Dunfermline **23 February 2026** **Sheriff A Wyllie Robertson**

The sheriff, having resumed consideration of the cause,

sustains the second and third pleas-in-law for the pursuer and repels the pursuer's first plea-in-law as being unnecessary; **repels** the pleas-in-law for the defenders and interested parties (owners);

allows the appeal;

grants the pursuer's second crave and in terms thereof reduces the ministerial decision notices issued by the defenders under section 60 of the Land Reform (Scotland) Act 2016 ("the Act") on 17 March 2025 to: (1) the pursuer; (2) the third party purchaser, Albert Community Group Limited ("ACG"); (3) Catriona Waugh; (4) Kenneth Waugh; (5) Yorssas (Trustees) Limited; (6) Bank of Scotland; and (7) contiguous landowners;

grants the pursuer's third crave and in terms thereof orders rectification of the Register of Applications by Community Bodies to Buy Land ("the Register") to the effect that this interlocutor containing the determination of the appeal should be added to the relevant registration;

grants the pursuer's fourth crave and in terms thereof orders rectification of the Register to the effect that the status of the application made by the pursuer should be recorded in the relevant registration as "pending";

imposes, in terms of section 69(10)(b) of the Act, a condition on the pursuer that any response it wishes to make to (1) the comments of the interested parties (owners) on the business plan presented by the pursuer and (2) the defenders' comments within the decision relating to the small number of staff envisaged impacting on ability to work rotas and cover tasks and the defenders' conclusion that the business plan makes no provision for unpaid leave, shall only be considered by the defenders provided it is received by them no later than 30 days after the date of this interlocutor; and

remits the pursuer's application to the defender for reconsideration of: (1) the financial viability of the pursuer's proposals in the business plan presented by the pursuer including consideration of any response from the pursuer hereinbefore provided for; (2) whether the articles of association of ACG provide sufficient evidence of continuing community control in the event that ACG become the owner of the hotel; and (3) the impact, if any, such reconsideration has on whether the sustainable development conditions are met in terms of section 56(2)(a), (b), (c)(i) and (ii) and (d) of the Act; and decerns accordingly;

reserves meantime the expenses of the appeal and, if contentious, appoints parties to lodge written submissions thereon with the sheriff clerk within 21 days hereof.

Sheriff Robertson

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