

Rural and Environment Directorate  
Rural Communities Division

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Mr Donald Mitchell  
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Your ref/Ur faidhle:  
Our ref /Ar faidhle: CB0000112  
17 March 2011

Dear Mr Mitchell,

**APPLICATION OF 26 MAY 2010 FROM MACHRIHANISH AIRBASE  
COMMUNITY COMPANY TO PROCEED WITH THE RIGHT TO BUY LAND  
AT MACHRIHANISH AIRBASE**

I refer to my letter of 11 August 2010 which indicated that the MACC's application dated 26 May 2010 has been extinguished on the basis that the ballot was not carried out in a fair and reasonable manner in accordance with the requirements of section 52 of the Land Reform (Scotland) Act 2003 and the Community Right to Buy (Ballot) (Scotland) Regulations 2004. Despite the terms of that letter the Scottish Ministers have now considered the application of 26 May on its merits.

Notice under section 51(5) of the Land Reform (Scotland) Act 2003 ("the Act") is enclosed.

In terms of section 51 of the Act, the Scottish Ministers have considered the application by Machrihanish Airbase Community Company (MACC) to buy land at Machrihanish, Argyll & Bute. They now reject MACC's application to proceed to buy the land.

The enclosed Notice sets out the reasons for the Scottish Ministers' decision and your attention is specifically drawn to the notes contained in the Notice, which provide information on the effect of the right to buy and on rights of appeal against the Scottish Ministers' decision.

In accordance with section 51(5) of the Act, a copy of this letter is being sent to the landowner, the Ministry of Defence, per Defence Estates, Hilton Road, Rosyth, Fife KY11 2BL, and to the Keeper of the Register of Community Interests in Land.

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Yours sincerely

A handwritten signature in black ink that reads "Heather Holmes". The signature is written in a cursive style with a large initial 'H'.

Heather Holmes

**On behalf of Scottish Ministers**

## **Notice by the Scottish Ministers under section 51(5) of the Land Reform (Scotland) Act 2003**

The Scottish Ministers have considered the application by Machrihanish Airbase Community Company (MACC) of 26 May 2010 to proceed to buy the registered land at Machrihanish, Argyll & Bute, that includes the ex-RAF Machrihanish Airbase, in terms of Part 2 of the Land Reform (Scotland) Act 2003, ("the Act"). They do not consent to the exercise of the right to buy in this case and direct the Keeper of the Register of Community Interests in Land (RCIL) to enter a record of the decision not to give consent to the exercise by MACC of the right to buy the registered land for the following reasons:

- Section 51(3)(c) of the Act requires that before approval Ministers must be satisfied that what the community body proposes to do with the land is compatible with furthering the achievement of sustainable development. The "Report by the Machrihanish Airbase Community Company to Scottish Ministers" has been measured against economic, social, environmental, financial, risk assessment, displacement and strategic fit factors. MACC's proposals appear to be Zero scoring and High/Medium risk. This was based on an assessment which aims to consider all relevant factors in an application in some depth and then take an overall view of the individual case proposal in making the final recommendation. This framework assesses economic, social, environmental criteria, overall development opportunities, displacement, strategic fit, as well as including a risk assessment of the proposals and the Community Body's ability to undertake them. The scoring is according to High, Medium, Low or Zero, with median scores where a full score is not achieved. We are not satisfied that the requirements of section 51(3)(c) of the Act have been met.
- Section 51(3)(d) of the Act requires that before approval Ministers must be satisfied that the proposed purchase of the land is in the public interest. We are not satisfied that the proposed purchase of the land is in the public interest. While MACC's aspirations show some intent to address directly the needs of the local community, its plans do not show that the acquisition of the airbase will bring a real benefit to the community of South Kintyre. MACC's proposals do not show that it has fully addressed the issues of owning and maintaining a large and very complex piece of real estate which has a range of substantial contingent liabilities which we consider would also pose challenges to the professional developer.

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### **NOTES**

Where a community body confirms they wish to proceed with their right to buy the registered land, in terms of section 56(3)(a) of the Act, it has six months

from the date of confirmation to conclude missives, unless it is a late application, or where the valuation is appealed, or such later date as is agreed by both parties.

An owner of land or a community body may, by virtue of section 61(1)(b) or (2)(b) of the Act, appeal by summary application to the sheriff against a decision by Scottish Ministers in respect of right to buy.