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Mr Andrew Donald
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Our ref: AB00002

22 April 2020

Dear Mr Donald

LAND REFORM (SCOTLAND) ACT 2003
PART 3A: COMMUNITY RIGHT TO BUY ABANDONED, NEGLECTED OR DETRIMENTAL
LAND - APPLICATION BY HELENSBURGH COMMUNITY WOODLANDS GROUP FOR
LAND AT CASTLE WOODS, HELENSBURGH

Thank you for your application for consent to exercise a right to buy land under Part 3A of the Land Reform (Scotland) Act 2003 (the Act), the Community Right to Buy Abandoned, Neglected or Detrimental Land).

I have had a look over the application documents and have the following comments:

There is an area of land included in the map submitted with the application that is not owned by Mr Thomas HL Paterson and Ms Margery R Osborne, the landowners identified in your community body's application. This means that the application is in respect of more than one holding of land. I apologise that it has taken some time to identify this, but we had to be satisfied that this was the case.

The area of land in question is located near the southern most red line near to point "A" on the map that you submitted as part of your application. There is land included within the red line that forms two separate areas, one that is owned in common under two titles and the other that is owned in common under several titles.

Under section 97G(3) of the Act a right to buy may be exercised over more than one holding of land but in order to do so an application must be made in respect of each holding. As a result of having included more than one holding of land, under section 97G(15) of the Act, Scottish Ministers have no option other than to decline to consider the application because the application does not comply with the requirements of or imposed under section 97G of the Act.

In accordance with section 97F(2)(k) of the Act, a copy of this letter will appear on The Register of Applications by Community Bodies to Buy Land. A copy of this letter has also been sent to DLA Piper who are acting for the owners, Mr Thomas HL Paterson and Ms Margery R Osborne.

I would highlight that from the date of this letter the temporary prohibition imposed, under The Community Right to Buy (Abandoned, Neglected or Detrimental Land) (Eligible Land, Regulators and Restrictions on Transfers and Dealing) (Scotland) Regulations 2018, no longer applies to the owners of the land. Scottish Ministers will direct the Keeper of the Register of Applications by Community Bodies to Buy Land to delete this prohibition.

The prohibition under section 40(1) of Part 2 of the Land Reform (Scotland) Act 2003 shall remain in place.

I appreciate that this is not the outcome that the community body had hoped for, but, should you wish to discuss this matter further I would be happy to discuss it with you by telephone . Please email crtb@gov.scot to let me know the date and time that would suit you best.

Yours sincerely

Vicky Reynolds

On behalf of Scottish Ministers