



## COMMUNITY ASSET TRANSFER

Moray Council  
High Street, ELGIN IV30 1BX  
Telephone: 01343 543451  
Fax: 01343 563990

Lossiemouth Community Development Trust  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Contact: Andrew Gray  
Direct Dial: 07929 785090  
E-mail: [CAT@moray.gov.uk](mailto:CAT@moray.gov.uk)  
Website: [www.moray.gov.uk](http://www.moray.gov.uk)

Sent via email to: [REDACTED]

Cc to: [REDACTED]

Our Ref: CAT/052/ATR

Date: 6 October 2020

Dear LCDT Members

### CAT/052/ATR DECISION NOTICE – AGREED

This Decision Notice relates to the asset transfer request made on 27 January 2020 by Lossiemouth Community Development Trust in relation to land at Coulardbank, Lossiemouth, for the purpose of developing a skatepark.

Moray Council has decided to agree to the request for a lease of the land subject to the following terms and conditions:

- (a) The subjects comprise the area of land extending to 0.175 hectares at Coulardbank, Lossiemouth, as shown outlined in red on the attached site plan.
- (b) The following main lease terms and conditions will apply:
  - (i) Period of lease – 25 years.
  - (ii) Date of Entry – to be agreed.
  - (iii) Rent – £1 per annum, if asked, without review.
  - (iv) Use – establishment and use as a skatepark.
  - (v) Maintenance and Repair – tenant's responsibility.
  - (vi) Insurance – tenant's responsibility.
  - (vii) Planning – the tenant to obtain planning consent and building warrant for its proposals.
  - (viii) Development – the tenant to complete its development within timescales to be agreed with the Council's Legal Services Manager and Estates Manager.
  - (ix) Contamination – the tenant to indemnify the Council against any future claims.
  - (x) Alienation – subletting and assignments would be prohibited without the consent of the Council.
  - (xi) Fees/Expenses – each party will meet its own legal expenses in the processing of the transaction, including legal expenses and surveyors fees; and,

- (xii) Other Terms – any other detailed terms and conditions agreed with the Council's Legal Services Manager and Estates Manager.
- (c) Agreement to the transfer is conditional upon the Sheriff Court granting the Council consent to dispose of the site by means of a 25-year lease.

The reasons for the Council's decision are as follows:

- (i) The requested transfer is likely to contribute to the priorities set out in the Council's Corporate Plan and Local Outcomes Improvement Plan;
- (ii) The strength of the Trust's overall business case is considered to be moderate to strong. That is,
  - (a) The organisation's governance and financial management arrangements are considered to be strong and sustainable,
  - (b) Best Value characteristics are in evidence in the proposal, and
  - (c) The projected benefits are considered to be acceptable, could lead to value for money, and are sufficient to justify a disposal at less than market value.
- (iii) No reasonable grounds were found for refusing the request.

If you wish to proceed, you must submit an offer to Moray Council at the address above by **6 April 2021**. The offer must reflect the terms and conditions set out above, and may include such other reasonable terms and conditions as are necessary or expedient to secure the transfer of the property within a reasonable time.

If you consider that the above terms and conditions differ to a significant extent from those specified in your request, you may apply to Moray Council to have this decision reviewed. Any application for review must be made in writing to [committee.services@moray.gov.uk](mailto:committee.services@moray.gov.uk) by **3 November 2020**, being 20 working days from the date of this Notice.

If you have any questions about the asset transfer process please contact the Moray Community Asset Team via [CAT@moray.gov.uk](mailto:CAT@moray.gov.uk) or telephone 07929 785090.

Yours sincerely



**Lorraine Paisey**  
Chief Financial Officer