



Ein cyf/Our ref ATISN 13114

Llywodraeth Cymru
Welsh Government

12 June 2019

Dear ,

Request for Information – ATISN 13114

I wrote to you on 29 May in response to your e-mail of complaint dated 15 May.

I have conducted an internal review of your request in accordance with the procedure outlined in the [Welsh Government's Practical Guide for Making Requests for Information](#) which is available by post on request, or via the Welsh Government website.

I note that on 15 April, you asked for "a copy of the **"business case"** presented to, and approved by, Welsh Government justifying the sale of the land", following an article you had seen in the Western Telegraph dated 7 April regarding the sale of land at Parc Teifi Business Park in Cardigan.

We wrote to you on 25 April to state we were not sure exactly what document you were referring to, and asked whether you may be looking for the Welsh Government's business reasons to justify transferring the land to the Naturewise Community Forest Garden project for a nominal fee of £1.

You responded later that day stating you had assumed the Welsh Government would require "Naturewise" to present a "business case" to the Welsh Government for its consideration and approval. You further stated that if this was not the case, you would like to know:

"What business reasons did the Welsh Government have to justify transferring the land to the Naturewise Community Forest Garden project for a nominal fee of £1."

In our response of 14 May, we provided you with the business plan presented to the Welsh Government regarding the land, titled 'Community Asset Transfer'.

In your complaint of 15 May, you stated that the document released to you was the 'business plan' provided by Naturewise to the Welsh Government under Stage 2a of



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the Community Asset Transfer (CAT) process, rather than the 'business case' required under Stage 2b of the process.

I have noted your original request, the response issued and your subsequent complaint.

I can confirm the Welsh Government only received one document from Naturewise, which is referred to as the 'business plan', and this has been released to you in full. I can also confirm the Welsh Government does not recognise the CAT process you have described. The Welsh Government published a revised best practice guide of Community Asset Transfers in Wales on 11 March 2016, announced through a Written Statement. A copy of the guide is available to view on our website. Please note it is our intention to publish an updated version of the guide within the next 4-6 weeks. I believe what you are referring to as Process Stage 2 b is, in fact, Business Case Preparation, which comes ahead of Approval and Transfer.

Your complaint regarding the withholding of information in relation to the 'business case' presented to us by Naturewise is not, therefore upheld as the document we hold, which we refer to as the 'business plan', was released to you in full.

I note, however, that in your clarification you also asked for the Welsh Government's business reasons to justify transferring the land to Naturewise. You asked for this information only if the Welsh Government did not hold the business plan submitted by Naturewise. Given the document we hold was released to you in full, this part of your revised request was not, therefore, considered. I am, however, able to provide you with our business reasons to justify transferring the land and this is at Annex A.

To conclude, I do not uphold your complaint as the information you requested, namely the business case/plan submitted to the Welsh Government by Naturewise, was released to you in full.

Finally, as part of my review, I have become aware of an e-mail you had sent to the Welsh Government Customer Services desk on 2 May in relation to a separate FOI request which I presume you had seen on our website, reference ATISN 12930. You asked for the correct link to our Community Asset Transfer guidance. The correct link is given above. Please accept my apologies that no-one responded to your enquiry.

If you remain dissatisfied with this response you also have the right to complain to the Information Commissioner at:

Information Commissioner's Office,
Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
Tel: 01625 545 745
Fax: 01625 524 510
Email: casework@ico.org.uk

Also, if you think that there has been maladministration in dealing with your request, you have the option to make a complaint to the Public Services Ombudsman for Wales who can be contacted at:

Public Services Ombudsman for Wales

1 Ffordd yr Hen Gae, Pencoed, Bridgend, CF35 5LJ
Telephone: 0845 6010987 (local rate)
Email: ask@ombudsman-wales.org.uk

Yours sincerely

Simon Jones
Director – Economic Infrastructure

APPENDIX A

1. Officials have been approached by Naturewise Community Forest Garden CIC (Naturewise), based in Cardigan, which wishes to acquire 5.58 acres land at Parc Teifi Business Park, Cardigan under the Community Asset Transfer (CAT) scheme guidance produced by the National Assets Working Group and the WG Guidance for Traditional Allotments and Community Led Gardening Projects. A CAT generally involves a transfer at less than full market value, at either a reduced cost or nominal consideration. A formal expression of interest and business submission has been received.
2. Naturewise initially approached WG about buying land because its current forest garden site (occupied under informal licence for the past ten years) had changed ownership and its future looked uncertain. It took advice from the Community Land Advisory Service (CLAS Cymru), a Big Lottery funded organisation that provides specialist support to community groups to help them work with landowners to make land available for community growing. It became apparent that a transfer at a nominal consideration would allow Naturewise to strengthen the long term viability of the project by using its funds to set up the project and plant trees and crops rather than on land acquisition.
3. A forest garden is a low-maintenance sustainable plant-based food production and agri-forestry system based on woodland ecosystems, incorporating fruit and nut trees, shrubs, herbs, vines and perennial vegetables which have yields directly useful to humans.
4. Naturewise works with volunteers and local schools to plant, manage, harvest and share nutritious locally grown produce from its forest garden in St Dogmaels. Children are taught skills such as gardening, knowledge of nature and to develop skills in craft and storytelling as part of their curriculum and through out of school activities, which are considered to increase confidence and help to build friendships and develop social skills.
5. The up-keep is funded by proceeds from The Eco Shop in Cardigan that was set up in 2008 as a community hub run by volunteers to share information, upcycle/refurbish unwanted goods, and sell clothes and tools, local arts/crafts, sustainably sourced products and surplus produce from the forest garden, thereby contributing to the local economy. The Eco-Shop gives valuable work experience to people who need assistance and support with life skills to find employment or deal with people.
6. Naturewise aims to transfer the forest garden to a larger scale permanent setting at Parc Teifi to provide a living model of sustainable practice and to improve the biodiversity and productivity of the land. This includes erecting shelters, sheds, composting WCs and a classroom. The Eco Shop has confirmed its intent to support the setting up of the new CIC and development of the new forest garden site and to the long-term resilience of the project.
7. Formerly a not for profit community enterprise, Naturewise Community Forest Garden CIC has been set up for the purpose of acquiring the asset and it benefits from the experience of the members' involvement in the existing forest garden and

the Eco Shop. A CIC is a limited liability company designed for social enterprises that want to use their profits and assets for the public good with the specific aim of providing a benefit to a community. It must use its income, assets and profits for the community it is formed to serve. It is regulated by the Office of the Regulator of Community Interest Companies.

8. The asset lock is a fundamental element of a CIC and ensures that the CIC's assets are not sold at an undervalue and are used for the benefit of the community it was set up to serve and not to benefit the company's members, directors, employees or service providers. This means that any asset transferred by WG will not revert to WG if the CIC fails. The Memorandum of Association for Naturewise includes the asset lock and states that in the event of any insolvency/winding up, any assets will transfer to another asset locked organisation that is local as recommended by the Regulator.
9. One alternative would be to retain the site and market it for businesses or undertake direct build. There are still 7 acres of development land remaining within the established estate as well as 5.5 acres of development plots in nearby Llandysul. The site has lost its employment land allocation. This is not a recommended option.
10. Another option would be to put the site on the market as agricultural land. 6.29 acres of surplus land at Parc Teifi were sold at auction in 2015 for £24,000. However, WG was approached by Naturewise with a project that provides an opportunity to empower the local community to transform the land for public benefit and help deliver social, educational, health and environmental benefits. This is not a recommended option.
11. Whilst there can be a risk in passing an asset to a community group to develop and manage, the members of Naturewise have demonstrated that they have 10 years experience of successfully managing a similar project locally. They have demonstrated support from their current members, the local community and schools. They have provided bank statements to show that they have sufficient funds to cover their project development costs for the next five years. The asset will be protected by the asset lock and a positive covenant to ensure the property remains used for community benefit and is maintained in a good and tidy order.
12. The project would contribute to the national strategy Prosperity for All and its objective to help and support everyone to live healthy, prosperous and rewarding lives. WG and Naturewise, as public and voluntary sector partners working together towards common objectives, can help deliver the following themes:
 - the Prosperous and Secure theme by supporting people to develop skills for life and supporting a community-led project that can strengthen the local economy.
 - the Healthy and Active theme by working with schools and the community from primary school to old age to promote healthy lifestyle choices and the opportunity to be active outdoors and learn about sustainability and the environment.
 - the Ambitious and Learning theme to instil a passion to learn by taking children out of the traditional classroom environment to study outdoors. The activities can link to the school curriculum.

- the United and Connected theme to help communities take ownership of community assets. The forest garden will benefit from the on-going support of the Eco Shop which has flourished in the local community and provides a supportive and inclusive environment for volunteers to gain work experience and to socialise. Volunteers are from all parts of the community, including from a local mental health drop in centre, retired people as well as young adults.

13. This transaction has a positive impact under the Well-being of Future Generations (Wales) Act (WFGA) Goals and Principles and the Environment (Wales) Act (WFA) objectives. It makes positive contributions to the Wellbeing Goals and Principles as follows:

- A Prosperous Wales, and A Globally Responsible Wales – through its commitment to provide a living model of sustainable practice in a local community. It recycles land that can no longer be brought forward for economic development purposes into productive community and environmental use.
- A Resilient Wales – through bringing grazing land into positive management following permaculture principles. To increase biodiversity, encourage wildlife, and reduce CO2 by growing locally and reducing food miles.
- A Healthier Wales – through encouraging children and the community to learn about growing nutritious food, to be in the outdoors working together as a team, to walk rather than drive.
- A More Equal Wales –The activities of the Forest Garden and the Eco Shop help people develop the life skills to fulfil their potential.
- A Wales of Cohesive Communities – in a wide range of areas because of the nature of the business and the activity overall.
- This future use, because of the organisation's nature, principles, ways of operation and community led approach, also delivers on the WFGA Principles in meeting long term needs; prevention of future problems; an integrated and collaborative approach; and involving a range of people in the community at a number of levels.