

**Office Use only:**

Asset Ref	1 Bogton Road
Name CTB	TTF
ATR Ref	115

ASSET TRANSFER REQUEST

NOTICE OF ASSET TRANSFER REQUEST Representation Submissions / CTB Feedback

Part 5 of the Community Empowerment (Scotland) Act 2015 sets out that people are to be made aware that an asset transfer request has been submitted. Notification has been published via the [Moray Council website](#), advertised via Moray Council social media sites, notification to any tenant/owner/occupier of said asset and notification at the site of the asset. These notifications explain how representation can be submitted.

When representation is received in response to these notices, the Moray Council must send copies to the community transfer body for comment/feedback. Details of which can be found below. In order to comply with data protection requirements, any personal information will be 'blacked out' from these documents before submission to you.

Date of Representation period (40 working days):	10/11/2021 – 05/01/2022
Number of Representation(s) received:	44

Date collated Representation sent to CTB:	06/01/2022
Deadline for receipt of CTB comments on representations (20 working days from date representations issued)	03/02/2022

All comments/feedback received will be published via the Moray Council website for public information.

If the CTB feel they are unable to meet the comment/feedback deadline; they should contact the CAT team to discuss.

1	I don't agree to the Community asset transfer to TTF because being part of the Common Good fund, it shouldn't be owned by a few individuals and the Directors are people I don't know and know nothing about. Are they locals or incomers? What's stopping them selling the land once they own it for profit? If it is transferred there must be a clause to return it to the Common good if a change of use is requested or the company folds. A long term rental income is of more benefit to the people of Forres than a lump sum which will disappear quickly.
2	I'm not in favour of this Community Asset Transfer. The income from the ground benefits far more organisations and people than the current few members of TTF. If it does get transferred can it revert back to Common Good should the venture fail ? I don't believe the business plan is sustainable and it hasn't been able to prove sustainability over the last ten years without significant public funding.
3	I do not agree with the CAT application. Whilst I fully support the work of TTF and would like them stay on the site. Selling off Common Good land is not the way forward. I would like TTF to be able to use the land at a sensible non commercial rent
4	TTF is a charity working towards similar aims to the Moray Council and the Scottish government. It is not and will never be a commercial business able to pay the extortionate rent imposed on it at the biggest crisis in social history for the west since the world war. All are aware of the need to care more and cooperate more for ourselves, our planet and each other and create a new system and help dismember a defunct system of competition, economic advancement and patriarchy. TTF is a hub growing food and humans into wellbeing... it shows this by making available ground to grow food, a venue to house positive solutions to complex problems, and a vision to partner with other organisations, including the moray council, to support the most vulnerable in our society and those wanting to create a new system. TTF as a charity owning the Bogton Rd asset will create financial stability, secure it as a community hub for wellbeing, food growing and for future developments and employments to engage the community of Forres in the change that's already here. I fully support this application from TTF. As a community member of Forres I am grateful to the Moray Council and all the community groups working towards and supporting the people and green spaces of Forres to be healthy, vibrant and sustainable for the future.
5	I am opposed to this asset transfer as I believe the common good asset at 1 Bogton Road, Forres would benefit the people of Forres more by keeping possession by the common good asset. TTF has not proved to have a viable track record as a business and the organisation has already benefitted from considerable common good grants. The service provided at TTF is not exclusively for the people of Forres therefore I do not believe that the Forres Common Good should be bank rolling this service.

6	<p>I wholeheartedly support the designation of a CAT transfer for Transition Town Forres. This resource is a huge asset to Forres residents. It is an environmental hub, wellbeing and community centre, with flourishing allotments. The land is historically Common Good Land. To be used in this way is a much more direct living expression and honoring of that status than having a commercial enterprise simply donate something into the Common Good Fund. It would be a huge loss to the town to see this unique organization swallowed up due to financial competition with the directly commercial sector. A town needs libraries, museums, community centres with a rich array of wellbeing activities. And now more than ever places that are raising awareness to the very urgent climate crisis we are as a nation needing to tackle head on. I ask full heartedly that these needs, in this instance, take priority and the future of this precious asset are secured.</p>
7	<p>I believe granting this request would be an incredibly positive outcome for the local community. Forres Transition Town is an incredible space with so much potential, having already come together to build and grow this rich space for the community to organise and self-provide with a wide range of services and activities. The security the CAT would provide is key to helping this work continue, develop and expand with the community. FFT represents one of the most promising local hubs in Forres and would be greatly bolstered by the CAT. The ethos, principles and aims of FFT are those I would like to see being promoted and supported by our local government bodies.</p>
8	<p>It would be wonderful if Moray Council could support the community asset transfer to Transition Town Forres. I was a of Transition Town Forres in 2016 and during that time, we held cookery classes for the local community encouraging healthy eating and exercise classes such as yoga. It also acted as a venue for local community groups to meet and have discussions. In addition, there are 70 community allotment plots which are a valued part of local community life. Here, enthusiastic gardeners grow their own food which also encourages people to eat locally and seasonally-not just a healthy way of life but an environmentally sustainable one as well. If the CAT transfer were successful it would allow TTF to plan for the future with workshops and events aimed at encouraging sustainable living whether that is growing your own food, making lifestyle choices that reduce your carbon footprint or providing much-needed social connection for isolated groups such as people living on their own. TTF currently run a 'repair' shop and 'make and mend' events to encourage people to reduce their own consumption and lighten their own carbon footprint.</p>
9	<p>I understand that this is Common Good land and don't wish it to be transferred. The present tenants should pay a market rent. The land belongs to the people of Forres and don't believe that those, requesting the asset transfer, represent the true local population. If they are unable to pay the market rent surely it could be rented out to someone who can. Once transferred there is no going back and the Forres Common Good Fund will lose another valuable asset.</p>

10	<p>This social enterprise has always been ahead of its time. One of the first places with a charger for electric vehicles. Providing a place for people to grow their own food. Teaching people how to eat healthily and providing a space for some great local musicians and entertainment. This organisation should not only be allowed this CAT but Moray Council should do everything possible to support it financially (from our taxes). Our future health and well being is clearly becoming more important post Covid and Brexit. Our kids need this practical inspiration, education and hope for the future. While you are at it perhaps the whole of Bogton Park could be transferred to this group? It's common good land owned by us Forresians after all!</p> <p>Moray Council have already profited from the lease payments over the years and have done little to maximise or indeed support its potential</p>
11	<p>I am writing to show my support for the community asset transfer request by Transition Town Forres. TTF have been leaders in enabling sustainable and healthy living, community resilience , cooperation and cohesion . They organise repair cafes to reduce unnecessary waste in a throw away culture which often includes planned obsolescence of manufactured goods. They help people maintain health in body and mind with cooking lessons, yoga, music, talks and discussions relevant to an uncertain future for all of us. They encourage local food production and gardening to help biodiversity. I think it's important that they are able to continue.</p>
12	<p>In favour</p>
13	<p>In principle, I do not believe that Common Good land should be sold off to any individual or organisation unless there is overwhelming evidence that the sale will benefit the community in a way that is impossible to do otherwise. I do not believe that that this is the case here.</p> <p>TTF's CAT application lists a number of ways that they plan to increase income over future years to help make the project more sustainable. I do not understand why these cannot be done now while the site is leased or what prevented them being done in the past.</p> <p>This proposed sale would give a capital sum to the Common Good which will be worth about 17 years of the new rent. After that time, the Common Good fund will always be £14,000 poorer than it would have been. The land is adjacent to other Common Good land so the proposed sale will reduce any future possibility of using the entire contiguous strip of land for a larger project. While the Common Good could conceivably use the capital receipt to buy another plot of land to compensate for the lost ground, it is unlikely to be as valuable or as useful as the existing site.</p>

	<p>The application states that future use of the land would always be bound by Moray Council's local development plan. Should any future revised development plan allow housing or commercial development on the site then TTF could presumably then sell the land for those purposes. Should the sale to TTF go ahead, Moray Council should impose an economic development burden on the land so that, in any future sale by TTF in these circumstances, either the land must be sold back to the Common Good Fund at cost price or any windfall profit will go to the Common Good Fund rather than TTF.</p> <p>Has Moray Council, on behalf of the Common Good Fund, considered whether traditional allotments on the site would be of more benefit to the community?</p>
14	<p>I am fully supportive of TTF request and proposal for community asset transfer of Bogton Rd, Forres. Through ownership of the site, I believe they can provide the long-term security for Transition Town Forres that will enable them to deliver greater benefits for the community by further developing the land and buildings and increasing our activities. As a result they can deepen their work through:</p> <p>Environmental education</p> <p>Supporting people limited by poor health and tackling social isolation</p> <p>Tackling inequality</p> <p>TTF and Bogton rd are a huge asset to the local community, and beyond and I would hope that Moray Council support this request for the benefit of people in Moray.</p>
15	<p>i totally support TTF- they are an excellent organisation doing great work which benefits the community, the land, the climate and food supplies.</p> <p>in addition the allotments are really well looked after and maintained and are very productive. it would be a tragedy if they were to be taken away</p>
16	<p>Transition Town Forres (TTF) is an organisation dedicated to the public good. It offers community gardens and environmental education, as well as health and wellness activities such as cooking classes, music and dance classes and exercise classes. TTF's activities engage residents and vitalize the local area. I urge you to accept TTF's application for a community asset transfer in order</p>

	to allow it to continue and grow what is a vital and necessary service to the community.
17	TTF has been serving the Forres, Moray and wider Scottish community by providing activities that promote the ecological transition on the macro-scale and lots of community gathering and serving activities on the local scale. The buy-out would enable TTF to continue its good work and provide Moray Council with funds to reinvest into local needs (which could for example be eco-affordable housing to support local people), thus providing a double benefit to the local community. I am in favour of this transfer.
18	<p>Transition Town Forres (TTF) is a part of the Transition Towns movement which seeks to help local communities make an equitable transition to a local economy that emphasises renewable energy, food sustainability and minimises the use of fossil fuels with a view to meeting the challenges of the climate crisis.</p> <p>The Bogton Road location houses a thriving community garden helping local residents to learn how to grow their own food. It also includes an Environmental Education and Healthy Living Centre, where people can share and exchange information and resources, and offers courses, talks and discussions around subjects such as cooking, nutrition and composting.</p> <p>The location also includes a useful EV charging facility, and represents an accessible location from which to provide information and advice on what we will all need to do to adapt to, and hopefully help to halt, catastrophic climate change.</p> <p>I would suggest that TTF would be an excellent candidate for a CAT and I very much support the current moves to agree such a decision. TTF represents a use of the land very much for the good of the community, its original designation. Without the CAT it seems highly likely that this valuable facility will have to close, which would represent a significant loss to Forres and the surrounding area.</p> <p>I would respectfully and strongly encourage a successful Community Asset Transfer.</p>
19	<p>Transition Town Forres offers facilities for the whole community in their building and the gardens. They are connected to other communal initiatives in Forres, they bring people together through activities, like educating in repairing or recycling their own goods, cooking healthy food, looking after body and mind and growing their own fresh produce. This is also the only and unique facility in Forres for us on lower income to enjoy all this. I have been growing my vital vegetables there all year round for the past 11 years. It would be a great loss if all of this were to be taken away, so I strongly recommend TTF as the new owner of the site to safe keep its use in future for the benefit of the whole of the Forres community.</p> <p>Transition Town Forres offers facilities for the whole community in their building and the gardens. They are connected to other</p>

	<p>community on sustainability and local self sufficiency in the face of climate change. I am a pensioner living alone in amenity accommodation and have a plot of ground in the TTF Community Garden where I grow my own organic vegetables. This benefits me in innumerable ways, both physical and mental, as do the classes on offer at the TTF Education centre, like gentle exercise, mindfulness practice, the Repair Cafe and various other wellbeing events. It is a vibrant community hub and could be even more so if managing their own assets and not being crippled by high commercial annual rents. It is not a profit making business and surely should not be classed as such, it offers a service to the local community and help and advice on how to live sustainably in an increasingly challenged economy and eco-system. I understand that any profits from its activities are plowed back in maintaining the centre.</p>
24	<p>I write to strongly support the asset transfer request.</p> <p>I was a participant in the community garden at the site for some years while living in a flat. Now I have my own garden at a house.</p> <p>I know from personal experience that the opportunity to grow my own food locally was very important to my mental and physical health.</p>
25	<p>I support a community transfer to Transition Town Forres (TTF). TTF has a good history of supporting the local community towards a more sustainable future. Transferring the allotments and other activities into community ownership safeguards the activities into the future.</p>
26	<p>I support the purchase of this land by TTF as they are a much valued and innovative community resource and will be of more benefit to the area than other commercial interests.</p> <p>In addition they will help Moray council in meeting their COP and other environmental targets through providing education, resources and support.</p> <p>Also Moray council can then use the funds raised to support their budget in other ways.</p> <p>It seems like a no brainer!!</p>
27	<p>I support Transition Town Forres's (TTF) application for a Community Asset Transfer. TTF has done a magnificent job in making the facility at 1 Bogton Rd suitable for a wide range of community activities, as well as providing allotments to enable local people to grow a variety of food and flowers. It's a wonderful initiative and deserves the support of the community at large.</p>

28	I believe transferring ownership of this land to TTF is a great idea. The land is intended for community benefit. And the work that TTF have done - especially providing a place where people can grow their own vegetables, as well as the educational work they do on sustainable living is all of great benefit to the community. This is exactly the sort of initiative Moray Council should be supporting: residents coming together to form an organisation that is to the benefit of all.
29	I fully support the asset transfer for the reasons laid out in the application. It would seem like a win win situation for both Forres and Moray Council. The Transition Town work is fully in line with what we need to be doing collectively to make our world more sustainable by keeping people, events, food production as local as possible.
30	<p>Forres Community Council voted not to support the Community Asset Transfer application of 1 Bogton Road by Transition Town Forres (TTF) on the following grounds: -</p> <ul style="list-style-type: none"> • We don't think the business plan is sustainable. This has been evidenced to us by the very large number (50) of Director/ Officer resignations over the last ten years and the failure to ensure a surplus to cover basic operating costs in their sole enterprise without the requirement to seek alternative funding. • Common Good land is a potentially appreciative asset compared to buildings e.g., the Town Hall and Tolbooth which were becoming burdensome and potentially depreciative under the control of Moray Council • No explanation of what would happen to the land should the TTF venture fail • TTF have had ten years to provide an adequate income to cover the originally agreed condition of lease and failed (i.e. after ten years of subsidised rent, a commercial rent would be applied) • We consider that the long-term income generated whether from a nominal rent charged to TTF or another commercial rent is exercised will benefit the people living in the Royal Burgh of Forres longer. The rents paid are returned to the Common Good which in turn provides small grants to support local organisations such as FACT, Forres and District Pipe Band, The Mosset Park Forres Mechanics Football Club, Forres in Bloom, The Christmas Lights etc • The number of people directly benefitting from Common Good disbursements far outweigh the number of people benefitting from the current TTF set up. • A single one-off purchase payment will not generate potential long-term income in the current market
31	I object to transfer because/ Accounts dont show income from hires of main building. The group has had ample time to raise funds to pay rent. The ground has an onging value to the town.

32	I fully support this request. TTF is a great organisation creating many community benefits
33	I do not wish the land and property currently rented by Transition Town Forres sold to any one. I want the common good land TTF occupy to generate a realistic income for the benefit of the people of Forres. If Transition Town Forres can not afford the rent another tenant should be found.
34	<p>I feel strongly that the use of the land at Bogton road, Forres by the Transition Town project is better for the community than purely commercial usage would be.</p> <p>The former gives a direct benefit, via the produce grown there and via the strengthening of local community interactions. It gives pleasure to many individuals, whilst the benefit of the latter would only be felt indirectly.</p>
35	<p>I have been involved in TTF since its early days when my late husband and I had a garden plot to grow organic food. At that time we did not have the opportunity to grow food at home.</p> <p>I have attended classes to help my mobility and fitness which is so important in my 80s.</p> <p>Forres is so lucky to have this wonderful community building asset and volunteers who willingly give their time to ensure its smooth running.</p> <p>Very few towns have such a facility.</p>
36	<p>Dear Council,</p> <p>This is an immensely important site for Forres community. With the stresses of lockdown, a shared space to come and do gardening or cooking or just meet other people is more important than ever.</p> <p>Doctors are just starting to realise the affects of spending time in nature, and prescribe it for milder or psychological illnesses. I am keen to be involved in a therapeutic gardening project, along the lines of ReAP in Elgin. If the site is used commercially again, it may make the council more money, but that will all need to be spent on greater medical care for lonely or depressed residents; or intervention for young offenders, who could have been helped by a better sense of community and by spending time in nature, learning about where food comes from. There are few places where both young and old can interact.</p> <p>Please grant this asset transfer!</p>

37	<p>I am writing to express my wish that the request to transfer of ownership of the building and adjacent land at Bogton Road in Forres be successful. I have witnessed and participated in many interesting community events there over the years. I am a pensioner who brought my children up in Forres. . The yoga classes helped me before surgery and now that I am recovering from surgery the knitting group is an important part of recovery of . The surgery has impacted a lot on my social confidence but the companionship is the highlight of my week as it is in a safe held group. I have made new friends and contacts. As I live alone this had helped me deal with . I have read all the information on the Moray Council website on the proposals to develop the project and I support all the intentions. I believe it can do a lot of good to the community.</p>
38	<p>I feel strongly that the purchase of this Common Good Land by Transition Town Forres would be very much in the interests of the community.</p> <p>TTF would be enabled to increase the scope of their already excellent educational work, which is needed more than ever in this time of climate emergency.</p> <p>I myself, and many people I know, have attended many first class educational and community events at Bogton, and I can't think of a more appropriate use for Common Good Land.</p>
39	<p>I would prefer that things remain as they are and no asset transfer takes place. The common good fund helps groups within Forres and this would no longer continue if it goes ahead.</p>
40	<p>I fully support the proposal for a community asset transfer for the Transition Towns site at Bogton Road, Forres. It has developed over the years into a wonderful and diverse community hub offering a wide range of activities and social events for all ages.</p> <p>In these uncertain and challenging times we need to become more resilient and learn to live more sustainably. Opportunities for people to come together to learn how to grow vegetables and fruit as well as how to cook and preserve them provide valuable skills from which a sense of community spirit can develop.</p> <p>I do hope this project is able to continue to support the people of Forres.</p>
41	<p>Transition Town Forres has done an amazing job in bringing a much needed local sustainable focus to Forres, something that is valuable to all in our challenging times.</p>

	<p>Transition Town Totnes in Devon is a fine example of what is possible if all factions pull together, and have full support of the local authorities.</p> <p>Moray CC should recognise the importance of Transition Town principles and ethics and do all possible to support and enable graceful progress, and even show gratitude for the many volunteers and members who willingly step up to make things happen for the common good. So please do not stand in their way with challenging burdens or complications that may arise in this process (financial & administrative). Thank you.</p>
42	<p>Dear Forres Community Council,</p> <p>I understand that the land Transition Town Forres are on is COMMON GOOD LAND.</p> <p>I also understand that Moray Council are the STEWARD of this Common Good Land.</p> <p>This, in my understanding of this wonderful concept tells me that they have first of all no right to exact a RENT from the users of this land, unless it is explicitly on behalf of the owners, who are surely the Forres Community!? Which I have heard seems to be the case.</p> <p>Acting therefore on behalf of the Forres Community, Moray Council can only raise the rent of that Common Good land if so instructed by the Forres Community (through Forres Community Council), who as owners are the ones who determine the amount charged too, as sole beneficiaries of this money.</p> <p>A CAT to a party occupying or wishing to occupy Common Good land would automatically change the nature of this land and give the right to be on it to the titular of the CAT.</p> <p>I have heard from a representative of TTF that Moray Council wish to sell this land to a housing developer. THEY CANNOT, AS IT IS NOT THEIRS TO SELL! To sell Common Good land, it surely has to be first converted into privately owned land, i.e. change its category from a category that should be SACRED!</p> <p>Furthermore, it is not only about the money the use of Common Good land generates! It's use can also give increased qualities of life to a community. In this case, many profit psychologically from the use of allotments on this particular piece of land and the numerous courses offered in the building.</p> <p>TTF are a charity, so offer a lot for free. This, naturally, makes it difficult for them to generate enough money to pay a regular rent on top of Council tax for waste removal, sewage and water supply, and their other utility bills like for electric and heating.</p> <p>I also think it is unfair and is it even legal to raise the rent by the margin proposed by Moray Council? From £3000 p.a. to £13,200 I have been told?! TTF should not be punished for having improved the value of what is on our Common Good land.</p> <p>All these points need to be seriously considered before coming to a decision and unless there is already another much better contender waiting in the wings, it is always better the devil we know than the devil we don't know. If the rent had been increased by a</p>

	<p>reasonable margin, most likely TTF would not have felt the need to want a CAT. And I think they should be talked out of that desire, for all the reasons I have stated above, mainly that Common Good land cannot be transferred like this to anyone, because then Forres Community would lose its ownership of it. Full Stop.</p> <p>And what about the Christmas trees next door? Surely Christie's rent is not being calculated in proportion to their profits from the sale of their trees? So, they must also have a deal that serves them beautifully as a business, not a charity...</p>
43	<p>I strongly support the asset transfer request that Transition Town Forres (TTF) is making to the Moray Council. There is no doubt whatsoever that what TTF has done with the land there has benefitted the common good. The allotments alone make a huge contribution to people's well being through their sense of being able to provide for themselves while connecting with the natural world. In addition are all the community activities that are held in TTF's building on the site, providing opportunities for people of all ages to connect with one another, engage in enjoyable activities, and even learn new skills. For TTF to have the land in their hands would give a tremendous boost to what might be developed in the future, particularly in light of the climate crisis and our need to work together to find new ways of living together on and with our earth home.</p>
44	<p>I do NOT support the approval of the CAT for TTF.</p> <p>The asset belongs to the Forres Common Good which is the people within the Royal Burgh of Forres not the people of the surrounding area. There may well be support for the TTF which are leaning towards environmental issues but the asset should be managed for the benefit of all the people within Forres. To allow the asset go to another group would not be of a long term benefit for the people of Forres.</p> <p>TTF did have a generous ten year lease on the site which they agreed on and that they would pay a full commercial rent at the end of it, they are now stepping back from that agreement. This does undermine a feeling of trust and commitment to any proposal moving forward.</p> <p>Over the time TTF have been in existence they have had 52 directors surely that in itself would make anybody wonder what is the long term prospects for TTF.</p>

Transition Town Forres: Response

Objections are repeated in bold: responses in plain text.

It shouldn't be owned by a few individuals and the Directors are people I don't know and know nothing about. Are they locals or incomers? What's stopping them selling the land once they own it for profit?

If purchased the land would not be owned by individuals but by a charitable organisation. The charity operates using a democratic process, its members are in control of the organisation, membership is open and anyone of adult age who lives in Moray council Ward 8 may become a member. Whilst the risk of the charity folding is very low, should this happen assets will be distributed following the constitution ie to other charities with similar objectives in the same area. TTF is also open to amending our constitution to allow Moray Council (for the Common Good Fund) the first option in the specified circumstances.

The income from the ground benefits far more organisations and people than the current few members of TTF.

Our current membership is 220 which we believe is more than a few people. In addition, the projects which run from TTF premises such as the over 50's Wellbeing project reach many additional people. These individuals are not necessarily members of TTF.

The benefits to the community are in the process of being quantified by the Social Value Lab (Consultants). Their report will be available at the end of March.

The business plan is not sustainable

The suggestion that the business plan is not sustainable is difficult to answer without specific detail concerning what aspect of the plan it is believed falls in question.

Our business plan was produced by independent consultants with significant experience in similar projects and whilst the plan outlines a modest profit generation, ways of increasing the profit margins beyond those identified in the plan are actively being investigated.

TTF has received significant monies by way of grant funding.

This is standard for a third sector organisation whose aims are to support the whole community specifically including those at disadvantage. Given the nature of the charity, not all activities are income generating and it would rarely be appropriate to put maximizing profit at the centre of what was offered. This would present a bar to access for many of the people we aim to support and be entirely contrary to our charitable objectives. The organisation was not set up with income generation as its primary goal.

Membership and Diversity

Our membership is open to all those who live in Moray Council Ward 8 - Forres and surrounds.

Use of capital

The Council's ability to maximise a return received from capital raised upon sale is a question for the council. Many things could be done to maximise the return on capital.

The council has suggested an open market rent which appears to be borne out by independent valuation. If the plot was released to the council it is acknowledged that the council would also benefit from the building at the site which was erected by TTF using charitable funds. Despite this enhancement, which makes a significant difference to the stated open market value, the market value figure has not been tested on the open market and therefore there must be doubt about whether the sum could actually be achieved. In short, the market value has yet to be subject to market forces.

The soil quality on-site remains relatively poor, despite the intensive support given by gardeners over the last decade. The plot is poorly drained with less than straightforward access.

The drainage will become an increasing issue if predictions for long-term weather change prove correct. It remains to be seen what type of organisation would find this an attractive location. The adjoining comparable land which is also Common Good Land is rented by a commercial tree nursery for a sum we assume is significantly less than the annual rent demanded of the charity. Given the history of rental, it would seem that the land is most suited to gardening projects.

Local Council Objections *Referred to by one objector*

We don't think the business plan is sustainable. This has been evidenced to us by the very large number (50) of Director/ Officer resignations over the last ten years and the failure to ensure a surplus to cover basic operating costs in their sole enterprise without the requirement to seek alternative funding.

It's unclear how the sustainability of the business plan is related to Trustee turnover unless it is being suggested that lack of continuity is a factor. Some Trustees have resigned after a set term and then later returned to the Board. Our governing document also obliges Directors to stand down after a set term to ensure there is turnover. It is true, the charity's inability to secure funding to employ a development officer or indeed anything more than a very part-time centre manager has meant that Trustees are required to engage in time-consuming operational issues rather than strategic oversight. This level of time commitment raises practical difficulties and for many has proved unsustainable on a personal basis. Purchase of the site specifically addresses this issue since funding brings with it passport benefits which may include funding for a development officer. It follows that the Asset transfer process will support sustainability.

- **Common Good land is a potentially appreciative asset compared to buildings e.g., the Town Hall and Tolbooth which were becoming burdensome and potentially depreciative under the control of Moray Council**

This objection takes a view of common good land as a purely commercial asset. We believe this is a very narrow view and we discuss this in more detail at the end of our response. TTF offers close to market value for the plot (what is offered coincidentally represents the value of the plot less the value of the building TTF built). It is the council's responsibility to maximise return on any capital sum received and we have every confidence that it will do so. The matter of development potential really is one of conjecture.

- **TTF have had ten years to provide an adequate income to cover the originally agreed condition of lease and failed (i.e. after ten years of subsidised rent, a commercial rent would be applied)**

An upfront payment of £40,000 was made for the rent. This is equivalent to an annual sum of £3,600 which is on all fours with the sum paid by the commercial enterprise which rented the land before the current lease was entered into. TTF was in a position to pay a modest increase on the equivalent annual sum of £3,600 per annum, Adequate income was being generated to pay the former annual equivalent and even a modest increase could have been accommodated. However, a rent demand for increased rent of over 350% was not anticipated.

I object to transfer because/ Accounts don't show income from hires of main building. The group has had ample time to raise funds to pay rent. The ground has an ongoing value to the town.

TTF's principal income comes from hall hire which is detailed in the accounts.

As well as responding directly to the objections raised TTF would like to respond to what feels like the general feeling of loss around something culturally significant. TTF is committed to retaining the land for the benefit of the entire community indefinitely.

To this, we consider the land in two separate ways

1. In terms of use
2. In terms of the land as an income-generating mechanism.

USE

Historically we understand Common Good Land was offered for use by the entire community. Whilst there are other areas of Common Good Land in the town we take the view that we are unique in offering specific access to groups who are at a disadvantage. As with the town hall before us (now FACT) we are supporting the whole community to include socially and economically disadvantaged groups.

INCOME

The Council is in an invidious position since they are required to ensure income from the common good fund is maximised. This must be balanced by benefits (outlined in use).

We cannot speak for the council's ability to obtain a return on capital monies created following the sale. It is a matter for them. It is clear that unfettered there would be a significant annual return which could then be shared amongst other groups. One of the objectors refers to buying another piece of land but then suggests it would be hard to find one of such value. As mentioned previously it is not entirely clear why this piece of land with the features outlined is considered to have such unique qualities.

