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Rural Communities Division

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Your ref/Ur faidhle:  
Our ref /Ar faidhle: CB00112  
17 March 2011

Dear Mr Mitchell

**NOTICE BY THE SCOTTISH MINISTERS UNDER SECTION 37(17) OF THE  
LAND REFORM (SCOTLAND) ACT 2003: DECISION ON CONSENT TO  
PROCEED WITH THE RIGHT TO BUY LAND AT MACHRIHANISH  
AIRBASE**

**Case Number: CB00112**

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) of 20 December 2010 to buy land at Machrihanish, Argyll & Bute. They now give consent for 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 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.

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 20 December 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 are satisfied that the right to buy be entered in the Register of Community Interests in Land (RCIL) for the following reasons:

- Section 51(2)(a) of the Act requires the community to approve the CB proceeding to buy the land in question. This approval is demonstrated where Ministers are satisfied that:
  - (i) at least half of the members of the community vote in the ballot conducted by the community body on the question of whether the community body should buy the land; **or**
  - (ii) where less than half of the members of the community have so voted, the proportion which did vote is, in the circumstances, sufficient to justify the CB's proceeding to buy the land.
- MACC advises that 5817 people comprise the "community" for the purposes of this application and, as such, were eligible to vote in terms of section 34(1)(a) of the Act. 2789 votes were cast. This equates to 47.94% turnout. We were informed that a further 372 votes were received between 20 December and 23 December, which were late votes. Had they been included in the ballot count, they would have brought the turnout to 54.34%. The number of votes returned in time does not meet the requirements of section 51(2)(a)(i) of the Act (that at least half of the members of the community voted in the ballot conducted by the CB on the question of whether the CB should buy the land). However, if the votes are analysed under section 51(2)(a)(ii) of the Act, of the 2789 votes cast, some 2642 or 94.72% of them voted in favour of the proposals. The requirement of section 51(2)(a)(ii) of the Act is therefore met.
- Section 51(2)(b) of the Act requires that the majority of those voting have voted in favour of the proposal that the community body buys the land. MACC advises that 2642 of the 2789 persons voting, voted in favour of the proposed community purchase of the land. This equates to 94.72% of those who voted, voting in favour of the community proposal. This requirement is therefore met.
- Section 51(3)(a) of the Act requires that the land is registrable land. The land remains registrable land and so this requirement is met.
- Section 51(3)(b) of the Act requires that the CB continues to comply with the provisions in section 34 of the Act. This has been confirmed

by MACC in its application for the right to buy. This provision has therefore met.

- Section 51(3)(c) of the Act requires that the CB's proposals for the use of the land are compatible with furthering the achievement of sustainable development. This was demonstrated in the CB's application to register its interest and is supported by a Business Plan.
- Specific suggestions for the future, submitted by MACC, include:
  - Acquiring and developing the former Machrihanish Airbase in a manner which is financially and environmentally sustainable and which will create opportunities for local communities, businesses and residents.
  - Developing three separate parcels of land for residential use.
  - Developing an area of the site which has existing buildings, many of which have the potential for re-use, for further commercial development (eg for conference/wedding facilities/meeting places for local businesses and organisations and residential accommodation, for example for local contractors and for tourism).
  - Developing three parcels of land for recreational uses (golf, holiday accommodation and community based recreation such as sports pitches).
  - Transferring the existing leases to MACC to manage in an appropriate manner.
  - Developing the majority of the site for further industrial development:
    - Aviation - potential aviation uses including aircraft maintenance and refuelling, aircraft parking and storage, jet fuel storage and HMRC designated Free Zone, all of which would be complementary to the assumed continuation of the civilian airport operations, and accommodation for local contractors and tourists).
    - Renewable energy manufacturing and servicing, including large scale renewables manufacturing, fabrication and construction, as also the potential for biomass, hydro, wind and anaerobic digestion schemes for community energy.
  - Developing resources for the community such as:
    - Storing caravans and boats;
    - Using buildings for agricultural feeds and machinery storage;
    - Using land for grazing sheep/cattle;
    - Post and parcel service distribution;
    - Community garage (refurbishing old cars etc);
    - Community meeting hall;
    - Community shop;

- Meeting space for the British Legion;
  - Space for local judo club, Police baton training;
  - Sports facilities for the community;
  - Training facilities for welders/other trades;
  - Using facilities by cadet forces;
  - Using the mess for weddings / functions;
  - Outdoor and indoor concerts;
  - Model flying club and flying club;
  - Space for Council offices / storage.
  
- MACC believes that the development of the land will provide potential for the local economy of the area, e.g. to:
  - Allow the local community to thrive and offer increased opportunities for residents and businesses whilst improving environmental quality.
  - Strengthen local communities and provide infrastructure and opportunities to promote local economic development.
  - Support and encourage the local skills base and inward investors.
  - Capitalise on the unique infrastructure and accessibility of the site given the air and sea transport routes that the area offers.
  - Create opportunities for local communities, businesses and residents.
  - Plans for the base are complementary to initiatives to secure the future economic and social prosperity of the wider Campbeltown area. Together, these projects create a strong local base for future sustainable development of this rural community.
  - Use the site for a wide variety of potential land uses which would, in the long term, work together to create a balanced and viable local economic and community base.
  
- Our determination on sustainable development indicates that this project appears to have an average score of **Medium** (2 x High scores, 2 x Medium scores and 2 x Low scores) and be **High/Medium** risk (relating to the capacity and track-record of the Community Body). 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 content that the provision in section 51(3)(c) of the Act has been met.

- Section 51(3)(d) of the Act requires that the proposed purchase of the land is in the public interest. We are satisfied that the proposed purchase of the land is in the public interest. MACC's aspirations show some intent to address directly the needs of the local community, and that its plans will bring benefits to the community of South Kintyre (the site has the potential to play an important role in the future of the area). In terms of the liabilities attached to water and sewerage, officials across both Government, other relevant public sector interests including HIE and Scottish Water are in discussion on how these risks might best be addressed. This work will not complete within the timescale for a decision on this application; however, discussion has identified specific actions at this stage, which are in progress.
- The aims of the legislation include creating opportunities to empower and strengthen communities where this would be in the public interest. There is no evidence to suggest that the proposals would disadvantage the wider community, or the environment, or cause direct harm to any private interest. No concerns have been brought to our attention from members of the community, though we have received reservations from one public body on the costs of the liabilities on the site and the capacity of MACC to take on a property of this scale and complexity, though supports the principle of community purchase, and is willing to support MACC in refining its Business Plan and working with it to progress its right to buy should Ministers grant approval. The criterion in section 51(3)(d) of the Act has therefore been met.
- Section 51(3)(e) of the Act requires that Ministers are satisfied that there has not, since the date on which they decided that MACC's interest be entered in the Register of Community Interests in Land (RCIL), that is 11 February 2010, been a change in any matters to the extent that, if the application were to be made afresh, they would decide that the interest should not to be entered in the RCIL. MACC confirms that there have been no such changes. This requirement has therefore been met.
- In addition to the above criteria set out in the Act, the Community Right to Buy (Ballot) (Scotland) Regulations 2004 place further requirements on the CB in conducting the ballot to determine the level of community support for proceeding with the right to buy the registered land. The

main requirements are that the ballot shall be secret; that it will be conducted fairly and reasonably and that certain actions are taken within the set timescales. The Regulations also allow the CB to determine, within certain constraints, when the ballot is held, how it is held and whether proxy votes should be allowed.

- MACC advises that Mrs Irene O'Neill, Honorary Sherriff, counted the votes and she was independently witnessed by Councillor Donald Kelly. The ballot was independently undertaken by Argyll & Bute Council. No representations have been received raising concerns over the conduct, or otherwise, of the ballot. We believe therefore, that a fair and reasonable ballot was conducted as prescribed.

In accordance with section 51(5) of the Act, a copy of this letter is being sent to the landowner, Ministry of Defence per Defence Estates, Hilton Road, Rosyth, Fife KY11 2BL. The Scottish Ministers will direct the Keeper of the Register of Community Interests in Land to enter in the Register a record of the decision to give consent to the exercise by Machrihanish Airbase Community Company of the right to buy the registered land.

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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.