



## 2 Company details

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

Company registration number

2 8 1 9 1 4

Name of registered office

K I N G H O R N   C O M M U N I T Y   L A N D

A S S O C I A T I O N   2 0 0 5

Address of registered office

3 4   P E T T Y C U R   R O A D

K I N G H O R N   F I F E

Postcode

K Y 3

9 R L

## 3 Location of community, as defined by the Community Body

Postcode unit(s) covering community area


See Appendix B

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.

The community is the burgh of Kinghorn. It is located on the East coast of the Kingdom of Fife, south of Kirkcaldy, across the Firth of Forth from Edinburgh.

The sea marks the community boundaries on the east and the south. The boundary to the north runs from the railway line on the east coast to Seaford House, along the access track to the Grange, via the Grange cottages across to the Red Path Brae road. The boundary then follows the Red Path Brae road north west until the access road to Craigencait Cottages, at which it follows the access road south west. At the sharp bend in the access road the boundary continues across to the westerly approach road to Craigencait that comes off from the B923. It follows this road then crosses it at the B923. The boundary continues south west until it reaches the Burntisland Golf Course where it turns south east, skirting the Kingswood grounds to cross the A921 and railway to complete the boundary at the sea shore.

Appendix C illustrates the community in relation to the subject land.

4 Details of land in which interest is being registered

Number of maps/  
drawings enclosed

1

Appendix E

County

F I F E

Postcode details

K Y 3

9 4 9

OS grid  
reference numbers  
covering land to  
be registered

NT

2 6 8 7

Written description of land in which interest is to be registered (complete on a separate sheet if necessary).

The subject land is bounded to the west by a post-and-wire-strung fence bordering a recreational strip of land on the eastern shore of Kinghorn Loch [K1]. Running northwards, the fence curves to the east and travels alongside the access road to that strip. At the north-east corner of the subject land, the fence turns southwards, bordering a tarred semicircle used for car parking. (This area of the subject land was developed for that purpose by Fife Council.) At the southern end of the parking area is the proposed line of development for new houses. This line goes westwards then turns south to align with a chain-link security fence, which runs south to meet the B923. (The fence shuts off a rectangle of land currently housing some derelict buildings of a former tannery.) The southern boundary continues westward for a short distance along the B923, until a low wall turns north and then west again. This wall borders another property [K3]. Some way along the wall is the junction with the western boundary fence of the subject land, running northwards.

The subject land was previously used for agricultural purposes, for crop growing or set aside, but is currently lying fallow.

NOTE

Any map or plan supplied must conform to the requirements in the Community Right to Buy (Specification of Maps) (Scotland) Regulations 2004.

5 Details about the landowner

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

Title

Name

KINGHORN DEVELOPMENTS LTD

Address

2 WEST STREET

PORTADOWN

CO. ARMAGH

Postcode

BT6 2 3PD

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.

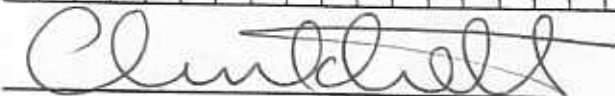
Title of Chairperson

MR

Name of Chairperson

CHRIS MITCHELL

Signature



Title of Secretary  
(or other rep)

MR

Name of Secretary  
(or other rep)

RICHARD BREWSTER

Signature



Date

06 07 2006

# PART B

Delete **YES** or **NO** as appropriate.

**N.B.** If more space is required for any question on this part of this 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.

Q1. As far as you are aware, has your application to register an interest in land been submitted timeously ie before any of the actions specified in section 40(1) of the Act have been taken, such as advertising the land for sale or taking other steps to transfer the land for value? **YES**  
If NO, you should complete Q8.

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

Post town

Postcode

Secretary's title

Secretary's forename

Secretary's surname

Address

Post town

Postcode

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.

See Appendix X.

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

If YES, please provide details.

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.

A petition was signed to demonstrate community support, see Appendix Y for details.

**Q5.** Does your application include salmon fishings which are owned separately from the land in respect of which they are exigible? **NO**  
If YES, please provide details.

**Q6.** Does your application include mineral rights? **NO**  
If YES, please provide details of rights and any separate ownership involved.

**Q7.** Do a significant number of members of the community have a substantial connection with the land to be registered? **YES**

Alternatively, is the land to be registred sufficiently near to land with which those members of that community have a substantial connection, and its acquisition by the community body would be compatible with furthering the achievement of sustainable development? **YES/NO**

If NO in either case, please provide details.

The land lies within the boundary of the community.

**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.

**Q9.** Please provide details of the checks made, and by whom, to establish the ownership details provided in Section 5 of **PART A** to this form, and heritable creditor details in **Q11** below.

Checks were made at the Land Registry by Mr Hugh McNeil on 16<sup>th</sup> March 2006.

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

**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 or other legally enforceable rights or interests in all or part of the land and any heritable creditors. Please also provide details of any such rights.

None

**Q12.** Does the land, or any part thereof, in which you are applying to register an interest:  
(a) have planning permission? NO  
(b) have an outstanding planning application relating to it? NO

Is the land, or part thereof, included for development in the Local Authority Local Plan? NO

If YES to any question, please provide details.

The subject land is designated for cemetery within the local plan.

**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 provide an explanation as to how the proposals of the community body are compatible with furthering the achievement of the sustainable development of the land and any salmon fishings and mineral rights included in this application.

Once the community body acquires the subject land it intends to lease the land to Fife Council for use as a cemetery. Discussions have taken place with Fife Council and they are happy to work in partnership with KCLA 2005 to accomplish this. Within Kinghorn and the surrounding area there is a need for an additional cemetery as the current one in the village is now full. Fife Council has already attempted to acquire the land but has had no joy in doing so. The Council are considering but have not yet secured, a compulsory purchase order. A CPO is seen as a last resort and when using these powers the Council must prove that they have taken all other steps possible to bring the land into its intended use. A partnership with the Land Association is preferable to using their compulsory purchase powers. Registering an interest in the area will ensure that the local demand for a burial area will be met, meeting social needs.

Leasing the land to Fife Council will provide an income for KCLA and will enable the CB to address its financial sustainability.

**Q15.** Please provide an explanation as to how your development proposals are compatible with furthering the achievement of sustainable development of the community to which this application relates and how they will offer increasing social and economic advantage to that community.

The proposal for the cemetery will offer both social and economic benefits to the community, and therefore contribute to sustainably developing the community, as it will:

- provide a local place for people to be buried;
- enable easy access for people who wish to visit deceased friends and family and therefore keep the distance traveled to a minimum;
- provide local employment as jobs will be created within the cemetery;
- provide an alternative burial ground in line with sustainable principles for people who wish to plant a tree in remembrance of those deceased;
- provide a dedicated burial ground for local people of a variety of religions and cultures that is not available anywhere else in Fife;
- provide an income for KCLA 2005 which will assist with running costs of the organisation and increase its ability to operate in the interest of the community with a focus on environmental management;
- provide an area of solace;
- provide a long-term, low-impact, settled use meeting community needs for many years to come.

**Q16.** Is the amount of land being acquired sufficient to support any salmon fishings and mineral rights included, and sufficient to further the achievement of the sustainable development of the community?

YES  NO

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

If NO, please indicate why this interest should be registered.

The land is sufficient for a cemetery.

**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 of which the land in this application forms a part.

We believe that our registration of interest in the subject land and its subsequent acquisition would have no adverse impact on neighbouring communities or on the wider community. We earnestly believe that community ownership would bring benefits to both for the reasons already given. New housing that will be built on the footprint of the former tannery buildings will adjoin part of the subject land. KCLA 2005's proposals will ensure that the new owners of these properties have a peaceful outlook.

**Q18.** Please provide an explanation as to why you consider that granting your application would be in the public interest.

Granting this application would be in the public interest as it will ensure that the people of Kinghorn and surrounds are provided with the burial grounds which they need for now and the future.

At a public inquiry into the Local Plan the community of Kinghorn supported the proposal for an additional cemetery in Kinghorn, due to the current burial area being almost full to capacity. The Reporter to the public inquiry was convinced that it is in the public interest to locate a cemetery on this site and this use was subsequently confirmed as an allocation in the Kirkcaldy Local Plan. The application concurs with the Local Plan. See Appendix GG.

Completed forms should be returned to:

**Land Reform (Scotland) Act 2003: Community Right to Buy  
Area 1-D  
Pentland House  
47 Robb's Loan  
Edinburgh  
EH14 1TY**