



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



Section 54(5)(a) and (c) of the Land Reform (Scotland) Act 2016

Application by a Part 5 Community Body for Consent to Exercise the
Right to Buy Land to Further Sustainable Development

RECEIVED

01 FEB 2023

Notes:

1. This form is to be used by a Part 5 community body applying for consent to exercise the right to buy under Part 5 of the Land Reform (Scotland) Act 2016 ("the Act"). This form may be used to apply for consent to exercise a right to buy land or a tenants' interest. If applying to acquire both land and a tenant's interest you must complete separate forms.
2. Only a Part 5 community body within the meaning of section 49 of the Act is entitled to make this application. Note that under subsection 49(7) of the Act, a body can only be regarded as a Part 5 community body once Scottish Ministers have given it written confirmation that the , the Scottish Ministers, are satisfied that the body s main purpose is consistent with furthering the achievement of sustainable development.
3. Before making this application, a Part 5 community body must have conducted a ballot in accordance with section 57 of the Act. The ballot must have been conducted during the period of 6 months which immediately preceded the date on which this application is made.
4. Before making this application, a Part 5 community body must have submitted a written request to the owner of the land to transfer the land to the community body or, as the case may be, to a third party purchaser using the form specified in schedule 2 of the Right to Buy Land to Further Sustainable Development (Applications, Written Requests, Ballots and Compensation)(Scotland) Regulations 2020. Where the application relates to a tenant's interest, a Part 5 community body must have submitted a written request to the tenant to assign the tenant's interest to the community body or, as the case may be, to a third party purchaser, using the form in schedule 2 of those regulations. The request must have been made before the period of 6 months ending on the day on which the application is made.
5. You may print this form and complete it manually or you may download it and complete it electronically.
6. If you complete the form manually, you must do so using black or blue ink and capital letters.
7. 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.
8. For more information and guidance on the right to buy for sustainable development please visit www.gov.scot and search for "right to buy".
9. You may submit the completed form and attached documents -
 - electronically to crtb@gov.scot, or
 - by post to Community Land Team, Q Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD.

SECTION 1 — WHO IS APPLYING

1.1 Please provide the name of the Part 5 community body ("CB") applying for consent to exercise a right to buy for sustainable development.

Poets' Neuk

SECTION 2 — DETAILS OF WHO IS APPLYING

2.1 Please supply details of the registered or principal office of the CB

Postal Address:

c/o The St Andrews Preservation Trust Ltd.
12 North Street,

Town:

St Andrews

County:

Fife

Country:

Scotland

Postcode:

KY16 9PW

Email:

2.2 Please supply the address the CB wishes correspondence in relation to the right to buy process to be issued to.

Contact name:

David Middleton

Postal Address:

"Glenesk"
26 Lade Braes

Town:

St Andrews

County:

Fife

Country:

Scotland

Postcode:

KY16 9DA

Telephone:

Email:

2.3 Please mark an "X" in the relevant box to confirm the type of CB and enter its official number.

Company Limited by Guarantee (CLBG)
and its company number is:

SC582769

Scottish Charitable Incorporated Organisation (SCIO)
and its charity number is:

Community Benefit Society (BenCom)
and its registration number is:

A body corporate having a written constitution and
its official number is

If your CB has nominated a third party purchaser, please also tick this box and confirm the name and address of the third party, as well as its status (e.g. charity, public body, private firm), and its relationship to the CB.

Name of third party purchaser:

Postal Address:

Town:

County:

Country:

Postcode:

Telephone:

Email:

Status:

Relationship to CB:

This application must be accompanied by a copy of the CB's governing documents (i.e. articles of association, constitution or registered rules) and evidence of the company, charity or registration number (e.g. its official number). Please mark an "X" confirming that such a copy and evidence accompanies this application.

2.4 Please provide the definition of the community as set out in the CB's governing document in accordance with section 49(2)(a), 49(3)(a), 49(4)(a), or 49(5)(a) of the Act, as the case may be.

The area comprising Postcodes 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 (Market Street); KY16 9PF (Market Street); KY16 9UR (Bell Street); 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 Community Area is shown on the Community Area Postcode Map [Document 2].

2.5 This application must be accompanied by one or more maps or drawings which:

- (a) is/are prepared to the specifications referred to in regulation 3 of the The Right to Buy Land to Further Sustainable Development (Applications, Written Requests, Ballots and Compensation) (Scotland) Regulations 2020, and
- (b) describe(s) the area of the community to which the CB relates.

Please confirm the total number of such maps, plans or other drawings relating to the community area which accompany this application.

2.6 Please provide:

(A) The total number of members in the CB.

(B) A breakdown of the total number of each type(s) of membership as stated in the CB's governing document (i.e. articles of association, constitution or registered rules).

Ordinary Members	48
Associate Members	5
Junior Members	0

- (C) The membership details (i.e. name, address and membership type of each of the CB's members).

Membership Roll is provided as [Document 16]

SECTION 3 — THE LAND IN RESPECT OF WHICH THE RIGHT TO BUY IS SOUGHT TO BE EXERCISED

Please confirm whether this application is in respect of land ("land" includes mineral rights or salmon fishings) or a tenant's interest over land by ticking the appropriate box:

Land ("land" includes mineral rights or salmon fishings)

Tenant's interest

If applying to buy a tenant's interest please do not complete section 3A below and complete section 3B instead.

SECTION 3A — THE LAND IN RESPECT OF WHICH THE RIGHT TO BUY IS SOUGHT TO BE EXERCISED

3A.1 If this application is seeking to purchase salmon fishings or mineral rights please tick this box to confirm that a separate application in respect of the land to which the salmon fishing or mineral rights relate has or is simultaneously being made, or that this application is being submitted during the relevant period as defined under section 47(3) of the Act.

3A.2 Please mark an "X" in the relevant box(es) to indicate the type(s) of land to which this application relates.

Buildings

Mineral rights

Woodland

Brown field sit

Water

Farm/grazing land

Industrial site

Salmon fishing

Recreation land

Foreshore

Other (please specify):

Neglected garden ground not attached to a dwelling

3A.3 What is the estimated total area of the land?

279 square metres

3A.4 What land register county is the land located in?

Fife

3A.5 Please provide a written description of the land to which this application relates (e.g. the location of such land; postcodes covering the land; the condition of the land; its northern, southern, eastern and western boundaries and measurements, if applicable).

Ground on the west side of Greyfriars Garden, St Andrews, opposite Number 1 Greyfriars Garden, formerly garden ground for this dwelling. Houses in Greyfriars Garden have their garden ground on the opposite (west side) of the street and the land to which the application refers has been separated from the ownership of the "parent" property since 20th June 1994. It is bounded in the south by St Mary's Place, to the west by the boundary of the former West Infant School, now the Fife Council Local Office, to the north by garden ground for Number 2 Greyfriars Garden, and to the east by Greyfriars Garden (formerly known as North Bell Street). The postcode of the land is KY16 9HG. The garden was previously part of the site of the the Grey Friars Monastery and is shown on the medieval Geddy map of St Andrews [Document 9] to be part of the site of the Monastery, and on the 1854 Ordnance Survey map - extract provided as [Document 10] to be the site of the Grey Friars Chapel. The garden occupies a prominent position within the St Andrews Conservation Area and is currently in an unkempt state, attracting anti-social use and accumulations of rubbish. Its neglected condition makes a seriously adverse impact on the St Andrews Conservation Area.

The garden has been neglected and overgrown for many years, and consistently so since the present owner took possession in April 2009. A letter from Mr Jim Birrell, Development Manager, (Development and Regeneration) in Fife Council dated 21st June 2010, to the then (and current) owner describes the untidy and unkempt state of the garden on that date, and records a history going back 15 years from that time of the abandoned state of the garden [Document 5]. It is noted that compulsory purchase was considered as an option at that time, but, although agreed in principle by the Council, it was not ultimately taken forward. Recent photographs 1-8 [Document 24] demonstrate that the the condition of the garden has not improved over the years since Mr Birrell's letter of June 2010.

An email dated April 2018 from Nicolas Lopez, Senior Planning Officer, [Document 6] shows that the planning limitations for development have remained unchanged in the intervening time since the date of Mr Birrell's letter.

A plan, with the land to be registered bounded in red, produced by Registers of Scotland is provided as [Document 4b]. Registers of Scotland Title Sheet provided as [Document 4a].

3A.6 This application must be accompanied by one or more maps or drawings, which:

- (a) is/are prepared to the specifications referred to in regulation 3 of the Right to Buy Land to Further Sustainable Development (Applications, Written Requests, Ballots and Compensation) (Scotland) Regulations 2020, and
- (b) describe(s) the land to which this application relates.

Please confirm the total number of such maps, plans or other drawings which accompany this application.

1

3A.7 Please mark an "X" in one box which you consider best describes the community's connection to the land in relation to which this application is made.

- A significant number of the members of the community have a connection with the land.
- The land is sufficiently near to land with which those members of the community have a connection.
- The land is in, or is sufficiently near to, the area of the community (the community being the community as defined in response to question 2.4).

Please provide details to explain why the relevant box has been marked with an "X" above.

The land is centrally located within the defined community. The Community Boundary/Postcode Map [Document 2] shows the physical relationship of the land to the defined community. It is located next to the former West Infants School, now used as Fife Council's Area Office. It is a short distance from the Victory Memorial Hall which is a community facility managed by Fife Council. It is adjacent to the main shopping centre which has many retail premises including a chemist and supermarkets as well as restaurants and cafes, which are well-used by members of the local community and the many domestic and overseas visitors to the town. It is near to St Mark's Church, and a number of members of the defined community worship there.

Nearby residents, some living in very close proximity to the garden, have been concerned about this neglected piece of land for many years, as it is an eyesore and attracts anti-social behaviour. From time to time, members of the St Andrews community have themselves tidied up the site, and the Council have also been asked to improve matters by local residents. Occasional tidying up provides only a minimal temporary improvement. The St Andrews "Clean and Green Team" have now ceased to enter the area because of health and safety concerns [Document 17a] and the chargehand from Fife Council with responsibility for maintaining the cleanliness of the area which includes the garden has confirmed the unacceptable uses and condition of the garden observed over several years. [Document 17b].

The long-term issues about the beneficial use of this land have remained unresolved for many years and it continues to be a matter of concern to members of the defined community.

Its condition adversely affects the amenity of its neighbours.

3A.8 Please describe what the land is currently used for.

The land is not in beneficial use. It is the locus for antisocial behaviour, including drug use. It is a conveniently overgrown area where persons illicitly remove and sort through articles left outside charity shops and is used as a toilet and dumping ground for rubbish. These activities are noted in reports provided to Poets' Neuk and noted in [Documents 17(a),17(b), 25(a) 25(b)].

3A.9 Please confirm whether the land, or any part of the land, has been officially designated (for example, as internationally important wetlands or an area of special scientific interest) and, if so, please confirm the type of designation

The land is centrally located within the "outstanding" St Andrews Conservation Area and the whole of the medieval burgh of St Andrews is a designated Archaeological Area of Regional Importance. It is an integral part of Greyfriars Garden- a street entirely composed of "B" listed buildings.

SECTION 3B — THE TENANT'S INTEREST IN RESPECT OF WHICH THE RIGHT TO BUY IS SOUGHT TO BE EXERCISED

3B.1 Please tick this box to confirm that a separate application in respect of the land to which the tenant's interest relates has or is simultaneously being made, or that the conditions under section 48(5) of the Act have been met.

3B.2 Please mark an "X" in the relevant box(es) to indicate the type(s) of land covered by the tenancy to which this application relates.

Buildings

Mineral rights

Woodland

Brown field sit

Water

Farm/grazing land

Industrial site

Salmon fishing

Recreation land

Foreshore

Other (please specify):

3B.3 What is the estimated total area of the land covered by the tenancy?

3B.4 What land register county is the land covered by the tenancy located in?

3B.5 Please provide a written description of the land covered by the tenancy to which this application relates (e.g. the location of such land; postcodes covering the land; the condition of the land; its northern, southern, eastern and western boundaries and measurements, if applicable).

3B.6 This application must be accompanied by one or more maps or drawings, which:

- (a) is/are prepared to the specifications referred to in regulation 3 of the Right to Buy Land to Further Sustainable Development (Applications, Written Requests, Ballots and Compensation) (Scotland) Regulations 2020, and
- (b) describe(s) the land covered by the tenancy to which this application relates.

Please confirm the total number of such maps, plans or other drawings which accompany this application.

3B.7 Please mark an "X" in one box which you consider best describes the community's connection to the land covered by the tenancy in relation to which this application is made.

- A significant number of the members of the community have a connection with the land.
- The land is sufficiently near to land with which those members of the community have a connection.
- The land is in or sufficiently near to the area of the community (the community being the community as defined in response to question 2.4).

Please provide details to explain why the relevant box has been marked with an "X" above.

3B.8 Please describe what the land to which the tenancy relates is currently used for.

3B.9 Please confirm whether the land to which the tenancy relates, or any part of that land, has been officially designated (for example, as internationally important wetlands or an area of special scientific interest) and, if so, please confirm the type of designation

SECTION 4 — OWNER/TENANT & INTERESTS

4.1 Please provide the contact details of the owner of the land to which this application relates.

Contact Name:	Optimus Fiduciaries Limited, (formerly Tenon (IOM) Ltd)		
Postal Address:	as Trustees of FT REPSF St Mary's. The Parade		
Town:	Castletown		
County:	Isle of Man		
Country:	UK	Postcode:	1M9 1LG
Company No. (if applicable):	Isle of Man 106763C		
Email:			

4.2 If the owner has an agent or representative, please provide their contact details.

Contact Name:	Richard Brent Thomas, as Trustee of FT REPSF		
Postal Address:	Optimus Fiduciaries Limited, (formerly Tenon (IOM) Ltd) St Mary's, The Parade		
Town:	Castletown		
County:	Isle of Man		
Country:	UK	Postcode:	IM9 1LG
Company No. (if applicable):			
Email:			

4.3 If there is more than one owner (e.g. the land is in joint or common ownership between a number of owners), then please provide the contact details for the other owner(s), using a separate sheet if necessary.

4.4 If this application is in respect of a tenant's interest, please provide the contact information for the tenant whose interest in the tenancy this application relates.

Contact Name:

Postal Address:

Town:

County:

Country: Postcode:

Company No. (if applicable):

Email:

4.5 If there is more than one tenant (e.g. the tenancy is held jointly between more than one tenant), then please provide the contact details for the other tenant(s), using a separate sheet if necessary.

4.6 Please confirm the checks carried out (including by whom and when) to establish who owns the land to which this application relates or who is the tenant having the interest to which this application relates and whether there are any creditors in a standard security with a right to sell the land or the tenants interest.

Title checked by David Middleton on 29.01.2023. No standard securities noted on Title Sheet. [Document 4a]. Ownership on Page 1 of Title Sheet not updated but noted on Page 6 and confirmed by response to Offer to Owner of 08.07 2022.[Document 18b]. Title Plan is [Document 4b]

4.7 Please indicate, by ticking "Yes" or "No", whether you are aware of the existence of either of the matters listed. You may disregard any obligation that would be suspended, once the application is made, by regulation 11 of the Right to Buy Land to Further Sustainable Development (Eligible Land, Specified Types of Area and Restrictions on Transfers, Assignations and Dealing) (Scotland) Regulations 2020.

An enforceable personal obligation on the owner of the land to sell it to someone else or, if the application is in respect of a tenant's interest, an enforceable personal obligation on the tenant of the land to assign the tenancy to someone else:

YES NO

Anything else preventing the owner of the land from selling it or, if the application is in respect of a tenant's interest, anything else preventing the tenant from assigning the tenancy:

YES NO

If you ticked "Yes" for either matter listed at 4.7, please provide details for each matter, using a separate sheet if necessary. You should attach evidence to support any matters you raise where possible.

4.8 If this application is for the purchase of land, please indicate by ticking "Yes" or "No" whether there are any tenancies in relation to the land or any part of it.

YES NO

If you ticked "Yes" at 4.8, please provide details for each tenancy, using a separate sheet if necessary, but based on the following details.

Name of Tenant(s):

Contact Name (if different):

Postal Address:

Town:

County:

Country:

Postcode:

Email:

4.9 Please indicate, by ticking "Yes" or "No", whether there are any standard securities in relation to the land, any part of it or, in relation to a tenancy over the land or any part of it.

YES NO

If you ticked "Yes" at 4.9, please provide details for each standard security in relation to the land, using a separate sheet if necessary but based on the following details.

Name of Creditor holding security:

Contact Name (if different):

Postal Address:

Town:

County:

Country:

Postcode:

Email:

Details of standard security:

4.10 Please indicate, by ticking "Yes" or "No" for each of the planning rights or interests known to the CB, whether that right or interest applies to the land or to any part of it or, in relation to a tenancy over the land, or any part of it.

Planning permission applied for (by any person) but not yet granted	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Planning permission granted but not yet fully utilised	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Suitable for development under the local development plan	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Subject to a compulsory purchase order	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Any other restriction on the use of the land	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

4.11 If you ticked "Yes" for any of the rights or interests listed at 4.10 please give details.

Full planning permission originally granted for Poets' Neuk's garden project in 2011 and renewed several times, most recently on 27.05.2021. See Decision Notice [Document 7].

Poets' Neuk's planning permission meets the strict criteria for development in the Fife local development plan and its specific location in the St Andrews Conservation Area.

Restrictions on the land: Senior Planning Officials state that the land has "no development value" and is not suitable for built development on any scale" [Documents 5, 6]. See also [Document 23].

4.12 Please indicate, by ticking "Yes" or "No", whether you know of any other existing rights or interests in the land or any part of it, or a tenancy over the land or any part of it.

YES NO

4.13 If you ticked "Yes" at 4.12, please provide details of the holder of each right or interest, using a separate sheet if necessary.

Name of Person holding Interest:

Contact Name (if different):

Postal Address:

Town:

County:

Country: Postcode:

Email:

Nature of Right or Interest:

4.14 Where possible, please attach at least one map or drawing that shows the location of the rights and interests identified under this section (4.1 – 4.13) in relation to the land.

Please confirm the total number of such maps, plans or other drawings which accompany this application.

3

If you are aware of rights and interests but are not able to show them via drawings or maps, please explain why this is.

The map of the garden subject to Poets' Neuk's CRTB application, which is also the map identifying the area subject to Poets' Neuk's planning permission, Reference 21/01087/FULL, is provided as [Document 3] and the plan attached to the title sheet for the garden as [Document 4(b)]. The approved plan and elevation for the Poetry Garden is provided as [Document 8].

SECTION 5 — COMMUNITY SUPPORT

5.1 Please indicate, by ticking the appropriate box how the ballot result is being / has been notified to Scottish Ministers. **You must select one option.**

Ballot results attached to application

Ballot results already notified to Minister

Please note that the ballot result must be/have been notified to Ministers in the form specified in regulation 12 of the Right to Buy Land to Further Sustainable Development (Applications, Written Requests, Ballots and Compensation)(Scotland) Regulations 2020.

If you indicated at 5.1 that the ballot result has already been notified to the Scottish Ministers, please give the date of notification

26th August 2022

SECTION 6 — STEPS TAKEN TO BUY LAND

- 6.1 Please provide the date when the CB sent the request for the transfer of the land to the owner or, where the application is to buy a tenant's interest, the date when the CB sent the request for the tenant to assign their interest using the official form provided in Part A of schedule 2 of the Right to Buy Land to Further Sustainable Development (Applications, Written Requests to Owner and Tenant, Ballots and Compensation)(Scotland) Regulations 2020. Please include copies of the form sent to the owner of the land or the form sent to the tenant as well as any other correspondence in relation to this including, in particular, any response from the land owner made using the official form provided for in Part B of schedule 2 of the Right to Buy Land to Further Sustainable Development (Applications, Written Requests, Ballots and Compensation)(Scotland) Regulations 2020.

Offer Date: 19.01.2022

Terms(including amount offered and conditions):

£72.000. No conditions attached

The Form of Written Request to Owner is provided as [Document 18a]

Land owner response to offer:

Part B of Form of Written Request to Owner was received on 19.07.2022. [Document 18b]

Option 2 had been selected - the owner did not agree to the request to purchase on the terms offered, but stated willingness to discuss the potential transfer further.

David Middleton, Poets' Neuk secretary, telephoned Optimus Fiduciaries office circa 27th June 2022 and spoke to the receptionist. Mr Richard Brent Thomas, signatory of the Part B form, as Trustee of the FT REPSE, was not at his desk and it was arranged that a 'phone-back would take place. No 'phone-back occurred, and a letter was sent to Mr Brent at Optimus Fiduciaries Isle of Man address on 29 July 2022 stating Poets' Neuk's willingness to enter into negotiations for transferring the land and inviting him to indicate the terms his Trust was willing to accept. No reply was received.

A follow-up letter dated 11 August 2022 was sent to Mr Brent but no response has been received at the date of this application. Letters to Optimus Fiduciaries provided as [Document19]

SECTION 7 – PROPOSALS FOR THE LAND

7.1 Please explain how the CB proposes to use, develop and manage the land to which this application relates or, if you're applying for the right to buy a tenant's interest, the land to which the tenant's interest relates.

The site will be developed as a poetry garden featuring on permanent plaques an interpretation of its history as the location of the chapel of the medieval Franciscan (Grey Friars) Monastery, as well as poetry by and about Mary Queen of Scots. It will make reference to a historical document: the disposition [Document 31], made at the time of the abdication of Mary Stuart in 1567, which gifted the Grey Friars Monastery and other church lands to the St Andrews community. It will feature the medieval Geddy town map of St Andrews circa 1580 showing the garden as the site the Monastery. [Document 9]. A visualization of completed garden is provided as [Document 15].

The poetry garden has been designed by internationally renowned architect, Dr Robert Steedman. Extant planning permission for the garden includes the possibility in the future of erecting what would be one of the few publicly accessible statues in Scotland of Mary Queen of Scots. The project when realised will provide a quiet green space in the busy centre of St Andrews and an attraction for domestic and international visitors to the town. The funding, scheduling of works, management and future maintenance of the project is provided in the Poets' Neuk Business Plan.[Document 11]. A further benefit would be the safeguarding of a historic site for the nation. See also [Document 20].

7.2 Please explain why the transfer of the land or, if applicable, the tenant's interest, is likely to further the achievement of sustainable development in relation to the land.

The "St Andrews Design Guidelines" sets out the standards expected by the Planning Authority for development in the St Andrews Conservation Area as follows in Paragraph 3.23: "Sustainable development provides solutions that take account of the long term needs of future generations as well as those of the present." Guideline 21 of this document states: "Ensure that new development proposals adopt an integrated approach to sustainability and meet or exceed Fife Council's requirements for environmental performance". Extracts from St Andrews Design Guidelines are provided as [Document 28]. The award of planning permission by Fife Council for the Greyfriars Poetry Garden project shows that these criteria have been met. The Planning Permission notice is provided as [Document 7]. The project supports the relevant objectives of Goal 11 of the Scottish National Goals for Sustainable Development as it relates to Safer Community Spaces and Community Empowerment: An extract of the "Review of Progress" is provided as [Document 32]. The project is compliant with all seven principles of the Scottish Land Rights and Responsibilities Statement [Document 27]. Further information on Sustainable Development is in [Document 21].

7.3 Please explain why you believe that the transfer of the land or, if this application is in respect of a tenant's interest, transfer of the tenant's interest is in the public interest.

The transformation of this land from a derelict garden in a prominent position within the St Andrews Conservation Area will not only provide a pleasant green space within the busy town centre, but reflect the history of the site and provide a place of relaxation. The informative material on the history of the site and the poetry of Scotland's last queen will be both educational and inspiring for both children and adults interested in Scotland's history. Arrangements made to accommodate members of the public with disabilities, including visually impaired people, will reduce inequalities and encourage integration. It is considered that involving volunteers in maintaining the garden and providing a welcoming presence at key times will enhance pride of place and community cohesion. The St Andrews Rotary Club has offered to assist with its maintenance [Document 26].

St Andrews has an assessed deficit of green space [Document 30]. The enhancement of green space has been identified as making a positive contribution to the urban environment. A review of research into the extensive benefits of green space is provided as [Document 33]. The removal of the safety and health hazards will contribute significantly to community wellbeing. Further detail on the way this project would be in the public interest is contained in [Document 22].

7.4 Please explain how the transfer of land or, if this application is in respect of a tenant's interest, the transfer of the tenant's interest is likely to result in significant benefit to members of the community to which the Part 5 CB relates.

Living with a derelict garden in close proximity to one's home is generally a negative experience, and more so if the garden is the scene of anti-social behaviour and subject to litter, including discarded bottles and cans, and at times, drug paraphernalia. Communities can feel disempowered if the remedy for improvement is beyond their reach, but the opposite is true if they can be involved in producing an improvement in their immediate environment and enabled to participate in achieving a positive and practical response to a long-standing problem. Pride of place is encouraged by involvement in positive community projects, and there is an unmet need in the community for participation in projects which will improve the living environment for all its members. A serendipitous dividend of this project will be to provide a venue in which members of the defined community can engage with the wide variety of visitors who come to St Andrews. Such activities have well established benefits for mental and physical health. It is planned to host poetry readings in the garden. "Stanza" supports the project and arranges a Poetry Festival in the town each year. This will provide an additional opportunity for community involvement. The community has been kept informed with the progress of the garden project and it has also featured in the press [Documents 12 and 13]. Further information in [Document 22].

7.5 Is the transfer of the land or, if this application is in respect of a tenant's interest, the assignation of, the tenant's interest, the only practicable, or the most practicable way, of achieving the significant benefit referred to in question 7.4

YES NO

7.6 If you answered "yes" to question 7.5, please explain why the transfer of land or the assignation of the tenant's interest is the only practicable, or the most practicable, way of achieving a significant benefit to members of the community to which the CB relates?

Restrictions on the nature of any development of this land require it to remain as garden ground reflecting the nature of the designed Georgian streetscape of Greyfriars Garden which features townhouses on the east side with matching gardens on the other side of the road. Principle 17 of the St Andrews Design Guidelines places importance on safeguarding green space. The inhibitions against developing this site for anything other than a purpose which meets the site's strict limitations on development mean that it is likely to remain an eyesore and health risk unless it can be re-purposed as a community asset. Built development is ruled out as being contrary to the Fife Development Plan and more detailed planning policies specific to the St Andrews Conservation Area. It is established that this site, with all its historical connections, can only be developed as a garden, but every effort over more than two decades to secure the land to take forward a viable scheme has been unsuccessful. Compulsory purchase was considered by Fife Council, but ultimately not pursued. An application to purchase by Poets' Neuk, under Part 2 of the Land Reform Act, was granted by Scottish Ministers, but it was not possible to carry it through because the owner withdrew the land from sale. An application under Part 5 of the Act is now considered the only practicable way forward. Further information on this issue is contained in [Document 21].

7.7 Please say why not granting consent to the transfer of land, or if applicable, to the assignation of the tenant's interest, would be likely to result in harm to the community to which the CB relates.

*Scottish Ministers cannot grant a Part 5 transfer of land or an assignation of a tenant's interest unless they are satisfied that not granting consent for the transfer is likely to result in harm to the community.

The land is likely to remain in its current derelict and insanitary condition and continue to be an eyesore in the Conservation Area comprising the historic core of St Andrews. Built development is not allowed by the Fife Development Plan for this garden, part of a designed street-scape protected by planning policy. It is unlikely that this ground would be of real value to any business organisation as it is stated to have no built development potential. Detritus found on the site indicates use by drug users and this presents a health risk because of discarded needles etc. It would continue to attract criminal and antisocial behaviour. The present high wall and dense shrubbery facilitate such activity and this would be prevented by the planned design of the garden and the lowering of the wall, allowing observation from a nearby CCTV camera. The St Andrews Preservation Trust has noted the imperatives to secure a sustainable future for this historic site.[See Document 35]. If not developed for a civic purpose, the likelihood is that the garden will continue to be a blight on the community. Continued uncertainty about the future of this land, with its important historical and cultural associations, would represent a failure to secure a sustainable future for an important part of the community's heritage, and reinforce a feeling of impotence to influence decisions affecting it. More information is contained in [Document 22].

7.8 Please use the space below to tell us about any further information that you believe is relevant in support of your application.

The land is currently safeguarded from being sold to anyone other than Poets' Neuk as a result of an initially successful Part 2 Application.

Due to information provided by the owner, Ministers were notified that the land was deemed to be subject to a proposed transfer of ownership, but no exchange of deeds had taken place. This triggered a requirement for a higher level of information and indications of community support to be provided by Poets' Neuk, and this ultimately resulted in approval of the CRTB application by Scottish Ministers.

Members of the defined community were disappointed, but not deterred, when the owner of the land, who had been offered a price significantly higher than the District Valuer's assessment, did not engage with Poets' Neuk to enable the scheme to move forward.

Following this, an application to the Scottish Land Tribunal for settlement of the issue and determination of the purchase price was negated by the owner withdrawing the land from sale.

The Scottish Land Fund awarded a grant for the purchase of the site in the context of the previous (Part 2) Application but this could not proceed because of the issues noted above. Additional funding has been secured for the development of the site in accordance with the plans approved by Fife Council from a donor who is keen to see the project come to fruition.

It was very disappointing that after the approval of the Part 2 application by Ministers, the owner failed to engage with a process to transfer the land. The implementation of Part 5 of the Act now provides the opportunity to move forward with this long wished-for community aspiration. Support for the project has been expressed by organisations representing civic society and business interests, including tourism, in the wider community, as well as respondents to the Part 2 poll. Several organisations have volunteered help by practical means and in kind in bringing the project to a conclusion and assisting with its ongoing maintenance.

The proposal has engendered a great deal of community interest as well as support, and articles about the project have appeared in local newspapers, the periodicals St Andrews in Focus [Document 12] and History Scotland magazine [Document 13]. The approved plan for the garden is shown in [Document 8] and a visualisation of the completed garden, with a proxy statue (as it is not yet designed) is provided as [Document 15].

Wider community support for the Poets' Neuk garden project is shown by letters from the Royal Burgh of St Andrews Community Council, the St Andrews Preservation Trust, and the business community represented by BID. Letters from these organisations are provided as [Documents 29,35 and 36] respectively.

- We, the undersigned, have been authorised by the CB to provide the information in this form, the proposals detailed within it and any supporting documents.
- The CB understands that, if it makes any inaccurate statements or provides inaccurate information (deliberate or accidental) at any stage during the right to buy process, or if it knowingly withholds any information, this could result in Scottish Ministers deciding not to consent to the exercise of the right to buy.
- The CB has not altered or deleted the original wording of this form.
- The CB understands that this form requires each signatory (2 board members, charity trustees or committee members) to this form to provide his/her full names and home address for the purposes of prevention and detection of fraud.
- The CB confirms that it is a community body within the requirements of section 49 of the Land Reform (Scotland) Act 2016.
- The CB understands that this form and supporting documents may appear in the Register of Applications by Community Bodies to Buy Land.
- We, the undersigned, understand that all or part of the information contained in this form and all information related to this application, may be publicly available via the Register of Applications by Community Bodies to Buy Land.
- We, the undersigned, have read and understand the terms of this declaration.

We, the undersigned on behalf of the CB specified in section 1, apply for consent to exercise the right to buy land under Part 5 of the Act.

Name:

DAVID GRAHAM WYND

Address:

5 GREYFRIARS GARDEN
ST ANDREWS

Date:

1st February 2023

Position:

Chair of Directors

Signature:



Name:

FRANCIS CHARLES QUINAULT

Address:

5 HOPE STREET
ST ANDREWS KY16 9HJ


Date:

1st February 2023

Position:

Vice-Chair & Director

Signature:



Where a third party purchaser has been appointed, please have the third party purchaser or, where the third party purchaser is an organisation, two representatives on behalf of the third party purchaser, complete the following declaration:

I/We, the undersigned on behalf of the third party purchaser specified in section 2.3, confirm that I/we consent to the foregoing application under Part 5 of the Act.

Name:

Address:

Date:

Position:

Signature:

Name:

Address:

Date:

Position:

Signature: