



COMMUNITY ASSET TRANSFER ASSET TRANSFER REQUEST (FORM B) (Non-Statutory)

IMPORTANT NOTES

All community bodies intending to make an asset transfer request to Moray Council are encouraged to take advantage of our pre-application service before making a request for the transfer of an asset. This can help improve outcomes and ensure that your request is processed through the most appropriate route. Details of the pre-application service are available from the Council's Asset Transfer Team by telephone on 01343 543451 or by email via CAT@moray.gov.uk.

Eligible Community Transfer Bodies have a right to make an asset transfer request under Part 5 of the Community Empowerment (Scotland) Act 2015 (the Act). Those wishing to make a request under the Act should follow the guidance prepared by the Scottish Government. You can find this on the Scottish Government website at <http://www.gov.scot/policies/community-empowerment/asset-transfer/>.

There is no legal requirement that all requests must go through the process set out in the legislation where both parties are otherwise able to reach agreement. If you are in any doubt about which route to follow then please discuss this with a member of the Asset Transfer Team before making your request. If you are ready to proceed and do not intend to make your request under the Act, then please complete and submit this form. **If you do intend to make your request under the Act then please complete Form C.** All forms are available from the Asset Transfer Team.

Please complete all sections of the 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.

Please note that this form and ALL supporting documents will be published online. Personal information will be redacted before publication.

Office Use only:

Reference:	058
Date Received:	18/03/2022
Date Acknowledged:	18/03/2022
Validation Date:	

Section A:

Information about the organisation making the request

1. Organisation Details	
Name	Garmouth & Kingston Community Association
Registered address	
Postcode	

2. Contact Information	
Contact name	
Position in organisation	
Postal address (inc postcode) <i>If different from above</i>	
Contact telephone no.	
Contact email address	
We agree that correspondence in relation to this request may be sent by email to the address given above. (tick to indicate agreement)	
<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>	

3. Please tick the corresponding box(es) below to confirm the type of organisation and its official number(s), where applicable:		
a) Company and its company number...		
If the company is a registered charity, please tick this box and provide its charity number...		
b) Scottish Charitable Incorporated Organisation (SCIO) and its charity number...	V	SC050545
c) Community Benefit Society (BenCom) and its registered number...		
d) Unincorporated association (no number)		LEAVE BLANK
If the association is a registered charity, please tick this box and provide its charity number...		
Note. Applications will only be accepted from community-controlled bodies with a written constitution. Please submit a copy with this form.		

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. If you have identified the land via the Council's register of land, please enter the details we have listed.**

Name of Asset	Garmouth Water Tower
Name Asset otherwise known by	
Asset Address	School Brae, Garmouth
Grid Reference of Asset	
Asset UPRN (Unique Property Reference) as listed on Council Register	02/00596/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	V
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- 3. Please provide a description of the asset in which you are interested. Please give enough information to identify your requirements clearly.**

It is a former water tower.
It was built ca 1900 and provided the first piped water supply for Garmouth and Kingston.
It is built of concrete.
It has been disused since ca 1965.
It is a listed building.
It is a prominent local landmark.

Section C:
Type of Request

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

Ownership – go to question 2	V
Lease – go to question 3	
Other rights – go to question 4	

2. Request for Ownership

What price are you prepared to pay for the asset?	£0
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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?				
None				
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.)

We would wish to acquire the title deed to the property and the small plot of land that accompanies it, and the access pathway, as shown in the plan.

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.)

The rationale for seeking to acquire the Water Tower

The Water Tower, if acquired, would become one of a quintet of properties owned by the Community Association – the others being the Village Park (which is just the other side of the Moray Coastal Trail footpath from the Water Tower, albeit at a lower level), the Village Hall (which is at the other side of the Park), Mill Lane amenity land (which is next to the Village Hall) and the Community Hub (which is about 5 minutes walk from each of the others). Together they represent a fantastic resource for the villages, each playing its distinct part in services and activities for the local population.

The distinctive role of the Water Tower would continue to be as the main local vantage point (with spectacular views across the Moray Firth to the east and to the north) but would be further developed to enhance the experience of visitors (who are not well served in the area) and to provide an enhanced amenity area for local people.

Specific further developments would depend on the aspirations of local people and what was allowable under the restriction of the local plan and national planning regulations – but would include:

- enhanced interpretation boards
- improved landscaping
- upgraded footpath signage

and could potentially include:

- a (possibly seasonal) venue for refreshments for passing walkers
- covered seating
- a diorama
- a ground-mounted telescope for use scanning the scenery, bird-watching and star-gazing

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.)

Benefits of the proposal

If we had ownership we foresee the following specific benefits:

- more control on how we maintain the site
- more sense of community buy-in as the property would be community owned
- the opportunity, as owners, to apply for grant funding that as leasees might not be open to us
- the ability to upgrade the location to include: further information boards to highlight the history and culture of the villages; improved landscaping; upgraded footpaths
- the possibility of creating: covered seating; a diorama; a ground-mounted telescope; a seasonal venue for refreshments for walkers
- the long-term certainty that the site can be retained for community and amenity use

Arising from these would be the generic benefits of encouraging recreation and exercise, and stimulating interest in the local heritage, flora and fauna benefits and thereby benefiting the health and well-being of both local residents and local residents

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 Association would ensure that all restrictions on the use of the land were complied with.

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.)

There would be no negative consequences.

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.)

The Association has 12 elected trustees.

These people have a wide range of experience, including:

The former Amenities Association (SC004777) has a long track record of success.

Most recently it raised funds to purchase a cottage and organised its refurbishment and conversion into a community hub, with much of the work being carried out by volunteers. The project was completed within budget and within the anticipated timescale.

In carrying through projects the one area where we have paid for professional support is in relation to legal matters – specifically in relation to conveyancing and related actions. Issues relating to financial planning and control, project planning and project management have all been successfully dealt with from the skills within the Trustees or the wider community.

At the time of the Amenities Association taking on the lease of the Water Tower a separate Environment Fund was established to provide resources for any materials needed for the Water Tower or to pay for any work that could not be undertaken by volunteers. A number of local people make a regular donation to this fund. At the time of writing the fund has a balance of £3947.70.

The Water Tower will be one of the assets maintained by the Open Spaces committee of the Community Association. That committee will oversee routine maintenance and upkeep, and also manage any planned additional work at the facility – for example, the installation of any additional information boards.

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.)

There is active community support for community projects and facilities.

For example, the conversion and refurbishment of the Hub involved over 1500 hours of volunteer time, provided by over 20 people.

Other routine and repeated activities carried out by volunteers from the community include:

- mowing the village park
- maintaining the sheds, gazebos, picnic tables in the park
- strimming and mowing public areas
- clearing wind-blown sand from paths
- maintaining a sensory garden
- looking after several defibrillators
- purchasing and refurbishing a former K6 telephone kiosk as part of the sensory garden
- managing a community book exchange
- managing a drop-off point for surplus garden veg
- running the annual village fair

In relation to the Water Tower, the responsibility for maintain the fabric has rested with the community since 1990 when the lease was granted by the Council. The maintenance has been carried out by a combination of volunteer labour (for example strimming the surrounding area) and professional work (eg by builders). The cost of maintenance is covered from a specific Environment Fund that was established when the lease was granted and which derives its income from regular standing order donations from a number of members of the community.

Information about the possible acquisition of the Water Tower was posted on the village Facebook site – Oot'n'About in Garmouth and Kingston. After an explanation of the rationale this included the following:

"It is proposed that we seek to become owners of the Tower for a nominal cost. The Community Association would like to obtain the views of residents of Garmouth, Kingston and surrounding area."

In response **messages of support of the proposal to acquire the Water Tower at a nominal cost were received from 53 local individuals** by the deadline of 17 March 2022. **There were no messages received that opposed the proposal.**

An example of three of the emails of support received is attached (redacted for Data Protection reasons). Other messages can be made available if required.

In addition **letters of support have been received from the following local organisations/groups:**

- **Garmouth & Kingston Heritage Trust**
- **Garmouth & Kingston Bowling Club**
- **Garmouth & Kingston Art Group**
- **Garmouth & Kingston Folk Club**
- **Parley and Sage gardening group**
- **1st Mosstodloch Scouts (which includes young people and volunteers from Garmouth & Kingston)**
- **Garmouth & Kingston Playgroup**

Scanned copies of these are attached. (We were also advised to expect a letter of support from Garmouth & Kingston Golf Club but this has not yet been received at the time of writing).

The messages of support from local individuals and local organisations represents a significant level of endorsement for the proposal.

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.)

The proposal is to obtain the Water Tower for a nominal sum, which would be covered by the Association.

Ongoing upkeep and maintenance would mainly be by volunteers, and any costs (for repair etc) would be covered by donations to the Environment Fund, as currently.

Over the past 30 years the regular income to the fund has covered any costs of upkeep, and as mentioned above it has a current balance of almost £4000. If in the future there was a need for funding for repairs beyond the capacity of the fund, we would seek grant funding, or transfer money from the main Community Association account.

Any further development would be carried out on the basis of existing resources or grant income.

A quotation that we obtained in early 2020 provided a price of £20 + VAT for 30cm x 15cm aluminium information sign boards with some text, an illustration, and QR codes linking to more detailed information. The intention would be (subject to obtaining any necessary permissions) to have 10 or 12 of these located at various places in the villages, including the Water Tower. Allowing for a payment for design and installation the cost should be less than £1000.

We have in the past received grant funding for village projects from the SSE Beatrice Community Fund, the Lottery Anniversary Fund, the Daily Record/McEwan's, the Gordon and Ena Baxter Foundation and the Adam Family Foundation. If additional funding was required for developments at the Water Tower in the future, we would apply to similar sources of funding.

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 supporting documents is accurate to the best of our knowledge.

Name:			
Address:			
Position:			
Signature:		Date:	

Name:			
Address:			
Position:			
Signature:		Date:	

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

If you have any queries regarding the completing of this form, please contact the Asset Transfer Team on telephone 01343 563726

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

Please note any additional supporting documents not listed above:

Letters of support from local groups/organisations	V
Redacted examples of emails of support	V

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](#)

The Water Tower

[REDACTED]
Thu 10/03/2022 19:46

To: garmouthandkingston@hotmail.com <garmouthandkingston@hotmail.com>

We would like to support the option for the community to take ownership of the Garmouth Water Tower, this historic building must be kept safe by Garmouth community and continue to be preserved.

Yours faithfully

[REDACTED] and [REDACTED]

Sent from my Galaxy

WATER TOWER

[REDACTED]
Mon 14/03/2022 06:47

To: garmouthandkingston@hotmail.com <garmouthandkingston@hotmail.com>

We think it's a good idea for the villages to become the owners of the water tower through the CAT scheme.

[REDACTED] & [REDACTED]

Sent from my Galaxy

Water tower consultation - future ownership.

[REDACTED]
Thu 10/03/2022 18:39

To: garmouthandkingston@hotmail.com <garmouthandkingston@hotmail.com>

Dear Sir/Madam,

I refer to the recent article published on the facebook group page 'Oot and Aboot in Garmouth and Kingston' which details options for the future of the water tower.

Both my wife, [REDACTED] and myself, [REDACTED] would support the option where the Community Association seek to become owners of the water tower, for a nominal sum under community asset transfer arrangements.

I trust this is sufficient to make our support of the above motion clear. Please do not hesitate to contact me if you wish to discuss any of the above.

Kind regards,

[REDACTED] and [REDACTED]