management experience such as chair, secretary, treasurer of community or profession bodies. The group is enthusiastically committed to this project as demonstrated by our conservative estimate of 80 volunteer day spent in preparing this proposal. Additional information on Governance and Project Management is given in PCT_6-1.

Most of our sub-committee members of other organisations with whom we can develop partnerships and synergy: e.g Butterfly Conservation, Tweedgreen, Borders Outdoor and Woodland. It is this coalescence of interests and shared objectives that provided the momentum for the development of this project.

Section 5: Level and nature of support

5.1 Please provide details of the level and nature of support for the request, from your community and, if relevant, from others (see CATS Guidance Section 3.2)

This could include information on the proportion of your community who are involved with the request, how you have engaged with your community beyond the members of your organisation and what their response has been. You should also show how you have engaged with any other communities that may be affected by your proposals.

See PCT_5-1. The following is extracted from its Summary.

1. We employed different modes of engagement including displays at public events, leaflets, articles in the local press, and social media which reached over 5,000 households through Peebles Life, and 3,900 through Facebook. All these efforts were targeted on the 10 km area surrounding Eshiels Wood.
2. The engagement has reached a range of stakeholders in Eshiels Wood far beyond the membership of our organisation: those interested in wood and woodlands, including visitors from the wider region; those using the Tweed Valley Railway Path; and local residents, with a special focus on those living in closest proximity to the woodland.
3. The total number of respondents to our questionnaire was 126, and their location was strongly related to the size and proximity of communities to the woodland.
4. Our engagement has shown near unanimous support for community ownership among the respondents to our questionnaire. A majority wished to be kept informed about our progress.
5. The activities in the woodland favoured by the respondents to our questionnaire align very closely to our objectives set out in Section 4.1.
6. To date we have received 5 letters of support from 4 organisations. We anticipate more will follow.

Section 6: Funding

- 6.1 Please outline how you propose to fund the price or rent you are prepared to pay for the land, and your proposed use of the land (see CATS Guidance Section 1.5)

You should show your calculations of the costs associated with the transfer of the land or building and your future use of it, including any redevelopment, ongoing maintenance and the costs of your activities. All proposed income and investment should be identified, including volunteering and donations. If you intend to apply for grants or loans you should demonstrate that your proposals are eligible for the relevant scheme, according to the guidance available for applicants.

A detailed business and financial plan is given in PCT_6-1 which considers costs associated with transfer of land and its subsequent management over a 25 year period. It considers income from the wood, potential sources of grant income for which the wood is shown to be eligible, the contributions of volunteers, and the risks to these plans, both financially and non-financially. The projections made demonstrate that PCT ownership of Eshiels Wood should be financially sustainable in the long-term.

The short-term projections rely heavily on obtaining funding, primarily for acquisition costs. PCT propose to apply to Scottish Land Fund (SLF) for these costs. PCT did not follow a pathway of Stage 1 application to SLF because of concerns that such an application might compromise other initiatives undertaken by PCT, and instead obtained an FCS Community Grant to help fund its feasibility studies. The concerns of PCT over more than a single application to SLF have now been removed, and PCT has taken the first steps towards applying to SLF Stage 1, with a view to progressing as rapidly as possible to Stage 2 should this CATS application be successful. The Eshiels Wood Sub-Committee of PCT has been in touch with the SLF and we have our first face-to-face meeting with them on Thursday 15 March 2018.

Signature

Two office-bearers (board members, charity trustees or committee members) of the community transfer body must sign the form. They must provide their full names and home addresses for the purposes of prevention and detection of fraud.

This form and supporting documents will be made available online for any interested person to read and comment on. Personal information will be redacted before the form is made available.

We, the undersigned on behalf of the community transfer body as noted at section 1, make an asset transfer request as specified in this form.

We declare that the information provided in this form and any accompanying documents is accurate to the best of our knowledge.

Name Steve Dube

Address

Date 1 March 2018

Position Director and Secretary, Peebles Community Trust

Signature

Name Laurie Hayworth

Address

Date 1 March 2018

Position Director and Treasurer, Peebles Community Trust,

Signature

Checklist of accompanying documents

To check that nothing is missed, please list any documents which you are submitting to accompany this form.

Section 1 – you **must** attach your organisation’s constitution, articles of association or registered rules

Title of document attached:

PCT_1-1: Articles of Association for Peebles Community Trust

Section 2 – any maps, drawings or description of the land requested

Documents attached:

PCT_2-1: OS Boundary Map of Eshiels Wood (Ordnance Survey © Crown Copyright 2015. All rights reserved. Licence number 100022432).

Section 3 – note of any terms and conditions that are to apply to the request

Documents attached:

PCT_3-1: Justification of Proposed Purchase Price

PCT_3-2: Letter from Senior Conservation Officer, Butterfly Conservation

Section 4 – about your proposals, their benefits, any restrictions on the land or potential negative consequences, and your organisation’s capacity to deliver.

Appendices/documents attached:

PCT_4-1: Butterfly Conservation Scotland (Dr. T Prescott)

PCT_4-2: Eshiels Long Wood – Baseline Habitat Survey. (S. Adair)

PCT_4-3: Eshiels Wood – Management Plan (D. McPhillimy)

PCT_4-4: Relating the Project to the Scotland’s National Outcomes

PCT_4-5: SBC/FCS Access Agreement on Sustrans Path
PCT_4-6: McCartney Stewart Legal Opinion
PCT_4-7: SBC/FCS Deed of Servitude Text
PCT_4-8: SBC/FCS Deed of Servitude Plan
PCT_4-9: Skills and Experience of PCT Sub-Committee

Section 5 – evidence of community support

Documents attached:

PCT_5-1: Community Engagement Modes and Outcomes
PCT_5-2: Scan of Promotional Leaflet

Letters of support from:

PCT_5-3: Letter of Support: East of Scotland Butterfly Conservation
PCT_5-4: Letter of Support: Tweedgreen
PCT_5-5: Letter of Support: Borders Forest Trust
PCT_5-6: Letter of Support: Borders Outdoor & Woodland Learning Group

Section 6 – funding

Documents attached:

PCT_6-1: PCT Business Plan