



# LAND REFORM (SCOTLAND) ACT 2016: PART 5 RIGHT to BUY to FURTHER SUSTAINABLE DEVELOPMENT



Return of the result of the ballot  
Section 57(5) of the Land Reform (Scotland) Act 2016

## Notes:

1. This form is to be used by a Part 5 community body that intends to make an application to Ministers under section 54 of the Land Reform (Scotland) Act 2016 ("the Act") for consent to:-
  - exercise a right to buy land or a tenant's interest, as the case may be, or
  - to nominate a third party to exercise a right to buy land or a tenant's interest, as the case may be,under Part 5 of the Act and is for the purpose of notifying Ministers of the details of the ballot that the Part 5 community body conducted under section 57 of the Act to seek community approval in relation to its proposal to buy or, to nominate a third party to buy, the land or the tenant's interest.
2. The form must be returned within 21 days of the ballot deadline within the meaning given in regulation 8(3)(b) of the Right to Buy Land to Further Sustainable Development (Applications, Written Requests, Ballots and Compensation) (Scotland) Regulations 2020. If the Part 5 community body makes its application under section 54 of the Act during that period, the Part 5 community body may enclose this form with the application.
3. You may print this form and complete it manually or you may download it and complete it electronically.
4. If you complete the form manually, you must do so using black or blue ink and capital letters.
5. Whether you complete the form manually or electronically, you may continue any answer on a separate sheet of paper. If you do this, please -
  - indicate on the form where any answer is given or continued on a separate sheet,
  - indicate on each separate sheet the question number(s) to which the sheet relates.
6. You may submit the completed form and attached documents -
  - electronically to [crtb@gov.scot](mailto:crtb@gov.scot), or
  - by post to Community Land Team, Q Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD.
7. For more information and guidance on the right to buy for sustainable development, please visit [www.gov.scot](http://www.gov.scot) and search for "right to buy".

# RETURN OF THE RESULT OF THE BALLOT

1. What is the name of the Part 5 community body ("community body") to which the result of the ballot relates?

Poets' Neuk

2. What was the date of the ballot deadline within the meaning given in regulation 8(3)(b) of the Right to Buy Land to Further Sustainable Development (Applications, Written Requests, Ballots and Compensation) (Scotland) Regulations 2020.

25th August 2022 - 11am

3. What was the wording of the proposition that was put to the community in the vote on whether:-
- to buy the land or tenant's interest, or
  - to have the nominated third party purchaser buy the land or tenant's interest?

Please see attached sheet [1]

4. How many persons were eligible to vote in the ballot?

384.

5. How many persons voted?

84.

6. How many proxy votes were cast?

0.

7. How many votes were spoilt?

1.

8. What was the number of votes cast in favour of the proposition that:-

- the community body or third party purchaser, as the case may be, buy the land, or
- the community body or third party purchaser, as the case may be, buy the tenant's interest.

IN FAVOUR - 81

9. Please provide details of any information that was provided by the community body to the persons eligible to vote in the ballot. If separate sheets are attached they must be referenced accordingly.

Please see attached sheet [2]

10. Please ask the observer who was appointed to oversee the opening and counting of the votes made on the completed ballot papers and the recording of the result in accordance with regulation 10 of the Right to Buy Land to Further Sustainable Development (Applications, Written Requests, Ballots and Compensation) (Scotland) Regulations 2020 to read and sign the declaration below.

I, the undersigned, confirm that I oversaw the opening and counting of the votes made on the completed ballot papers and the recording of the result of the ballot to which this form relates and I certify that those processes were conducted in a fair and reasonable manner.

Name:

Gillian Prestage

Address:

Fife Council  
Legal & Democratic Services  
(Electoral Services)  
Fife House  
North Street  
GLENROTHES

Postcode:

KY7 5LT

Telephone:

[REDACTED]

Email:

[REDACTED]

Date:

25/8/2022

[REDACTED]

11. Please provide the name, address, telephone number, email address and position of the member of the community body making this return and sign and date the form where indicated.

Name:

Address: 26 Lade Braes  
St Andrews  
Fife, KY16 9DA"/>

Telephone:

Email:

Date:

Position:

Signature:

# Polling Form

[Attached Sheet 1]

## Community Right to Buy – Land Reform (Scotland) Act 2016 Part 5

Poets' Neuk Community Organisation proposes to use Part 5 of the Land Reform (Scotland) Act 2016 - the Right to Buy Land to Further Sustainable Development - to purchase the garden opposite 1 Greyfriars Garden, St Andrews, in order to develop it as a disability-accessible public garden designed to reflect its history as the site of the Greyfriars Monastery chapel and its connection with Mary Queen of Scots. You may vote on this proposal by ticking one of the following boxes.

If you **support** this proposal, please place an X in this box

If you **do not support** this proposal, please place an X in this box

**Please post this completed form in the replied paid envelope provided no later than Monday 22<sup>nd</sup> August 2022 in order to ensure it meets the poll deadline of 11am on Friday 25<sup>th</sup> August 2022**

The result of the poll will be advertised within 14 days of the closing date.

## Community Poll regarding the Future of the Garden at 1 Greyfriars Garden

### Information for Electors

- Members of the community will be aware of the continuing dereliction of the garden at the corner of Greyfriars Garden and St Mary's Place. Although the community organisation, Poets' Neuk, was granted Community Right to Buy this land by Scottish Ministers in February 2018, it was not possible to conclude a purchase as the owners withdrew it from sale.
- While the legislation in the Land Reform (Scotland) Act 2003 available at that time meant that the Isle of Man based trust which owns the land could only dispose of the land to Poets' Neuk, there was no obligation on the owners to agree to sell it, and they chose not to engage to complete the purchase. Consequently, the garden continues to suffer from frequent antisocial use and is regarded by many as an eyesore in the centre of the St Andrews Conservation Area.
- Since that time, a new provision of the Land Reform Act has come into force. Part 5 of the Act now allows approved community organisations to apply for what is essentially compulsory purchase for the purpose of furthering the achievement of sustainable development. Scottish Ministers have approved Poets' Neuk for this purpose.
- As a first step it is necessary for Poets' Neuk to demonstrate that this proposal has wide community support by holding a poll of eligible voters. The Community Right to Buy legislation requires a local community to be defined.
- **You have received these polling papers as you are a registered voter living in the Poets' Neuk defined community. In this case, it is the 15 postcode areas closest to the garden:**  
  
KY16 9HG (Greyfriars Garden); KY16 9HH (Albany Place); KY16 9HJ (Hope Street); KY16 9HL (Howard Place); KY16 9HQ (Abbotsford Place); KY16 9HT (McIntosh Hall); KY16 9HW (Rose Park); KY16 9PD (part of Market Street); KY16 9PF (part of Market Street); KY16 9UR and KY16 9UX (Bell Street); KY16 9UY (St Mary's Place); KY16 9XB (Lion's House, Hope Street); KY16 9XF (City Park); KY16 9BW (Argyle Court).
- **The accompanying ballot paper asks you to indicate if you are for or against the proposal made by Poets' Neuk to buy the land, so that it can create and maintain a new garden which will reflect its history as the location of the medieval Franciscan (Greyfriars) Monastery and its association with Mary Queen of Scots.**

- **The purpose of the ballot is to inform the Scottish Government whether a majority of those who vote are in favour of the proposal by Poets' Neuk to buy this garden ground so that it can be transformed into a sustainable public garden for leisure and educational use.**

## **BALLOT PAPER VOTING INFORMATION – THE PROPOSAL**

**Garden Ground:** the garden at the corner of Greyfriars Garden and St Mary's Place, opposite 1 Greyfriars Garden, St Andrews KY16 9HG. The proposal is to develop the land as a publicly accessible poetry garden reflecting its historical importance.

Planning permission for conversion of this land into a public garden that reflects and celebrates its origins as the site of the Greyfriars (Franciscan) monastery chapel and its connection with Mary, Queen of Scots, has already been obtained.

The Community Body, known as Poets' Neuk, has received confirmation from Scottish Ministers that it complies with the requirement of Part 5 of the Land Reform (Scotland) Act 2003 to be consistent with furthering the achievement of sustainable development. If Poets' Neuk is able to demonstrate community support for its proposal to exercise a right to buy the garden ground and develop it for a sustainable public purpose, its application can proceed to the next stage for Scottish Minister's decision. A majority vote in favour for this proposal is a necessary part of this process.

**Please complete the ballot paper and post it to the Returning Officer in enclosed stamped address envelope to arrive no later than 11am on Thursday 25<sup>th</sup> August 2022.**

**If you are in favour of Poets' Neuk's proposal, please vote Yes.**

**If you are not in favour, please vote No.**

Additional information on this proposal can be obtained by contacting Poets' Neuk's secretary:

David Middleton,  
26 Lade Braes  
St Andrews.  
KY16 9D  
Telephone [REDACTED]  
email: [REDACTED]

**The Registered Address of Poets Neuk is:**

c/o the St Andrews Preservation Trust,  
12 North Street, St Andrews, KY16 9PW