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

Section 56(9)(a) and (b) of the Land Reform (Scotland) Act 2016

Form of Written Request to Owner of the Land or Tenant with Tenant's Interest and Response from Owner

Notes:

1. **Part A** of this form is to be used by a Part 5 community body writing to:
   - an owner of land requesting the transfer of ownership of that land to the Part 5 community body or, as the case may be, to a third party purchaser or,
   - a tenant requesting the assignation of the tenant's interest to the Part 5 community body or, as the case may be, to a third party purchaser,

   under Part 5 of the Land Reform (Scotland) Act 2016 ("the Act"). Please note that separate forms are required to be used if requesting a transfer of land and any associated tenant's interest.

2. **Part B** of this form is to be used by a land owner if they choose to respond to the Part 5 community body's request under Part A. Please note that a community body will be able to proceed with an application under Part 5 of the Act if:
   - a land owner does not respond using the form in Part B of this schedule within 6 months of the date of receipt,
   - a land owner responds using the form in Part B of this schedule but does not agree to the request or
   - a land owner agrees to the request using the form in Part B of this schedule but, within the period of 6 months of having received the form in Part A of this schedule they have not concluded missives with the community body or, as the case may be, third party purchaser.

3. Community bodies and land owners may choose to correspond outwith this form, however such correspondence will not be considered by the Scottish Ministers to be either a request or a response for the purposes of the right to buy under Part 5 of the Act.

4. You may print this form and complete it manually or you may download it and complete it electronically.

5. If you complete the form manually, you must do so using black or blue ink and capital letters.

6. 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.

7. For more information and guidance on the right to buy for sustainable development please visit www.gov.scot and search for "right to buy".

PART A – REQUEST TO OWNER OR TENANT UNDER PART 5 OF THE LAND REFORM (SCOTLAND) ACT 2016

Part A of this form contains a request by a Part 5 community body ("community body") to a land owner or tenant requesting that the land owner or tenant transfer their ownership or assign their tenancy to the community body.

1. Name, registered or principal address and contact details for the community body:

Name:	Ballindean Community Company Ltd
Postal Address:	Registered Office 1 Charlotte Street (Contact Alison MacFarlane)
Town:	Perth
County:	Perth and Kinross
Country:	Scotland
Postcode:	PH1 5LP

2. The name, registered or principal address and contact details for a proposed third party purchaser, if applicable:

Name:	N/A
Postal Address:	
Town:	
County:	
Country:	
Postcode:	
Telephone:	
Email:	

3. ✔ Tick this box to confirm that the community body has received written confirmation from Scottish Ministers under section 49(7) of the Act.

4. Address and description of –

- the land the community body wishes to acquire, or
- the land relevant to the tenant's interest that the community body wishes to acquire.

Address:

Wester Ballindean Orchard
Ballindean
Inchture
Perth
PH14 9QS

Description:

Historic orchard located at the west end of the village of Ballindean and comprising the land registered in the Land Register of Scotland under title Number PTH4544

5. Please include 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) Regulations 2020,

(b) describe(s) the land which the community body wishes to acquire or the land to which the tenant's interest relates which the community body wish to acquire.

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

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6. Description of what the community body plan to do with the land or, with the land to which the tenant's interest relates, if acquired.

The community body plans to sustainably develop, restore and prevent the further deterioration of this heritage orchard which is an important part of the cultural setting of the village.
A proper management plan would be drawn up, clearly respecting the existing Tree Preservation Order, to ensure the orchard's continued existence. The condition of all of the fruit trees would be assessed. Existing trees would be pruned. Young trees would be planted following the original historical pattern to ensure a succession of habitats. Grafts would be taken from existing trees and new plantings would be of local heritage varieties eg Bloody Ploughman, Lass O'Gowrie and Hoods Supreme. Boundary diversity would be achieved with some hedgerow boundaries rather than the currently unmaintained wire fencing. Uncut areas would be left for wildlife but the majority of the orchard floor would be managed by grazing or cutting.
That land and the fruit generated from it would be available for community use.

proposed terms of transfer or assignation to the community body (for example, in the case of a proposed purchase, the proposed purchase price).

The community body offers to purchase the land at a price of £15000 which it believes to be the market value of the land or, at current market value, said value being ascertained by a mutually chosen qualified surveyor.

8. Request

The community body, Ballindean Community Company Ltd, are requesting the transfer of the land or assignation of the tenant's interest detailed at point 4 above to the [community body/ third party purchaser]* Ballindean Community Company Ltd, on such terms as may be agreed between the owner or tenant, as the case may be, and the community body.

* Please select either community body or third party purchaser above to confirm who you are requesting that the land be transferred to or the tenant's interest assigned to, as the case may be.

Signed on behalf of the community body by

Name: Alison Gail MacFarlane

Address: Easter Ballindean House
Inchture
PH14 9QS

Date: 19/07/2024

Position: Director

Signature: [redacted]

Name:	Donald Alasdair Neil MacFarlane
Address:	Easter Ballindean House Inchture
Date:	19/07/2024
Position:	Director and Secretary
Signature:	[redacted]

Please note that this form should be signed by two office holders or authorised signatories

PART B – RESPONSE FROM OWNER TO COMMUNITY BODY UNDER PART 5 OF THE LAND REFORM (SCOTLAND) ACT 2016

If you are the land owner identified under the community body's request in Part A of this form and you wish to respond to the community body's request please complete this form and return it to the community body at the address identified in Part A of this form.

If you do not respond to the request using Part B of this form within six months of receipt of Part A of this form, for the purposes of section 58(3)(a) of the Act, you will be regarded as having not responded to the community body. Where an owner has not responded to the community body, the community body may proceed to submit an application to Scottish Ministers to acquire the land referred to in Part A of this form.

Please note that a response using Part B of this form will not create a contractual obligation between the owner and the community body. Any response indicating a willingness to enter into further discussions and/or negotiations does not create an obligation on the owner in any way.

Please select only one option:

☐ **Option 1** - I/We, the land owner identified in Part A of this form, am/are willing to discuss the potential transfer of the land to the community body on the terms specified in Part A of this form and consider entering into negotiations to that end. Please contact me/us to discuss the potential transfer further.

☐ **Option 2** - I/We, the land owner identified in Part A of this form, do not agree to the request made by the community body to transfer the land to them on the terms so specified but am/are willing to discuss the community body's proposal with them further.

Please note that if you tick the box at **Option 2**, for the purposes of section 58(3)(a) of the Act you will be regarded as having not agreed to the community body's request, however, this does give you an opportunity to discuss options with the community body that do no rely on the Part 5 right to buy process.

☐ **Option 3** - I/We, the land owner identified in Part A of this form do not agree to the request made by the community body to transfer the land to them.

Signed on behalf of the land owner identified in Part A of this form by

Name:

Address:

Date: DD / MM / YYYY

Position:

Signature:

Name:

Address:

Date: DD / MM / YYYY

Position:

Signature: