

Highland Council Asset Transfer Request Approach Asset Transfer Request Form

This is an asset transfer request made under Part 5 of the Community Empowerment (Scotland) Act 2015.

Section 1: Information about the community transfer body (CTB) making the request

1.1 Name of the CTB making the asset transfer request

Melvich Community SCIO

1.2 CTB address. This should be the registered address, if you have one.

Postal address:



Postcode:



1.3 Contact details. Please provide the name and contact address to which correspondence in relation to this asset transfer request should be sent.

Contact name: Natalie Bird

Postal address:



Postcode:



Email: playpark@melvichcommunityscio.org

Telephone:



We agree that correspondence in relation to this asset transfer request may be sent by email to the email address given above. *(Please tick to indicate agreement)*

You can ask the relevant authority to stop sending correspondence by email, or change the email address, by telling them at any time, as long as 5 working days' notice is given.

1.4 Please mark an "X" in the relevant box to confirm the type of CTB and its official number, if it has one.

	Company, and its company number is	
X	Scottish Charitable Incorporated Organisation (SCIO), and its charity number is	SC050942
	Community Benefit Society (BenCom), and its registered number is	
	Unincorporated organisation (no number)	

Please attach a copy of the CTB's constitution, articles of association or registered rules.

1.5 Has the organisation been individually designated as a community transfer body by the Scottish Ministers?

No

Yes

Please give the title and date of the designation order:

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1.6 Does the organisation fall within a class of bodies which has been designated as community transfer bodies by the Scottish Ministers?

No

Yes

If yes what class of bodies does it fall within?

Section 2: Information about the asset requested

- 2.1 Please identify the asset - land or building(s) - which this asset transfer request relates.

You should provide a street address or grid reference and any name by which the land or building is known. If you have identified the land on the relevant authority's register of land, please enter the details listed there.

It may be helpful to provide one or more maps or drawings to show the boundaries of the land requested. If you are requesting part of a piece of land, you must attach a map and full description of the boundaries of the area to which your request relates. If you are requesting part of a building, please make clear what area you require. a drawing may be helpful.

The asset to which this asset transfer request relates is for the Portskerra Play Park, at post code KW14 7YR. The asset transfer request is for the entire land footprint of the Play Park and any relevant land surrounding it as per Business Unit reference HC 04984.

- 2.2 Please provide the UPRN (Unique Property Reference Number), if known.

This should be given in the relevant authority's register of land

UPRN: 130113017

Section 3: Type of request, payment and conditions

3.1 Please tick what type of request is being made:

for ownership (under section 79(2)(a)) - go to section 3A

for lease (under section 79(2)(b)(i)) – go to section 3B

for other rights (section 79(2)(b)(ii)) - go to section 3C

3A – Request for ownership

What price are you prepared to pay for the asset requested? :

Proposed price: [REDACTED]

Highland Council have closed the play park and removed all of the play park equipment that our community had fundraised towards in the past. The facility had fallen into a state of disrepair due to lack of maintenance. The entire play surface requires replacement and there are cut metal supports still exposed. Our proposed price is based on Melvich Community SCIO taking on the existing liability in its current condition and investing in a replacement facility to meet the needs of our community and visitors, current and future.

Other terms and conditions: Melvich Community SCIO would like the land title and ownership of the Portskerra Play Park to be transferred over as soon as reasonably practicable (to assist with grant funding applications to demonstrate that we hold ownership). However, we recognise that land transfers can take a period of time to complete, and our community are desperate for the play park to be reinstated as quickly as possible. Therefore, **as an interim measure we would like to have a temporary lease agreement put in place between the Highland Council and Melvich Community SCIO such that we would be permitted to undertake any necessary works to reinstate and operate a replacement play park at the Portskerra Play Park.**

Please attach a note setting out any other terms and conditions you wish to apply to the request.

3B – Request for lease

What is the length of lease you are requesting?

Until a community asset transfer for ownership can be completed.

How much rent are you prepared to pay? Please make clear whether this is per year or per month.

Proposed rent: [REDACTED] per year (see additional information provided in 3A)

Please attach a note setting out any other terms and conditions you wish to be included in the lease, or to apply to the request in any other way.

3C – Request for other rights

What are the rights you are requesting?

Until ownership of the Portskerra Play Park can be transferred over to Melvich Community SCIO, we request the right to perform any works necessary to remediate the play park and install/operate new play park equipment at the site (see additional information provided in 3A)

Do you propose to make any payment for these rights?

Yes

No

If yes, how much are you prepared to pay? Please make clear what period this would cover, for example per week, per month, per day?

Proposed payment: [REDACTED]

Please attach a note setting out any other terms and conditions you wish to apply to the request.

Section 4: Community Proposal

- 4.1 Please set out the reasons for making the request and how the land or building will 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 land or building, and any activities that will take place there.

The objective is to have a suitable, inclusive and accessible play park for the children of Melvich and Portskerra (and surrounding areas) to enable active play. There are currently no suitable inclusive play parks in the Melvich Community Council area. There was a good play park in Portskerra until it failed to be suitably maintained and subsequently removed. Our community wish to take Portskerra Play Park into Community Ownership and the community will then ensure that it is suitably maintained going forward.

The nearest functional play parks to Melvich/Portskerra are in Reay (10 miles away) and in Bettyhill (16 miles away). This means that all children in Melvich/Portskerra that have parent(s)/carer(s) that can't drive, or can't afford to travel, are missing out on being able to actively play in a community space. This will be impacting on their development. There is also an environmental impact of children that can travel having to do a round trip of at least 20 miles any time that they wish to use a play park – the Scottish Government is encouraging us all to participate in active travel and to do more things locally – this is not reasonably practicable for children in our community to access a play park.

Any development or changes to the land that is subject to this community asset transfer request will only be those recommended to bring the land up to a suitable standard for the installation of a new inclusive and accessible play park. The only activities that are intended to take place at the site of the Portskerra Play Park are to allow people to gather, socialise and play in a safe environment. This cannot be achieved at present as the Highland Council owned play park has been closed to all and all equipment has been removed.

Benefits of the proposal

- 4.2 Please set out the benefits to the community that you consider will arise if the request is agreed to. This should include:- economic, regeneration, health, social wellbeing, environmental benefits; or how this will tackle inequalities.

This section should explain how the project will benefit your community, and others. Please refer to the guidance on how the relevant authority will consider the benefits of a request.

Economic benefits

The installation of a replacement play park in Portskerra will make the Portskerra/ Melvich area a more desirable place to live and work. Our coastal community is on the NC500 route and if there is a suitable, inclusive and accessible play park in our community then this will encourage visitors to the area to stop and use the play park, which in turn could lead to them spending more time in our area and perhaps spend some money at the local shop, hotel, campsite, bistro or coffee shop.

Regeneration benefits

Melvich Community SCIO's vision is for a modern standard inclusive and accessible play park in Portskerra - this a significant step in the regeneration of the Melvich/ Portskerra community which is a deprived area.

Health benefits

All people benefit from active travel, active play and fresh air. The provision of a suitable, inclusive and accessible play park in Portskerra will help meet these needs and should help improve the mental health of the parent(s)/carer(s) through reducing social isolation.

Social wellbeing benefits

Melvich Community SCIO believe that disability is often created by the environment in which people are in. All people have abilities and we have a responsibility to make sure that the built environment removes barriers to enable people to live their lives to the full extent of their abilities. By us providing a modern standard inclusive and accessible play park, to supersede the removed play park, we will help to enable people of all abilities to integrate within the community which will improve the overall social wellbeing of our community.

Environmental benefits

At present, parent(s)/carer(s) from Melvich Community Council area wishing to take their children to a play park have to undertake a journey of at least 20 miles (32 km). There is little in the way of public transport provision in our area therefore this journey would have to be made by car. The amount of CO₂ emitted by a car journey depends on the type of car being used. A small mini typically emits 111 g CO₂ equivalent per km while a large 4x4 car emits about ~200 g CO₂ equivalent per km. For the basis of this assessment, it is assumed a typical play park user parent/carer generates about 150 g CO₂ equivalent per km travelled. Therefore, at present, for every play park visit by a parent/carer from the Melvich Community Council area to the nearest play park (Reay) generates an estimated 4800 g CO₂ equivalent per play park visit. At present there are about 41 children attending Melvich Primary School and Early Learning Centre. If it is assumed that each child makes one visit to a play park per month on an individual basis, then this means that annually an estimated >2,361,600 g (2.4 tonnes) CO₂ equivalent is being generated as a result of journeys being taken solely for the purpose of going to a play park. It is essential that we as a

community aim to minimise our emissions that contribute to global warming therefore the installation of a replacement play park in our community will help reduce vehicle emissions by allowing our children to actively travel to a local play park and reduce our environmental impact. Our proposal is a small step towards helping Scotland move towards Net Zero.

Tackling inequality

It is essential that people of all abilities are able to use play parks. Our proposal helps tackle inequality as we will be having the play park designed to have inclusive and accessible components. Additionally, during a cost of living crisis, it helps reduce the inequality for those persons who cannot afford to drive to access a suitable play park. There are many members of our community who do not drive, and currently cannot access a playpark at all.

Promotion of equality

Melvich Community SCIO promote equality and diversity by treating all locals, visitors and suppliers fairly in an inclusive manner. In relation to a play park provision, Melvich Community SCIO are trying to ensure that there is equal access to appropriate play park facilities to meet the needs of all individuals so that they can participate in play activities within our community to the best of their abilities and not be disabled by the built environment. There are grandparents in the community whose only method of transport is mobility scooter and having a playpark in the village means that they have somewhere close enough to access by mobility scooter to watch their grandchildren play.

Any other benefits

The Portskerra Play Park is located about 150 metres away from the local primary school. For many families that have children in the early learning centre or in different classes in the school there is a time difference between when each of the children finish – typically about 30 minutes. Having a suitable play park close to the school could mean that children could play during these 30 minutes instead of being taken by car or walking back home only to return shortly afterwards – this will maximise the use of the play park and give the children the benefit of active play whilst waiting between school pick up times. Additionally, consideration is being given to the construction of a shelter at the play park such that in periods of poor weather it would give the parent(s)/carer(s)/children somewhere to shelter from inclement weather conditions and socialise whilst children might battle the elements to use the play park. The school roll is the highest it has been for decades. There are many members of the community who are elderly. Their families visit with their grandchildren, and it would encourage more visiting if there were a playpark for them all to visit, when they did come.

Restrictions on use of the land

- 4.3 If there are any restrictions on the use or development of the land, please explain how your project will 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.

No known restrictions on use of the land.

Negative consequences

- 4.4 What negative consequences (if any) may occur if your request is agreed to? 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 are no negative consequences seen as a result of reinstating a play park in Portskerra other than the community needing to ensure that they have adequate finances coming in to cover the upkeep and maintenance of the replacement play park once constructed.

Capacity to deliver

- 4.5 Please show how your organisation will be able to manage the project and achieve your objectives.

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

Experience of organisation

Melvich Community SCIO is a relatively new organisation (OSCR consented formation on 29th April 2021). However, the organisation has evolved from a previous charity (Melvich Village Hall Association) which had run the Melvich Village Hall for generations. Melvich Community SCIO's charitable object is to "provide, or assist in the provision of, facilities for the recreation or other leisure-time occupation, in the interest of social welfare in an effort to improve the conditions of life of the inhabitants of the district of Bighouse, Melvich, Portskerra, Golval and Kirkton, all in the Parish of Farr".

Melvich Community SCIO is established as a legal entity so can place and enter into contracts as appropriate – Melvich Community SCIO have experience of placing and delivering contracts. For example, we safely had the demolition of the Melvich

Village Hall performed after we had undertaken a multi-attribute decision analysis on what to do to address the strategy needs of our community. As a legal entity, Melvich Community SCIO is able to employ people as/if required and individuals within the charity's trustees have experience of employing people and complying with employment law.

Access to appropriate advice and support

Melvich Community SCIO have a wealth of experience within its trustees however, there are times where we require additional advice and support. The trustees ensure that appropriate advice and support is taken when required. When required, a specialist contract may be tendered/placed or a specialised advisor consulted.

Melvich Community SCIO use D&H Law as our solicitors. Lauren Cook at D&H Law will take the lead on the conveyancing for the completion of this community asset transfer for Melvich Community SCIO and for dealing with any lease agreement on our behalf.

Have sought advice and support during application phase

Melvich Community SCIO have discussed the proposal of performing this community asset transfer with the Highland Council previously prior to submitting an expression of interest under the name of Melvich Village Hall Association (with a note that we would be transitioning to Melvich Community SCIO).

Melvich Community SCIO recognise that there are likely to be some legal fees associated with delivering this community asset transfer. As such, financial support has been sought from SSE Strathy North Windfarm Community Benefit Fund and we intend to have funding in place to cover the anticipated legal costs (regardless of whether our grant application to SSE Strathy North windfarm is successful).

Appropriate skills within the organisation

Melvich Community SCIO's board of trustees have a wide range of skills and experience which collectively are appropriate to running a charity. Some of the trustees run their own businesses and employ staff. If there is any specific information that you require on the skills within our organisation then please feel free to get in touch. Our track record of delivery can be seen on our website at www.melvichcommunityscio.org.

Access and level of volunteer support

Melvich Community SCIO is a relatively new organisation and has a dedicated trustee board of 7 individuals and there are 47 members currently. We are seeking to further grow our membership when we have further developed what the benefits of membership are for members of our community. Our community are supportive of us performing this community asset transfer and most of the work performed by Melvich Community SCIO to date has been performed using volunteer effort. For the play park project, a dedicated team of volunteers working as a Play Park sub-committee

will be driving this project forward to completion (and then ensuring that the new play park is suitably maintained). These volunteers are keen to move this forward as quickly as possible as they themselves have a vested interest in the outcome (they have children that would benefit from this project).

Section 5: Level and nature of support

5.1 Please provide details of the level and nature of support for the request, from your community and, if relevant, from others.

This could include information on the proportion of your community who are involved with the request, how you have engaged with your community beyond the members of your organisation and what their response has been. You should also show how you have engaged with any other communities that may be affected by your proposals.

Melvich Community SCIO have conducted a public consultation to assess the level and nature of support for this community asset request. This consultation has not been restricted to only our immediate community in Melvich/Portskerra but we have tried to reach out to all individuals with children on the local primary school roll and others in the wider community.

Notification of our public consultation was given to every household within the Melvich Community Council area by 11th September 2022 through our September 2022 community update (<https://img1.wsimg.com/blobby/go/69b4ef60-4147-4a36-a0f6-beef5b00171d/downloads/2022-09%20Community%20Update%20-%20Final%20versionPDF.pdf?ver=1666732866863>). All recipients were encouraged to complete the online survey form. A paper version was available for those without online access.

A reminder was sent out to the Melvich Community SCIO email subscribers, on our website blog and to all followers on our social media channels (Facebook, Twitter and Instagram) on the 27th September 2022. This was to encourage as many people as possible to complete the questionnaire. The majority of respondents were from the Melvich Community Council area however, there were respondents from as far afield as the Isle of Wight (who were grandparents of local children that would like to take the children to a local play park when visiting)

A closing date of 30th September 2022 had been set on the questionnaire. The online version of the questionnaire was kept open slightly longer than this so that additional responses could be gathered and an output report was generated on 15th October 2022 based on the responses received.

By the end of 10th October 2022, a total of 60 responses had been received. 60% of these responses were from individuals who live in the Melvich Community Council

area. 98% of respondents were supportive of the need for the Portskerra Play Park and want to see it reinstated.

The majority of respondents (98.3%) also supported the proposal outlined for Melvich Community SCIO to begin a community asset transfer of the Portskerra Play Park from the Highland Council.

There were a lot of detailed comments provided by the responders (shown in our output report). These will be given due consideration by Melvich Community SCIO should we be successful in completing a community asset transfer of the Portskerra Play Park.

Section 6: Funding

6.1 Please outline how you propose to fund the price or rent you are prepared to pay for the asset, and your proposed use of the asset.

You should show your calculations of the costs associated with the 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.

Melvich Community SCIO propose to fund the proposed price for the asset from our unrestricted reserves.

It is anticipated that there will be legal fees for conveyancing associated with this community asset transfer. In advance of making the application, Melvich Community SCIO received an estimated cost for the legal fees from our solicitors and are in the process of seeking funding from SSE Strathy North Windfarm Community Benefit Fund for the anticipated cost.

It should be noted that Melvich already has access to the SSE Strathy North Windfarm Community Benefit Fund, the Caithness and North Sutherland Fund and the SSE Sustainable Development Fund. Additional windfarms have been consented in our area (Strathy South windfarm and Strathy Wood windfarm) which have their own associated community benefit funds. There is also the potential that further windfarms (e.g. Akron, Melvich Energy Hub, Kirkton, Armadale, Pentland Floating Offshore and West of Orkney) may be consented in the future in our area which will also have an associated community benefit fund which we will be eligible to access so we are confident that we will be able to attract adequate funding to see our play park project through to completion in a timely manner and we intend to use community benefit fund money to attract in additional funding as required from other funds as appropriate (e.g. Coastal Communities Fund, Landfill Communities Fund

(LCF), etc). Melvich Community SCIO already have a track record of bringing in grant funding from various sources and have delivered the associated works. As such, we believe that we will continue to be eligible for similar funds and get the Portskerra Play Park project delivered.

We are keen to reach an agreement with the Highland Council as soon as possible so that will give potential grant funders confidence that we have permission to renovate the Portskerra Play Park site and install (then maintain) new play park equipment. We would like to take ownership of the land as soon as possible but if that is likely to be a lengthy process then we would like to enter into a lease agreement on an interim basis until the ownership transfer is completed. The community would ideally like to have a play park by the Spring of 2023.

Signature



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

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

We, the undersigned on behalf of the community transfer body as noted at section 1, 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 Robert Kerr

Address



Date

15/11/2022

Position Melvich Community SCIO Chairperson / Trustee

Signature



Name Trudy Perry

Address



Date

15/11/22

Position

Melvich Community SCIO Secretary / Trustee

Signature



Checklist of accompanying documents

To check that nothing is missed, please list any documents which you are submitting to accompany this form.

Section 1 – you must attach your organisation’s constitution, articles of association or registered rules

Title of document attached: Melvich Community SCIO constitution

Section 2 – any maps, drawings or description of the land requested

Documents attached: No attachments for this section.

Section 3 – note of any terms and conditions that are to apply to the request

Documents attached: See text in Sections 3A, 3B and 3C of this document.

Section 4 – about your proposals, their benefits, any restrictions on the asset or potential negative consequences, and your organisation’s capacity to deliver.

Documents attached: No attachments for this section.

Section 5 – evidence of community support

Documents attached:

“Outcome of consultation conducted on Melvich Terrace Play Area and Portskerra Play Park”

"Letter of support from Melvich Community Council"

"Letter of support from Councillor Marianne Hutchison"

Section 6 – funding

Documents attached: No attachments for this section. We note that there are legal costs associated with drafting/signing leases and also for land transfers. Melvich Community SCIO are prepared to fundraise or obtain grant funding to cover the necessary legal fees to make this happen. Further funding will be required for renovating the land and installing (then maintaining) a replacement play park however this is expected to be achievable using local fundraising initiatives and applying to suitable grant funders.

Search "Privacy Notices" on the Highland Council website to read our Privacy Statement in regards to Asset Transfer Request forms.