



Comhairle Aonghais

FORMER LOCHSIDE LEISURE CENTRE
INFORMATION PACK
Initial Consultation

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If you have any problems accessing this further information, please contact ACCESSLine on 03452 777 778 for detail, alternative formats or other community languages.



1. Welcome

Thank you for taking the time to help decide the future of the former Lochside Leisure Centre.

Angus Council is seeking your views on the future of the former Lochside Leisure Centre, and the land immediately around it in Forfar Loch Country Park, Craig O'Loch Road Forfar (see map on the next page).

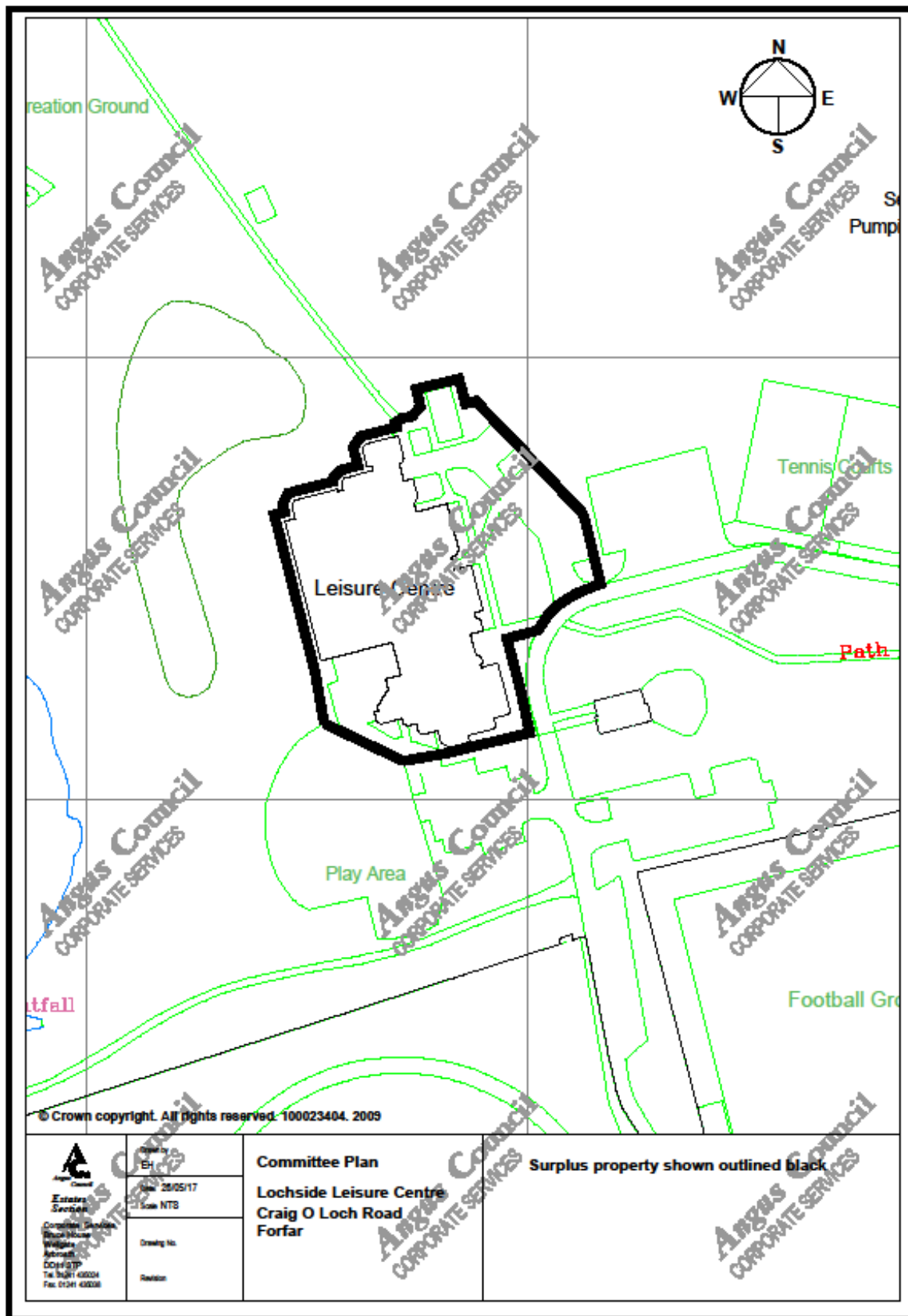
There are many different views about what to do with the former Lochside Leisure Centre. This includes different opinions about the condition and lifespan of the building and its future use. Feelings ran so high that this ended up in court.

The court decided that the building, as well as the land it sits on, is part of Forfar common good. This means that the Council requires to ask the communities in Forfar and Angus for their views on what should happen to the building now that it is no longer used as a leisure centre. The Council is required to consult on a specific proposal for the building, and it will do so. But in order to help the Council consider fully the different options for the building, and to determine the best option to take forward to that consultation, we are firstly asking you for your views on a range of options.

Details on ways to have your say are included in this pack in Section 11.

If you want to read more about the building, further information is included in the links below. We would encourage you to read these before responding.

PLAN OF LOCHSIDE LEISURE CENTRE



2. What we are consulting on

When the Council opened the Forfar Community Campus with community leisure facilities, Lochside Leisure Centre became surplus and no longer of use to Angus Council.

This initial consultation is looking at what you see the future of the building and land and who may potentially operate the building.

To be clear, we are not asking you about what you want the Council to use it for because we do not require it. We are asking what you think is best for this location.

We know from social media that people have some great ideas for what the building could be used for. Some ideas have been for a restaurant or café; others for leisure use; or a business that brings employment. There have also been suggestions that a community group take it over and run it for the community.

Any new occupier would, subject to planning permission, decide on its use. The Council cannot stipulate the future purpose of the building. We are asking you how you want to make this happen, not what you want the building to be. For example, if you wanted it to become a restaurant, the building would have to be taken over by a private business through a sale or a lease.

We have identified five possible options for the building which we have outlined in more detail below in section 9, along with the positives, negatives and costs associated with these.

You must decide what you consider the best future route for the building and the land it sits on.

3. The Process and Timeline

This initial consultation runs from 3 December 2020 and closes on **31 January 2021**. We will be sharing Information Packs, using focus groups, contacting community groups, and conducting an online survey. Subject to Scottish Government COVID-19 restrictions we want to have a 'drop in' sessions for people to see the information we are sharing here. This will be in the New Year if restrictions permit.

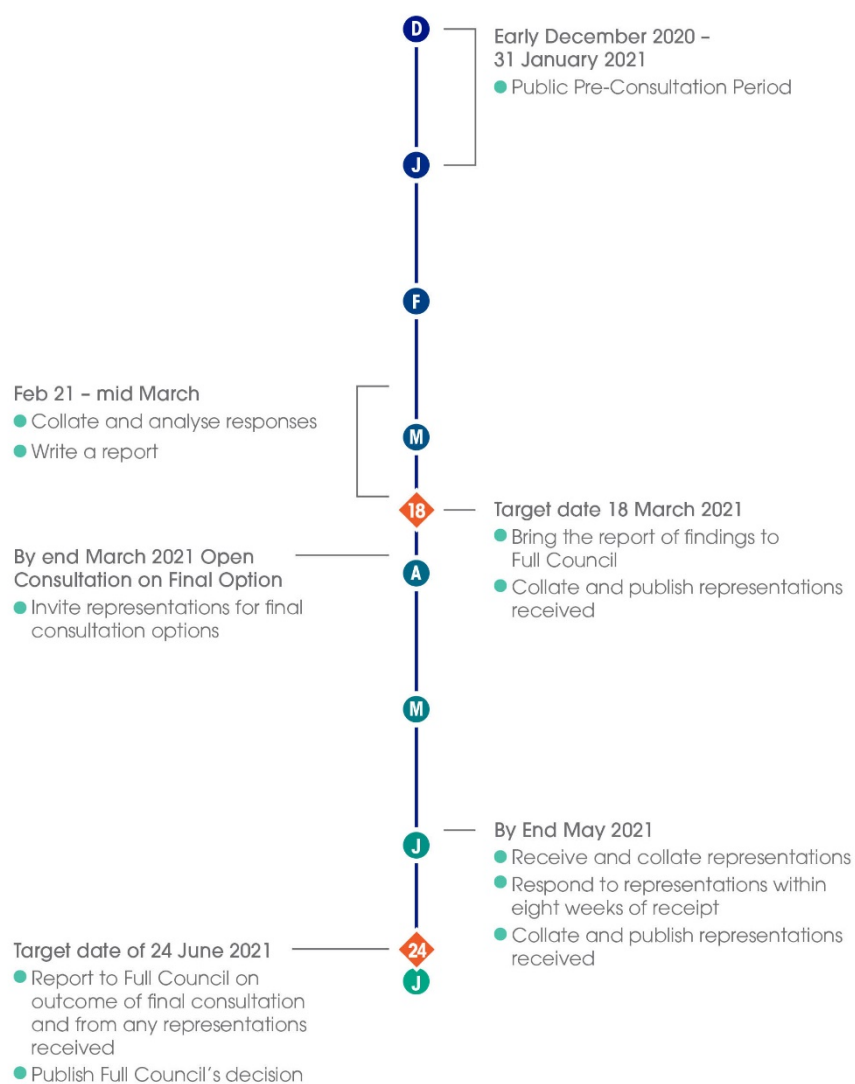
How to take part in the survey is set out in Section 11. We will look at all the responses and write a report on the findings. We will publish this on our website. This report will be submitted to the Council, with the target date of 18 March 2021.

We expect that the Council will decide, based on the views received in the initial consultation, what to do with the building and land at that Council meeting. We will then consult again, but more formally this time* on the specific proposal decided by Angus Council.

At this time, you the public, the community council and any other interested organisations such as community groups or businesses, will have another opportunity to have a say on the details of the proposal. We currently plan to do this between April and May 2021. We will then report the final outcome to the Angus Council meeting in June.

* under Section 104 of the Community Empowerment Act

Lochside Leisure Centre consultation Timeline Dec 2020 - June 2021



4. The History of Lochside Leisure Centre to 2017

Forfar loch and surrounding land was purchased in 1954 by the then Royal Burgh of Forfar, the local authority at the time, and was paid for out of common good funds at a cost (then) of £5,500. This land includes what is now Forfar Loch Country Park and the Leisure Centre site within it. An indicative worth of the land value of the leisure centre site now is in the region of £350,000.

We do not know much about the land before it was purchased. It is understood to have been used at least in part as a waste disposal site prior to 1954. The Leisure Centre was built using Council funds and opened in 1975. The building has since been paid for from the Council's budget (known as the general fund) for the last 45 years.

The construction of the building included piled foundations through the waste material, which is understood to be around 3 metres (9 feet) deep under the centre.

Problems with the building first appeared in the early 1980's with various cracks and defects detected in several surveys and investigations over the years. Various repairs have been undertaken since then, including rebuilding part of the sports hall store. Floors of the building are known to slope significantly, there is cracking of walls and floors and distorted doorways. There has been significant ground movement and there is on-going cyclic movement with on-going crack movement.

More details of the construction and the historical problems associated with the building can be found at <https://www.angus.gov.uk/lochsideconsultation>

Whilst the Lochside Leisure Centre was originally built in 1975, the background to this consultation really starts from 2013 when the decision was taken to build the Forfar Community Campus with new sports and leisure facilities there. At that time, the new building and new facilities made Lochside Leisure Centre redundant or surplus to requirements. Lochside Leisure Centre closed in February 2017.

In February 2019, the council decided to demolish the centre and improve the aesthetic of Forfar Loch County Park for residents and visitors.

Since its closure in February 2017, the building has been unused, and its long-term condition is a concern. Its appearance at such a beautiful site and the expense of having it sitting empty, costing over £4,250 per month mainly in rates, was not good for the Council or the people who regularly spend time there.

The legal court procedures on the future of the building can be found at the references below^{1,2}. The outcome was that the building was deemed to be part of

¹ <https://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2020csoh16.pdf?sfvrsn=0>

² <https://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2020csoh50.pdf?sfvrsn=0>

the common good because it was built on common good land. As such, the people of Forfar and Angus need to be consulted before any decision to sell, lease or change the use of (including demolish) the building is made. This meant that the Council, before deciding on the future of the building and the land is consulting you under Section 104 of the Community Empowerment Act.

Forfar common good, although administered by Angus Council, is financially separate from the Council.

The future of the building must now be decided in line with the Community Empowerment Act³ which says that there must be a formal consultation exercise undertaken to allow representation to be made on the Council's proposals. At this initial stage the Council is seeking views on what to do with the building. The Council has no plans for the building or the land it sits on and no longer wishes to invest in it.



³ The Community Empowerment (Scotland) Act 2015 <https://www.legislation.gov.uk/asp/2015/6/contents>

5. The Leisure Centre Building and its Condition Today

There are different views on the current condition of the building and its potential future usefulness and lifespan.

Guild Homes (Tayside) Ltd have kindly allowed us to reproduce reports that Millards Consulting produced for them <https://www.angus.gov.uk/lochsideconsultation>. The reports note that the building shows evidence of structural settlement (movement) and states that with proper maintenance and inspection regime put in place, it is anticipated that the building can remain structurally sound with its lifespan extending for a further 30 year and beyond.

An independent report for Angus Council by Morgan Associates (<https://www.angus.gov.uk/lochsideconsultation>) notes that movements are not severe, but in places are significantly worse than would normally be expected or considered acceptable. The report noted that foundations and future movement integrity and stability must be considered suspect. The Council, which is still currently responsible for the building, has concerns that it will become unserviceable in the future.

Council engineers have been involved in the building for a number of decades and have made several reports on the condition of the building and concerns. This included a level survey of the building which showed the movement in the floors. These reports and a contour plan of the floors is available at <https://www.angus.gov.uk/lochsideconsultation>

Many of you will remember the building when it was a leisure centre. Having remained closed since February 2017, the building has been inspected internally to highlight any material changes to the condition of the building since it closed. This was not a structural survey or an update on any movement in the building. The details of this visual inspection can be <https://www.angus.gov.uk/lochsideconsultation>

The engineering reports all indicate that the building has subsided with different parts of the building settling by different amounts. What is less clear is whether this movement has stopped or whether it may continue in the future and there are different opinions on this and the long-term impact on the building.

It would be essential that any new occupier ensures that the building would be suitable for their own purpose, both now and into the future. Potential occupiers cannot rely on any of the previous reports and are recommended to take their own engineering advice as well as their own legal advice.

6. Council's Use of The Centre

As outlined above, in 2013 the Council consulted on the proposed new facility at the Forfar Community Campus^{4, 5, 6}. The consultation/engagement exercise was reported to Committee and it was noted that "the significant body of feedback would appear to thoroughly support the community campus approach". More details can be found in the reports referenced below. It was intended at that time that the Forfar Community Campus would replace Lochside Leisure Centre when the campus was opened. It was agreed that the former Lochside Leisure Centre would be surplus to requirements and that the Council had no future need for the building. Lochside Leisure Centre was closed in February 2017.

The Council has been steadily reducing the number of properties it uses in order to save money and reduce its carbon footprint. The money saved by doing this has made us more efficient and has helped to maintain frontline services. As previously stated, the Council has no need to use the Lochside Leisure Centre and it is essential that we can agree on the future of the building as it continues to cost money in ongoing running costs and rates charges.

Please note: any future options for the building which continues to cost the Council money to retain the building, even whilst we seek a buyer or alternative use, will cost the Council an estimated £4,250 per month. This will have to be carefully considered against spending on other vital services. The Council must also ensure we dispose of assets responsibly and we must seek to ensure best value in accordance with legislation. We may include clawback provision in any sale to address the value of the common good land.

⁴ <http://archive.angus.gov.uk/ccmeetings/reports-committee2013/Education/62.pdf>

⁵ <http://archive.angus.gov.uk/ccmeetings/reports-committee2013/Education/254.pdf>

⁶ <http://archive.angus.gov.uk/ccmeetings/reports-committee2013/Education/254.pdf>

7. Interest in the building to date

If the building is going to be used in the future, someone else must take over the building and run it. Since the building's closure in 2017 there have been some enquiries from organisations, businesses and individuals. In January 2019 the Council invited those who had enquired about the building, to view the building. There was then an opportunity to submit offers for the building.

One offer was received in January 2019. The offer was for the leisure centre, and the land including the tennis courts and the car parks in between.

At the same time, the Council received a Community Asset Transfer request for the same tennis courts and the use of the car park⁷ from the Phoenix (Forfar) Gymnastics Club, which had previously submitted a planning application in September 2018⁸ for a gymnastics hall to be built on the tennis courts. As a result, the offer was considered by the Council^{9,10,11} and could not be accepted because our Community Asset Transfer policy¹² does not allow the sale of a building which is subject to a Community Asset Transfer.

There was an expression of interest for a Community Asset Transfer submitted in February 2019 on behalf of Angus Care and Repair. This has not been followed up with an application and the previous interest is deemed to have lapsed. There has been no other Community Asset Transfer interest in the building.

As noted above there was a Community Asset Transfer request for the tennis courts on behalf of Phoenix (Forfar) Gymnastics Club. A lease was formally agreed by the Council in September 2019¹³ and it is anticipated that the club will take over the area in 2021.

There have been no other offers to purchase the building and there have been no formal Community Asset Transfer applications. We would welcome any interest from a community group as part of this consultation.

⁷ https://www.angus.gov.uk/sites/default/files/2019-02/Report_48_Addendum_Additional%20Item.pdf

⁸ <https://planning.angus.gov.uk/online-applications/applicationDetails.do?keyVal=PEISW1CFI6G00&activeTab=summary>

⁹ https://www.angus.gov.uk/sites/default/files/2019-02/Report_48_Additional%20Item.pdf

¹⁰ https://www.angus.gov.uk/sites/default/files/2019-02/Report_48_Addendum_Additional%20Item.pdf

¹¹ https://www.angus.gov.uk/sites/default/files/2019-03/07_02_19.pdf

¹² <https://www.angus.gov.uk/sites/default/files/2018-03/105.pdf>

¹³ <https://www.angus.gov.uk/sites/default/files/2019-09/328.pdf>

8. Costs of Running the Building

Anyone interested in buying, leasing or taking on the building under a Community Asset Transfer is advised to be fully apprised of the running costs of the building.

The Council holds information on its buildings called an Asset Management Plan (AMP). This AMP contains floor plans, information on the energy efficiency of the building and potential future works or improvements required to the building. As the council had no plans for the former leisure centre when it closed, the AMP for Lochside Leisure Centre which can be found on this link <https://www.angus.gov.uk/lochsideconsultation> has not been updated since 2017.

The main running costs for the centre when it was operating as a leisure facility, and including the use by the Rangers' centre, were:

- Rateable Value (following a non-domestic rates appeal) £85,000.
- Energy costs between 2013/14 and 2016/17 ranged from £38,323 at their lowest to £50,893 (prices not adjusted for inflation).
- Maintenance costs between 2013/14 and 2016/17 ranged from £21,602 at their lowest to £36,880 (prices not adjusted for inflation). Maintenance costs would cover such things as general repairs, electrical testing; water testing for legionella.
- Water charges between 2013/14 and 2016/17 ranged from £4,801 at their lowest to £7,263 (prices not adjusted for inflation).

Running costs includes the utility connections chargers (gas/electric/water) as the utilities also supply the Rangers' centre. We still have bills such as the phone line for the security alarm. The rates have been reduced following a nondomestic rates appeal. We estimate the costs for keeping the building empty as it is now £51,000 per annum.

9. OPTIONS

Now that you have read about the history and background, we are going to set out the Council's options for the future of the building and the land it sits on in the country park. If you think that there are other options, or if you have an interest in the building yourself you can put these ideas forward too.

The options are about how the building and land may be owned, managed and controlled in the future. It is important to understand that at this stage, the consultation is not about what the building may or may not be used for. It is only about what the Council should do with it.

We used the example earlier to say that if you wanted it to be a restaurant, the option that could result in that would be to sell the building. However, if you select this option, we cannot control who would buy it or what they would progress to do with it, subject to planning consent.

It is worth repeating that the Council has no intention to use the building again and is looking to stop paying any money for its retention. It is surplus to our requirements and we are actively seeking to stop paying any contribution toward it.

Summary of Options

Option 1 - Status Quo/Do nothing – this would leave the building as it is boarded up and unused. The rates and maintenance would still have to be paid. We are not suggesting that is a realistic option, but we have included it as a base line that other options can be compared with.

Option 2 - Sell – the building and the land it sits on. It could be marketed and sold. Once sold, the future of the building and the land would be up to the new owners. It would be privately owned and the responsibility of the new owners, who would have access rights through the country park. The building could be sold on, and/or demolished and something else built in its place, provided planning permission is obtained. The council would not be able to direct what happens with the building and the land on which it sits once it is sold.

Option 3 - Lease – instead of selling the building, it could be leased. The tenancy could change in the future, but the building would remain part of Forfar common good, and its use would have to be agreed by the Council as landlord.

Option 4 - Community Asset Transfer – A Community Asset Transfer (or CAT) allows community groups to take over public buildings (either through outright purchase or a lease) as part of the Community Empowerment Act. There is a policy on who qualifies to do this and this is detailed on this link:

https://www.angus.gov.uk/community_empowerment/community_ownership/community_asset_transfer

The community group would submit a business case as part of their application which would detail how they planned to use the building. The Council would look at the business case and subject to planning regulations, decide whether to grant a

community asset transfer. This was the case with Phoenix (Forfar) Gymnastics Club mentioned in section 7.

Option 5 – Retain the parkland demolish the building – options for the building were considered by the Council in the decision in February 2019. The reports^{14, 15} and minutes¹⁶ from this meeting can be found at the links at the foot of this page. The Council decided at that time to demolish the building. Demolition would include not just removing the building, but also returning the whole site to the country park, with landscaping and planting so that it would be like the rest of the park, as common good land. There was also potential to provide toilets for users of the Country Park. It allows for future options for the space to be considered (see below). It is expensive to demolish the building as all the utilities must be safely removed, and the area landscaped. However as this was the Council's original plan before the court cases, the council has made budget provision for this.

Wider options for Forfar Loch Country Park - whilst the focus has been around the future of the building, the building sits on the original common good land. This forms part of the Forfar Loch Country Park and is accessed through the country park. The country park is a big asset to Forfar and the surrounding area. The park is well used for a variety of leisure and sporting activities. Thinking of the building and the land as part of the country park may allow us to imagine a different approach for the future of the building.

Possibilities may include:

- Extension of the caravan park site – the caravan site is a popular site operated by the Caravan Club. It is good for Angus businesses too as the tourism income generated by the site goes into the local economy. A study by the Caravan and Motorhome Club reported that there was £1million off site spend by site users, which equates to supporting 17 full time jobs in the area.
- Changing the layout to open the access and view of the loch from Craig O'Loch Road. The area could be used for a number of recreational or leisure uses.

Other Ideas/Opportunities – If you have any other ideas that you think are not covered by the options above, we would like to hear from you, with as much detail about your idea as possible. Remember, these ideas must just be about the ownership of the building and not what you'd like to see the building become.

¹⁴ https://www.angus.gov.uk/sites/default/files/2019-02/Report_48_Additional%20Item.pdf

¹⁵ https://www.angus.gov.uk/sites/default/files/2019-02/Report_48_Addendum_Additional%20Item.pdf

¹⁶ https://www.angus.gov.uk/sites/default/files/2019-03/07_02_19.pdf

10 Option Appraisal

There are pros and cons to each of the options. And each one has a different financial impact on the council. We have set out in the table below with what we think are some of the pros and cons of the options and where we can, the potential financial implications.

We have cost estimates for the demolition at £380,000, and we know the running costs. We don't know what price someone may be prepared to pay for the building or to lease the building.

We don't know how long it might take for a buyer/occupier or a Community Asset Transfer (CAT) to come forward. We do know that it will take time to agree a sale/lease or CAT. The council would be paying the running costs until the new occupier takes over the building, so we have estimated this time and cost.

Currently the utilities (electricity/gas/water) at the centre also connect to the Rangers' Centre and they are on the same supply. The utilities will need to be separated which has a cost estimated at £20,000 and will be required whatever unless option 1 is chosen.

Description of option	Advantages	Disadvantages	Cost benefit analysis
Option 1 – Do nothing; leave the building as it is currently	<ul style="list-style-type: none"> No further action required The common good retains control over the building and the land. 	<ul style="list-style-type: none"> Risk of vandalism Future deterioration may require action to ensure that the building is maintained Having a derelict building in a park reduces the park's appeal for residents of Angus and visitors 	<ul style="list-style-type: none"> Avoids demolition costs at £380,000 and utility separation at £20,000 Costs around £51,000 (based on 2019/20 actual costs) per year in rates/other running costs.)
Option 2 – Sale	<ul style="list-style-type: none"> Avoids demolition costs for the council if sale achieved Would provide money from the sale 	<ul style="list-style-type: none"> Loss of Country Park area and access to common good land by community No control on the final use of the building apart from planning powers Risk of no offers received, and/or costs in the interim Risk of sale not proceeding to completion Risk of vandalism in interim 	<ul style="list-style-type: none"> Would provide money from the sale. Avoids demolition costs of £380,000 Incurs costs at £4,250 approximately per month whilst the property is unsold. If it takes 4 months to attract a buyer and 6 months until the building is formally sold, that would cost £42,500. Incurs utilities separation costs £20,000

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<p>Option 3 - Lease</p>	<ul style="list-style-type: none"> • The Common Good retains control over the building and the land going forward • Generates rental income 	<ul style="list-style-type: none"> • Future deterioration may require intervention • At end of lease the property returns to the Council • Risk of vandalism in interim • Risk of running costs until a tenant is found/and if there is a change of tenancy 	<ul style="list-style-type: none"> • Generates rental income • Avoids demolition costs of £380,000 at this time • Incurs costs at £4,250 approximately per month when property is unlet. • If it takes 4 months to attract a tenant and 6 months until the building is formally leased that would cost £42,500. • Incurs utilities separation costs £20,000
<p>Option 4 - Community Asset Transfer (CAT)</p>	<ul style="list-style-type: none"> • It may raise some rental income or lump sum, depending on whether any CAT application is to lease or buy • The building remains in the service of the community 	<ul style="list-style-type: none"> • As above for sale/lease depending on type of CAT submitted 	<ul style="list-style-type: none"> • Generates a reduced sale/rental income • Avoids demolition costs of £380,000 at this time • Incurs costs at £4,250 approximately per month when property is unused. • If it takes 4 months to attract a tenant and 6 months until the building is formally leased that would cost £42,500. • Incurs utilities separation costs £20,000
<p>Option 5 - Retain the parkland and demolish the building</p>	<ul style="list-style-type: none"> • Returns area to parkland as part of the Country Park • Land remains as common good and it retains control over land • Potential of future leisure uses for the area • No further maintenance or future structural issues with the building 	<ul style="list-style-type: none"> • Costs to demolish • A building that could potentially be used by the community is lost 	<ul style="list-style-type: none"> • Incurs demolition costs of £380,000 • Incurs utilities separation costs £20,000 • Saves rates/other running costs at £4,250 per month when property is demolished. • No further costs associated with upkeep and maintenance of the building

11. How to Have Your Say

It is now your opportunity to input into the future of the former Lochside Leisure Centre and the common good land at the country park.

You can complete the on-line form at <https://www.angus.gov.uk/lochsideconsultation>

Unfortunately due to Covid19 restrictions we are no longer able to have hardcopies of the form (available at Angus Libraries or Forfar Community Campus) as we had intended. A hardcopy can be printed off from the above site and returned to:

Angus House
Orchardbank Business Park
Orchardbank
Forfar
Angus
DD8 1AN

The form allows you to add any other ideas you may wish us to consider and to flag any interest you may have in buying, leasing or submitting a Community Asset Transfer for the building.

Your data will be protected according to our Data Protection policy which you can find on this link:

https://www.angus.gov.uk/council_and_democracy/council_information/information_governance/angus_council_full_privacy_statement

12 What happens next?

We outlined the process in section 3 above. Once the initial consultation closes on **31 January 2021**, we will collate the responses and publish the responses on the website <https://www.angus.gov.uk/lochsideconsultation>

If you have asked us to, in your consultation response, we will respond to you and let you know the results of the consultation and update you on the next steps.

We will report the outcome of the consultation to the Council, with the target date of 18 March 2021 which will allow the Council to decide on the proposed future of the building and land. We will then consult formally under Section 104 of the Community Empowerment Act on this single proposal.

If you have any questions regarding any of the Information Pack or the consultation you can contact us at Assets@angus.gov.uk

You can also request additional formats such as large print by contacting Assets@angus.gov.uk

Thank you for your interest in the future of the former Lochside Leisure Centre and the land around it. We look forward to hearing your views.