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Mr Ronald Lansley
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Your ref/Ur faidhle: -
Our ref /Ar faidhle: CB00088

6 May 2008

Dear Mr Lansley

NOTICE BY THE SCOTTISH MINISTERS UNDER SECTION 37(17) OF THE LAND REFORM (SCOTLAND) ACT 2003: DECISION ON APPLICATION TO REGISTER AN INTEREST IN LAND AT DURNESS, SUTHERLAND

Case number: CB00088

Notice under section 37(17) of the Land Reform (Scotland) Act 2003, the Act, is enclosed.

The Scottish Ministers, having considered the application by Durness Development Group Limited to register an interest in land at Durness, Sutherland, have decided that the interest should be entered in the Register of Community Interests in 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 about the effect of registration and about rights of appeal against the Scottish Ministers' decision.

In accordance with section 37(17) of the Act, a copy of this letter is being sent to the landowner and to the Keeper of the Register of Community Interests in Land.

Yours sincerely

RICHARD S FREW

On behalf of the Scottish Ministers

Notice by the Scottish Ministers under section 37(17) of the Land Reform (Scotland) Act 2003

The Scottish Ministers have considered the application by Durness Development Group Limited ("DDGL" or "the company") to register an interest in land at Durness, Sutherland, that includes the Durness Visitor Centre and have decided that the interest should be entered in the Register of Community Interests in Land for the following reasons:

- The company is a community body in terms of section 34 of the Act. Section 34(4) requires Ministers to be satisfied that the main purpose of the body is consistent with furthering the achievement of sustainable development. This is provided for in clause 3 of the company's Memorandum and Articles of Association.
- The land is registrable and not "excluded land" within the meaning of section 33(2) of the Act. The criterion in section 38(1)(a) of the Act is therefore met.
- As the land to be registered is wholly located within the defined community, the Scottish Ministers are satisfied that the criterion in section 38(1)(b)(i), that a significant number of the members of the community defined under section 34(1)(a) have a substantial connection with the land, has been met.
- Evidence has been presented by the community body that there is a level of support of 24% of members of the community and Ministers are satisfied that there is, within the community, at least the 10% level of support referred to in section 38(2)(a) of the Act as sufficient to signify a level of support to justify registration. The criterion in section 38(1)(d) of the Act is therefore met.
- Section 38(1)(e) requires Ministers to be satisfied that it is in the public interest that the community interest be registered. DDGL believes the public interest criterion is covered because:
 - Durness is only one of 2 visitors' centres in the North West Highland Geopark, which makes improving the facility of paramount importance.
 - The overall aim of the plan is to provide a framework for the development of thematically co-ordinated interpretation at the Durness Tourist Information Centre and Visitor Centre.
 - With thousands of visitors coming to the area every year, ensuring that first call professional services with knowledgeable interpretation can be provided with local input is an absolute necessity.
 - Having undertaken many environmental schemes for interpretation and carried out research programmes in conjunction with other Highland communities, it is important to ensure that this archived and historical information is safely available for all.

In determining whether registering the community interest would be in the public interest, all comments provided have been considered. Securing a registered interest prior to the land coming up for sale does not prevent a landowner from

developing the land in any way. That is a matter for the planning system. Nor does it require the landowner to sell the land. Ministers are satisfied that the benefits of registering the community's interest will be positive and no negative impacts have been identified. DDGL is attempting to register an interest to safeguard the community's position and to provide an opportunity to deliver community benefits should the land be disposed of by Openair Limited at any time in the future.

The Act provides opportunities for rural communities to take control of and develop land with which the local community has a connection. Ministers believe that, if successfully delivered, DDGL's proposals should contribute positively to the sustainable development of the land and the visitor centre; to the local community through environmental improvements and through the provision of local amenity land and related facilities. The improved facilities are also expected to benefit neighbouring communities at Lochinver and Bettyhill and contribute to the long-term economic benefit to the area. Ministers are therefore satisfied that approving this application and registering the community's interest would provide an opportunity for DDGL to directly address the aspirations of the local community, thereby delivering the intentions of the legislation. Consequently, they are satisfied that this application meets the public interest criterion in section 38(1)(e) of the Act.

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NOTES

Where a community interest in land is registered, the owner of the land and any creditor in a standard security having right to sell the land, is prohibited from transferring the land, or any part of it or from taking any action with a view to transferring it. The exemptions to these prohibitions are contained in section 40(4) of the Act. Approving an application does not prevent the landowner from developing the land in any way, subject to securing any necessary planning consent.

A community body, or an owner of land may, by virtue of section 61(1) or (2) of the Act, appeal by summary application to the sheriff against a decision by Scottish Ministers to register or refuse to register an interest in land.

A person who is a member of the community, as defined in section 34(5) of the Act, or who has an interest in the land giving rise to a right which is legally enforceable by that person may, by virtue of section 61(3) of the Act, appeal by summary application to the sheriff against a decision to register an interest in land.

Where the owner of the land, in respect of which a community is registered, proposes to transfer that land, the owner shall notify the community body and Scottish Ministers in the prescribed form, under section 48(1) and regulation 5 of the Community Right to Buy (Forms) (Scotland) Regulations 2004.