

Official use only	V 2
Received date	
Registration number	
Expiry of registration	

**LAND REFORM (SCOTLAND) ACT 2003**

**APPLICATION FORM TO REGISTER OR TO RE-REGISTER A COMMUNITY INTEREST IN LAND**

**APPLICATION TO REGISTER**

**PLEASE USE BLACK INK AND CAPITAL LETTERS**

**PART A**

**1 Name of Community Body (CB)**

BUTE COMMUNITY LAND COMPANY
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Contact title	MR
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Contact forename	MARK
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Contact surname	EWING
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House name	T C YOUNG
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House number	7
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Street name	WEST GEORGE STREET
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Post town	GLASGOW
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Postcode	G2 1BA
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Telephone number

Fax number

Email address (if available)

**2 Company details**

A Community Body must be a Company Limited by Guarantee, registered in Scotland. A copy of the **Memorandum** and **Articles of Association** of the Community Body should be enclosed, along with a copy of your **Certificate of Incorporation**.

Company registration number

Name of registered office

Address of Registered office

Postcode

**3 Location of Community, as defined by the Community Body**

No. of maps/drawings enclosed

Postcode unit(s) covering Community area

PA20	

Name, location and boundaries of the community. (Complete on a separate sheet if necessary). Please also show the community in relation to the land to be registered on one map, if possible. Please ensure that maps are referenced accordingly.

The name of the community is the Isle of Bute. The Isle of Bute lies in Scotland's Firth of Clyde. 15 miles long by approximately 4 miles wide Bute is around two hours from the city of Glasgow and is accessible by regular ferry services from the mainland. Plan 1 annexed illustrates the extent of the community.

**NOTE** Any map or plan supplied must conform to the requirements in the Community Right to Buy (Specification of Plans) (Scotland) Regulations 2004 (S.S.I. 2004/231).

**4 Details of land in which interest is being registered**

No. of maps/drawings enclosed

1
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County

BUTE
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Postcode details

PA20	

4 figure OS grid reference numbers (e.g. NT1234) covering land to be registered/re-registered\*

NH1212	

Written description of land in which interest is to be registered detailing boundaries and indicating measurement, where required (complete on a separate sheet if necessary). Please ensure that maps are referenced accordingly.

The area of ground in which the interest is to be registered is shown within the boundaries edged red on plan 2. Rhubodach Forest comprises a substantial, compact block of commercial woodland. Situated in location overlooking the Kyles of Bute at the north end of the Isle of Bute, access to the forest is taken off the A886 public road. The forest lies in the post code area PA20.

The forest extends to 701.7 hectares or 1,734 acres or thereby.

**NOTE** Any map or plan supplied must conform to the requirements in the Community Right to Buy (Specification of Plans) (Scotland) Regulations 2004 (SSI 2004/231).

5 **Details about the landowner**

If the landowner is unknown, enter 'Unknown' in 'Name' field below and see **Q10 of PART B** of this form.

Title

Name

Address

Postcode

6 We apply for registration of our interest in the land specified in this application under the Land Reform (Scotland) Act 2003. We certify that the information supplied in this application is correct to the best of our knowledge and belief.

Title of Chairperson

Name of Chairperson

Signature \_\_\_\_\_

Title of Secretary

Name of Secretary

Signature \_\_\_\_\_

Date

**PART B**

Delete **YES**, **NO** or **NOT APPLICABLE** as appropriate.

**N.B. If more space is required for any question on this part of the form, please indicate at the bottom of each question that you have continued on additional pages. These additional pages should be attached to the end of this form and referenced accordingly.**

**Q1.** As far as you are aware, has your application to register an interest in land been submitted timeously i.e. before any of the actions specified in section 40(1) (as read with section 40(5)) of the Act have been taken, such as advertising the land for sale or taking other steps to transfer the land for value? **NO**

If NO, you should complete Q8.

**NOTE** An application to re-register an interest in land is timeous if submitted within 6 months before the expiry of the period referred to in section 44(2) of the Land Reform (Scotland) Act 2003. There is no provision in the Act to accept late applications for re-registration.

**Q2.** Please provide the names and addresses of the Chairperson and Secretary of the CB.

Chairperson's title

Chairperson's forename

Chairperson's surname

Address DAISY COTTAGE, ST NINIANS BAY,  
ISLE OF BUTE

Post town ROTHESAY, BUTE

Postcode PA20 0QF

Secretary's title MR

Secretary's forename ANDREW JOHN RICHARD

Secretary's surname WALTERS

Address MUNRO'S B&B,  
17 ARDMORY ROAD

Post town ROTHESAY

Postcode PA20 0PG

**Q3.** Please state the names and addresses of all members of the CB and those who are members of the community as defined under section 34(5) of the Act.  
You should identify the different types of member where appropriate.

See Register of Members attached.

**Q4.** Do you have at least 10% support from the community? **YES**

If YES, please provide details, including supporting evidence, of the number of eligible voters in your community.

If NO, please indicate what percentage of support you consider that you have. Also please provide reasons why the support is less than 10% and why you think the application should be approved.

See the copy petitions, website signing form and website returns, and email from Argyll & Council stating the numbers of eligible voters in the community.

1617 people signed the petitions and 96 people voted online on the website comprising in total 1713 people out of 5306 eligible voters. This comprises 32.28% of the eligible voters.

It is significant that the petitions were first distributed and the website set up only on 6 September 2009 and that these votes were all received in an extremely short period between then and 14 September 2009. There is no doubt that, had it not been necessary to lodge this application urgently this number would have increased much further still.

**Q6.** Does your application include mineral rights? **NO**

If YES, please provide details of rights and any separate ownership involved.

**Q7. (a)** Do a significant number of members of the community have a substantial connection with the land to be registered/re-registered\*? **YES**

Please explain your answer.

The Isle of Bute is a small island approximately 15 miles long and 5 miles wide. The land in question is a significant part of this (comprising nearly 6% of the surface area). It includes land of substantial amenity value and importance to the community in that it includes:

- Land which is part of a national scenic area,
- Land which is part of a special site of scientific interest

- A significant area of coastline
- Buttock Point, the most northerly point on the island
- the Maids of Bute, a well known tourist attraction
- 
- The Bull Loch, one of the few lochs on the island
- The route of part of the only long distance walking route on the island, the west island way

If you answered NO to Q7(a), please answer Q7(b)(i) and (ii).

(b)(i) Is the land to be registered/re-registered\* sufficiently near to land with which members of that community have a substantial connection? **YES/NO**

(ii) Is the acquisition of the land by the community body compatible with furthering the achievement of sustainable development? **YES/NO**

Please explain your answers. Please answer (b)(i) and (ii) separately.

(i)

(ii)

**Q8.** If you have answered 'NO' to **Q1 of PART B** to this form, please provide reasons why your application is not timeous and why the 'Late Application' procedure in section 39 of the Act should apply. Please also provide the additional information required therein. ***NOTE There is no provision in the Act to accept late applications for re-registration.***

The Isle of Bute is the seat of the Marquess of Bute. The Stuarts (or 'Stewarts' as they were formerly known) have had an extremely long association with the island. Thus:

- Sir John Stewart was given the hereditary title of Sheriff of Bute by Robert II in about 1385 and given the land of Bute. This grant of land was confirmed by a charter of Robert III in 1400.
- His great great grandson Ninian Stewart was made Hereditary Captain and Keeper of Rothesay Castle.
- A later descendant (the seventh in succession since Sir John Stewart) was made the first Earl of Bute in 1627.
- In 1796 the Fourth Earl, John Stuart was made the first Marquess of Bute.
- The present 7<sup>th</sup> Marquess, John Crichton-Stuart, inherited his title in 1993 on the death of his father. He styles himself "Johnny Bute".

The vast majority of the island of Bute is owned by the Mount Stuart Trust (commonly known as 'the Bute Estate') on behalf of the Marquess of Bute. It owns the ancestral home of Mount Stuart, farm land, residential and commercial property, commercial forest, hills, lochs, coast and other areas of great value to the community. Until the property the subject of this application came onto the market, the general belief amongst the community was that, with the exception of a few farms that were in private ownership, all the land on the island in excess of a few acres or so was owned by the Bute Estate.

Although the land comprised in the Bute Estate includes much land which is of critical importance to the community, no attempt has been made to register it under Part 2 of the Land Reform (Scotland) Act 2003 since the community was and remains entirely confident that the present Marquess of Bute would not seek to sell it, accepting as he does his social responsibilities on behalf of the community. This confidence has been borne out by recent events. Although the Marquess has sold Dumfries House in Ayrshire and his land interests in the island of Great Cumbrae he has publicly justified the sale on the basis that he wants to concentrate on his property interests on the Isle of Bute. Furthermore, various attempts by local residents (most recently a local tenant farmer seeking to purchase three farms which he occupied) to persuade the Bute Estate to sell land have invariably been rejected.

The community first became aware that the land in question was for sale shortly after an advertisement appeared in Scottish Farmer on 15 August 2009. The community was shocked to discover both that such a large and significant piece of the island was for sale and also that it was owned not by the Bute Estate but by Lord and Lady Attenborough. The community had been aware that Lord and Lady Attenborough had a home on the island (which is adjacent to and not part of the land being sold) but it had not been aware that they owned this significant area of land comprising nearly

6% of the island (1,734 acres out of 30,188 acres).

Attempts were made to contact Lord and Lady Attenborough urgently but they directed that all enquiries should be made through Bidwells, the vendors' agents. Bidwells had, around this time, been indicating informally to prospective purchasers that a closing date of 24 September 2009 might be set. Contact on behalf of the community was made with Bidwells who indicated that the vendors would not favour greater community usage of the land and shortly thereafter on 3 September 2009 official notification was received that an early closing date had been set for noon on 16 September 2009.

Fearing that the vendors' agents might be seeking to frustrate any bid by the community for the land by seeking an early conclusion of missives on a sale to a third party, this application was prepared and lodged as a matter of urgency.

The significant community feeling which this proposal has generated is illustrated by the fact that efforts to collect signatures in support of this application from registered voters on the island did not commence until 6 September and by 13 September 1713 signatures had been obtained, some 32.28% of the eligible voters on the island.

**Q10.** If, at Section 5 of **PART A** to this form, you have entered 'Unknown', please provide details of investigation undertaken to identify the owner (see requirements in section 37(4) of the Act).

N/A

**Q11.** Please list the names and addresses of all persons who are known to you to have legally enforceable rights and interest in the subjects of the application, including all persons with leases, other legally enforceable rights or interests and any heritable creditors in all or part of the land. Please provide details of any such rights.

A search in the Sasines register has been obtained which indicates that there are no registered Leases or Standard Securities over the property. There is a right of pre-emption over approximately 1/10<sup>th</sup> of the land in question in favour of the Marquess of Bute and the Mount Stuart Trust having their registered office at 48 Castle Street, Edinburgh

**Q12.** Is the land, or any part thereof, in which you are applying to register/re register\* an interest:

- a. land which has planning permission? **NO**
- b. land which has an outstanding planning application relating to it? **NO**
- c. land which is included for development in the Local Authority Local Development Plan? **NO**

If YES to any of these questions, please provide details.

**Q13.** Is any part of the land in your application known to be the subject of a compulsory purchase order? **NO**

If YES, please provide details.

**Q14.** Please explain how the proposals of the community body are compatible with furthering the achievement of the sustainable development of (a) the land, and (b) any salmon fishings and mineral rights included in this application.

The land has excellent resources both natural and economic.

Its natural resources are illustrated by the fact that on the eastern part of it is within a National Scenic Area and the northern and western part is within the North End of Bute Site of Special Scientific Interest (SSSI). Scottish Natural Heritage's Site Management Statement for this SSI describes it as follows:

*'This site contains the most valuable areas of upland habitat and oak woodland on Bute. It also includes a small freshwater lochan, the Bull Loch, and a long stretch of coastline. This mix of different habitats supports an important population of breeding birds including golden eagle, hen harrier, merlin, black grouse and red-throated diver.'*

The community body proposes to maintain and enhance the land's natural resources by controlling the bracken and deer population and by taking any other measures recommended by Scottish Natural Heritage (SNH) in order to main and improve the biodiversity and wildlife in the area. As the only completely wild and remote area on the island it is essential that it retains that character.

It also proposes to clear parts of the commercial forest (which fall wholly outside the SSSI) in order to increase the views of the Kyles of Bute and to plant native species around the boundary of the commercial forest in a way which will increase the visual amenity of the area.

It proposes to create paths, cycle ways and the like through this area of commercial forest and to improve access on foot through the oak woodland (for example to the remains of the old settlement at Balnakeilly) so as to increase the amenity value of the area in a way which is consistent with the maintenance of its rich biodiversity and wildlife.

It proposes actively to work the commercial forest by taking thinnings and by clearing parts of it selectively and to use the wood principally for the island's own needs. Consideration will be given to using part of the wood to supply a combined heat and power (CHP) plant which is presently being proposed in Rothesay, the main town on the island.

It proposes considering the viability of the Balnakeilly burn and other rivers within the area to service small-scale hydro-electric power installations.

**Q15.** Please explain how your development proposals–

- (a) are compatible with furthering the achievement of sustainable development of the community to which this application relates; and
- (b) how these proposals will offer increasing environmental, social and economic advantage to that community.

The ownership by the community of a significant area of land on the island will enhance the sense of community and belonging felt by residents on the island through working together to enhance and enjoy an area that it is their ownership.

The active management and selective thinning and management of the commercial forest (which is subject to no active management at present but is being simply left to achieve full maturity) will produce full time employment for at least three people on the island and a market on the island for the wood that is produced. A further three people would be employed on the island in processing the wood if it is converted into woodchips and/or planks.

It is estimated that a net annual income of £60,000 could be produced by such management which would be invested in improvements to the access and amenity of the area.

The improvements in the area's biodiversity and wildlife and the increased access to the area will open up a much loved part of the island, which at present only the fit and adventurous can fully enjoy, to a much wider section of the community. Furthermore it will act as a spearhead to attract tourists to the community and to promote the island as a popular destination for outdoor and wildlife tourism. This will increase significantly the economic prosperity of the island as a whole.

The possible hydro-electric potential of rivers in the area and the use of the wood for fuel will reduce the amount of wood shipped to the island from the mainland. This will have beneficial environmental consequences in reducing carbon emissions resulting from such shipping and from other forms of heat and power generation.

It is proposed to use the land as a basis for arts projects and for education (both for children and adults) about biodiversity, wildlife and the environment and for education and training in commercial forestry.

**Q16.** Is the amount of land being acquired sufficient to:

(a) further the achievement of the sustainable development of the community?

**YES**

(b) support any salmon fishings and mineral rights included?

**NOT APPLICABLE**

If YES, please supply details of how that support is to be achieved.

If NO, please indicate why this interest should be registered/re-registered\*.

The area of commercial forest is of sufficient size to sustain full time employment and to generate an income which can be used to assist in making other amenity improvements.

The area as a whole is of sufficient size to serve as a destination for outdoor and wildlife tourism and to allow both for various amenity based activities and for the active management of part of the commercial forest to be carried on without conflict between such activities.

**Q17.** Please provide an assessment of any expected impact on any neighbouring communities and on the wider community and, if appropriate, any expected impact on the remainder of the estate to which the land in this application relates.

Neighbouring communities are all separated by sea from the land in question and so there will be no direct impact on them. It is however anticipated that indirectly there will be a positive impact in that the amenity value created by greater access to the area will be available to neighbouring communities which will also benefit economically from the increased popularity of the land in question for tourists.

**Q18.** Please explain why you consider that granting your application would be in the public interest.

The acquisition and management of a significant community asset such as this would greatly enhance the social cohesiveness and sense of belonging of the community. It would directly generate much needed jobs on the island and would help transform the island's economic fortunes (which have suffered greatly since the onset of the package holidays in the late 1960s) through marketing as a destination for outdoor and wildlife tourism. This would all be done in a way which is both environmentally friendly and sustainable.

\*please delete as appropriate

Completed applications should be returned to:

Community Assets Branch  
Area 1-D  
Rural Directorate  
Pentland House  
47 Robb's Loan  
Edinburgh  
EH14 1TY