



## COMMUNITY ASSET TRANSFER: ASSET TRANSFER REQUEST

### IMPORTANT NOTES

Eligible Community Transfer Bodies have a right to submit an Asset Transfer Request under Part 5 of the Community Empowerment (Scotland) Act 2015 (the Act). However, there is no legal requirement that all requests must go through the process set out in the legislation where both parties are able to reach an agreement.

**If you wish to make a request under the Act then you must state this clearly in the box at the bottom of this page.** If you are in any doubt then please discuss this with the council's Asset Transfer Team before making your request.

You are strongly advised to contact the council's Asset Transfer Team by telephone on 01343 563915 or by email to [CAT@moray.gov.uk](mailto:CAT@moray.gov.uk) to discuss your proposal prior to making a request.

All community bodies intending to make an Asset Transfer Request to Moray Council are encouraged to take advantage of our pre-application advice service beforehand. This can help improve outcomes and ensure that your request can be processed as quickly as possible through the most appropriate route.

Please complete all sections of this form as fully as possible (if a question is not applicable please mark with N/A) and, where possible, submit the form electronically to [CAT@moray.gov.uk](mailto:CAT@moray.gov.uk).

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

**Do you wish your Asset Transfer Request to be considered under Part 5 of the Community Empowerment (Scotland) Act 2015?**

*(Please tick the relevant box)*

Yes     

No     

*An Asset Transfer Request can only be considered under the Act if it is made by an eligible Community Transfer Body as defined by the Act. Ticking 'No' will mean that your request will be considered outside of the Act.*

**Section A:****Information about the community organisation making the request**

<b>1. Details of community organisation</b>	
<b>Name of organisation</b>	The Findhorn Village Conservation Company (TFVCC)
<b>Registered address</b>	██████████ ██████████ ██████████ ██████████
<b>Postcode</b>	██████████

<b>2. Organisation contact Information</b>	
<b>Contact name</b>	██████████
<b>Position in organisation</b>	██████████
<b>Postal address (inc postcode) <i>If different from above</i></b>	██
<b>Contact telephone no.</b>	██████████
<b>Contact email address</b>	██

<b>We agree that correspondence in relation to this request may be sent by email to the address given above. (tick to indicate agreement)</b>	<b>x</b>
<i>You can ask us to stop sending correspondence by email, or change the email address, by telling us at any time; please give 5 working days' notice.</i>	

<b>3. Please tick the corresponding box(es) below to confirm the type of organisation and its official number(s), where applicable:</b>		
Company and its company number...	X	SC397770
If the company is a registered charity, please also tick this box and provide its charity number...	x	SC044408
Scottish Charitable Incorporated Organisation (SCIO) and its charity number...		
Community Benefit Society (BenCom) and its registered number...		
Unincorporated organisation (no number)		<i>LEAVE BLANK</i>



**4. Please tick the corresponding box below to confirm which documents accompany this asset transfer request:**

Constitution	
Articles of Association	x
Registered Rules	
If the organisation does not have a written constitution, please tick this box.	
<i>Please note that a formal asset transfer request will only be considered from those community controlled bodies with a written constitution.</i>	

**5. Has the organisation been individually designated as a Community Transfer Body by an Order made by Scottish Ministers?**

Yes		Please note that this question relates only to those bodies referred to in section 77(2)(a) of the Community Empowerment (Scotland) Act 2015.
No	x	
Don't know		

**If yes, please give the title and date of the Designation Order:**

--

**6. Does the organisation fall within a class of bodies designated as Community Transfer Bodies by an Order made by Scottish Ministers?**

Yes	x	Please note that this question relates only to those bodies referred to in section 77(2)(b) of the Community Empowerment (Scotland) Act 2015.
No		
Don't know		

**If yes, please give the class of bodies it falls within together with the title and date of the Designation Order:**

Community body under section 34(4) (Part 2 – Community Right to Buy) and section 97D(6) (Part 3A - Community Right to Buy Abandoned, Neglected or Detrimental Land) of the Land Reform (Scotland) Act 2003 “the Act”,  
26<sup>th</sup> March 2019

**Section B:****Information about the land and rights in which you are interested**

**1. You should provide a street address and/or grid reference and any name by which the land or building is known as. If you have identified the land via the Council's register of land, please enter the details we have listed.**

Name of Asset	Public Convenience, West Dune Area (North)
Name Asset otherwise known by	Toilet Block
Asset Address	West Dune Area (North) Findhorn Forres IV36 3YE
Grid Reference of Asset	OS Easting 303658 Northing 864862
Asset UPRN (Unique Property Reference) as listed on Council Register	UPRN 000133055563 02/00289/ASS

**1.2 You should provide a street address and/or grid reference and any name by which the land or building is known as. If you have identified the land via the Council's register of land, please enter the details we have listed.**

Name of Asset	Public Convenience, West Dune Area (South)
Name Asset otherwise known by	Toilet Block
Asset Address	West Dune Area (South) Findhorn Forres IV36 3YE
Grid Reference of Asset	OS Easting 303666 Northing 864670
Asset UPRN (Unique Property Reference) as listed on Council Register	UPRN 000133056251 02/00271/ASS

**1.3 You should provide a street address and/or grid reference and any name by which the land or building is known as. If you have identified the land via the Council's register of land, please enter the details we have listed.**

Name of Asset	Plot of Land, previously Public Convenience, East Dune Area (North)
---------------	---

Name Asset otherwise known by	Plot of land
Asset Address	East Dune Area Findhorn Forres IV36 3
Grid Reference of Asset	
Asset UPRN (Unique Property Reference) as listed on Council Register	UPRN 02/00290/ASS

**2. Please provide a sketch or drawing showing the boundaries of the land or building in which you are interested. If you are interested in part of a piece of land or building, please explain clearly your requirements in your answer to question 3 below.**

Sketch/drawing attached

x

**3. Please provide a description of the asset you are interested in. Your description should give enough information to clearly identify your requirements.**

TFVCC wishes to CAT the assets of the public conveniences (PC) located in the West Dunes Area (North), West Dunes Area (South) and plot of land, previously PC East Dunes Area in Findhorn.

TFVC wish to take ownership of the public conveniences structure, land and all assets required to facilitate a functioning public convenience.

**Section C:**  
**Type of Request**

1. Please indicate below what type of request you are making:

Ownership (section 79(2)(a) of the Act) – go to question 2	x
Lease (section 79(2)(b)(i) of the Act) – go to question 3	
Other rights (section 79(2)(b)(ii) of the Act) – go to question 4	

2. Request for Ownership

What price are you prepared to pay for the asset?	£0
---	----

Go to question 5.

3. Request for a Lease

What length of lease are you proposing?			
How much rent are you prepared to pay?	£	per	

Go to question 5.

4. Request for Other Rights

What rights are you requesting?			
Do you propose paying for these rights? (tick box)	Yes		No
If yes, how much are you prepared to pay?	£	per	

**5. Please set out any other terms and conditions that you wish to apply to your proposals.**

*(This should include details of any responsibilities that you would wish the Council to retain, e.g. responsibilities under a proposed lease arrangement.)*

TFVCC wish to take ownership of the two public conveniences at the West Car Park. The Public Convenience West Car Park (North) currently is serviced by a septic tank. TFVCC would require said septic tank to be handed over in a working order that meets SEPA regulations. Details of water supply connections.

The Public convenience West Car Park (South) is currently shut, so no ability to review condition. TFVCC would require that required water and sewage is in working order. Details of water and swage connections

Plot of land at East Car Park, TFVCC would require confirmation that all services have been properly 'capped'. Details of drainage/water/electricity facilities that are still in place should be identified to TFVCC. In the longer term TFVCC may wish to reinstate a PC at the East Car Park.



## Section D: Reasons for Request

### 1. Community Proposal

Please set out the reasons for seeking an asset transfer and describe how the land or building is intended to 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 asset, and any activities that will take place there.)*

Findhorn is a magnet for tourists and local visitors. In the last year the numbers of visitors have increased significantly with the impact of COVID-19. Motorhome holidays have become more popular and the number of people choosing to holiday at home has increased. TFVCC aim to ensure that our local infrastructure is fit for purpose to cope with the needs of local people and increasing number of visitors to the village. Part of this is that there is adequate provision in the village of accessible public conveniences.

The car parks surrounding the public conveniences are already owned by TFVCC and are well used, attracting locals and tourists on a daily basis. TFVCC have secured change of use planning approval from Moray Council Planning Department, to provide a Motor Home stop over facility located at the West Beach Car Park, access to public toilets is an important facility to support the tourist/visitor/local facilities.

In the shorter term, TFVCC propose that the public conveniences at the North and South sites will be run as they are, keeping the facilities available for public use.

A condition of our change of use approval is that a chemical toilet disposal point is provisioned within 12 months of approval date (October 2020). We intend to install this at the West Dunes Toilet Block (South) as this is connected to the mains sewage system and is the only suitable location for the chemical disposal point.

TFVCC's longer term goals are to investigate the feasibility of providing electricity to provide light and showering facilities. This will include investigating doing this sustainably e.g. including the provision for rain water collection be installed to reduce water usage.

## 2. Benefits of the Proposal

Please set out the benefits that you consider would arise if the proposed request were to be agreed.

*(This should explain how the project would benefit your community and others. Please refer to the Scottish Government Guidance document on how the Council will consider the benefits of the request.)*

### Economic development

Ensuring there is adequate provision of public conveniences located in the village of Findhorn will support economic development through the encouraging of visitors to visit the village, either daily or staying overnight. This in turn provides the local pubs and cafes with customers, securing local employment in our community. Over summer 2020 the increase in visitors using the car park and motor home stop over has had a significant positive impact to the local business.

### Regeneration

Currently there is only one public convenience open, which does not have disabled access. The public convenience (south) that is currently closed is the facility with disabled access. TFVCC intend to re-open this facility so that we can reinstate the provision of accessible toilets in the village. Through regeneration of both public conveniences TFVCC can provide facilities for both daily and overnight visitors enhancing the facilities in Findhorn for locals and tourists

### Public health

There is a high volume of visitors who come to the beach area to picnic, walk, exercise their dogs, without the public conveniences there would be no place within a reasonable distance for visitors to find comfort. When the North PC was closed, it was noted, there was human excrement to be found in the area between the beach and the PC, also behind the PC – we believe this was due to the distance between the beach and the PC south. It is vital to that there is toilet provision 365 days a year in this area to avoid incidences of this occurring and posing a risk to public health.

There is currently no disabled access public toilet in Findhorn. Reopening the south toilet block will provide an accessible facility that is currently not available in Findhorn. With parking adjacent to toilet block which will enhance accessibility.

### Social wellbeing

The benefits of being outdoors and enjoying the natural environment are widely recognised as having a positive impact on our mental and physical health and

wellbeing. Provision of toilet facilities near to the beach will provide reassurance to all when out enjoying the beach and nature reserve.

#### Environmental wellbeing

Findhorn is already well recognised for its beautiful natural environment and we want to protect and ensure it is managed so that people can come and enjoy it. Provision of toilet facilities will reduce the incidences of human excrement in the dunes, beach and nature reserve. The provision of a chemical toilet disposal point will ensure the safe and environmental disposal of chemical toilet waste. Currently there is no advertised disposal point in Findhorn or immediate surrounding area.

#### Reducing inequalities of outcome from socio-economic disadvantage

As these are the only two public toilets available in Findhorn, if they were not available to the general public, visitors would have to visit a pub/café to use their facilities, where they would be expected to purchase goods, which might not be financially possible for individuals and families on restricted income.

Any other benefits that might arise through the alternative use of the asset

The proposed provision of a chemical disposal point for motorhomes at the south PC will improve our local tourist infrastructure. Thus encouraging more visitors to Findhorn

### 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 would comply with these.

*(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.)*

The land surrounding the toilet block sites is a site of special scientific interest, so it is vital that the toilet blocks remain open to ensure there is no impact on the environment from human waste in the dunes area.

### 4. Negative consequences

What negative consequences (if any) may occur if your request were to be agreed? 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.)*

Careful consideration must be taken on the positioning of the chemical toilet disposal unit due to proximity of residential housing, whilst ensuring it is easily accessible. To minimise the impact the chemical disposal unit will be positioned out of sight of residences and the road through location and screening. The existing path from the motorhome stop over area to the south toilet block will be cleared so it can come back into use.

## 5. Capacity to deliver

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

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

TFVCC has a proven track record in managing assets. In 2016, with a grant from the Scottish Land Fund they purchased the residual land holdings of the previous owner, Novar Estates.

In 2018 TFVCC with a grant from the Scottish Land Fund purchased a garage site in Findhorn to ensure it was maintained for the Village. Since purchasing this site, TFVCC has leased out 11 of the garages to local residents and we are currently in the process of refurbishing four of the garages to provide workshop/studios.

The day to management of the land and garages in Findhorn is managed by the Board of Directors, who are elected members of the village. They bring a wealth of knowledge and practical skills to the Board and include architects, business people, property development, fund raising and event management to name a few.

In 2018 TFVCC introduced a voluntary charge for parking and motor home overnight stopovers at the West Beach Car Park. Visitors make their voluntary contribution at the onsite honesty boxes or at the local shop. TFVCC has worked with Moray Council, Scottish Police and Scottish Fire Service to ensure they are providing a suitable facility. TFVCC have demonstrated their ability to manage the motorhome stop over, particularly during this past year where the volume of visitors was unprecedented.

TFVCC currently owns garages in the Village which are being rented out to local people. Through this we can demonstrate our ability to manage buildings. We are also project managing the renovation/development project to create workshop/studio space.

The Board work closely with the Findhorn and Kinloss Community Council and Findhorn Residents Association as well as the other clubs and organisations in Findhorn. Regular newsletters go to every household in the Village of Findhorn to keep residents up to date. We utilise survey monkey to gain feedback from our membership.

We recently conducted a survey to identify the feelings of residents re the use of the car park for overnight stop over for motor homes – the results clearly show that there is a need for the facility. Which has the knock on effect that the toilet blocks need to be open 365 days a year.

## Section E:

### Level and nature of support

Please provide details of the level and nature of any existing support from your community and describe any consultations carried out.

*(This could include information on the proportion of your community who are involved with the project, how you have engaged with your community beyond the members of your organisation. You should also show how you have engaged with any other communities that may be affected by your proposals.)*

#### Planning For Real

A major consultation exercise using Planning for Real was carried out in May 2017. Issues around protecting and enhancing the Environment and managing and developing Leisure and Tourism were key themes. The provision of accessible public toilets in a village that attracts so many visitors has been identified as a priority to support our local leisure and tourism industry .

Findhorn and Kinloss Community Council have provided their support – FKCC

Findhorn Residents Association – FRA Letter of Support

## Section F: Funding

Please outline how you propose to fund the price or rent you intend paying for the asset, and your proposed use of the asset.

*(You should show your calculations of the costs associated with the proposed 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.)*

*Where a transfer at less than full market value is being sought, your business case should include a cash flow forecast covering the first full year of operation, together with an indicative budget for at least the following 2 years.)*

See attached spreadsheet for two-year budget.

There will be a shortfall between projected income and expenditure of £2345 in year one and £2450 in year two. Tfvcc currently have a voluntary parking charge for car parking and overnight stop overs for motor homes, this income will provide sufficient additional income to cover the two-toilet block running costs. This demonstrates that Tfvcc will be self sufficient for the day to day running costs of the toilet blocks.

Annual accounts are attached to demonstrate.

In the first two years Tfvcc aim to have at least one of the toilet blocks open 365 days a year, with the aim of providing an enhanced public toilet facility through the provision of two toilet blocks. Operating as the one toilet block operates currently under Moray Council.

There is an initial maintenance cost included in the budget to cover the cost of decoration and general tidying up of the buildings. However, this will be covered by donations in kind. It is hoped that future work will can be funded through RTIF which Tfvcc is working with Moray Council to progress.





## Section G: Declarations

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

**We, the undersigned on behalf of the community organisation as noted at Section A, 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:	[REDACTED]		
Address:	[REDACTED]		
Position:	[REDACTED]		
Signature:		Date:	21/01/2021

Name:	[REDACTED]		
Address:	[REDACTED]		
Position:	[REDACTED]		
Signature:		Date:	21/01/2021

Please send the completed form, together with all accompanying plans and documentation, to:

**By Post:** Asset Transfer Team, Moray Council, High Street, Elgin IV30 1BX

**By Email:** [CAT@moray.gov.uk](mailto:CAT@moray.gov.uk)

**If you have any queries regarding the filling in of this form, please contact the Asset Transfer Team on telephone 01343 563915**

## Section G:

### Checklist of accompanying documents

To check that nothing is missed, please list any documents which you are submitting to accompany this asset transfer request: (please tick)

Constitution	
Articles of Association	x
Registered Rules	
Financial Statements	x
Business Case	
Sketch / drawing of asset	
Note of terms and conditions you wish to apply	

Please note any additional supporting documents not listed above:

Valuation report that has sketch/drawings included	x
Letters of Support Findhorn Residents and F&KCC	x
Two year budget	x

### Useful Links

The following links provide sources of further information, advice or support for community bodies:

[Moray Council Community Asset Transfer](#)

[Moray Council Community Support Unit](#)

[Scottish Government Guidance for Community Transfer Bodies](#)

[Community Ownership Support Service \(COSS\)](#)

[Development Trust Association Scotland](#)

[Business Gateway Moray](#)

[Highlands and Islands Enterprise](#)

[tsiMoray](#)

### Office Use only:

Reference:	086
Date Received:	22/01/21
Date Acknowledged:	25/01/21

Validation Date:	
------------------	--