

K18



SCOTTISH EXECUTIVE

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Received Date	30/10/06
Maps included	
Expiry	

# LAND REFORM (SCOTLAND) ACT 2003: Part 2

## APPLICATION FORM TO REGISTER

### A COMMUNITY INTEREST IN LAND

PLEASE USE BLACK INK AND CAPITAL LETTERS, USE TAB KEY TO MOVE BETWEEN BOXES

# PART A

1 Name of Community Body (CB)

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								

Contact title	M	R																				
Contact forename	R	I	C	H	A	R	D															
Contact surname	B	R	E	W	S	T	E	R														
House name																						
House number	3	4																				
Street name	P	E	T	T	Y	C	U	R	R	O	A	D										
	K	I	N	G	H	O	R	N														
Post town	B	U	R	N	T	I	S	L	A	N	D											
Postcode	K	Y	3	9	R	L																
Telephone number	0	1	5	9	2	8	9	2	3	0	6											
Fax number																						
Email address (if available)	r	j	m	b	@	e	c	o	s	s	e	.	n	e	t							

**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 Seafield 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 Craigencalt 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 Craigencalt 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

See Appendix W

County

FIFE

Postcode details

KY3

949

OS grid  
reference numbers  
covering land to  
be registered

~~NT 261875~~

NT 2687

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

The subject land consists of a small triangle on the north-east shore of Kinghorn Loch, formed at some time from ground reclaimed from the Loch – hence the lack of official title. It lies just to the south of the southern boundary of Craigencait Farm at the point where that boundary crosses from the shore to run along the access road from Red Path Brae (on the unclassified road running north from the B923 to the B9157). The southern boundary of the triangle forms part of the northern boundary of the adjacent land to the south [K1]. The western boundary is shoreline.

**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

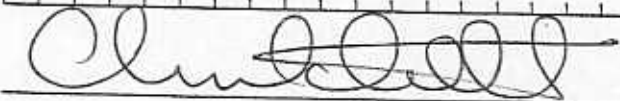
Name

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 (or other rep)

Name of Secretary (or other rep)   


Signature \_\_\_\_\_

Date

# 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	M R
Chairperson's forename	C H R I S
Chairperson's surname	M I T C H E L L
Address	7 4 P E T T Y C U R R O A D
Post town	K I N G H O R N B U R N T I S L A N D
Postcode	K Y 3 9 R W
Secretary's title	M R
Secretary's forename	R I C H A R D
Secretary's surname	B R E W S T E R
Address	3 4 P E T T Y C U R R O A D
	K I N G H O R N
Post town	B U R N T I S L A N D
Postcode	K Y 3 9 R L

**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/NO

Alternatively, is the land to be registered 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 community has traditionally used the subject land (and neighbouring land around the loch) for a variety of recreational purposes, including fishing, walking and bird-watching. According to a community consultation (see Appendix BB) of those consulted around one-quarter visit the area once a week and another quarter, on average, every month. (See Appendix AA, 'A Notable Fifeshire Town: Kinghorn'.)

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 in March 2006 by Hugh McNeil and again on 21<sup>st</sup> June by Hugh McNeil and Rosalind Ramage.

**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).

In order to try to identify the owners KCLA placed an advert in the Courier on Monday 17<sup>th</sup> July 2006, which covers the Fife area and therefore includes the area where the land is situated. A notice was placed on the land, near the path, in an attempt to identify the owner. The Secretary spoke with a local resident about suspected ownership but none has been established. *See Appendix HH*

It is suspected that the reason the land has no registered owner is due to the fact that the land has been reclaimed from the loch.

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?

YES/NO

(b) have an outstanding planning application relating to it?

YES/NO

Is the land, or part thereof, included for development in the Local Authority Local Plan?

YES/NO

If YES to any question, please provide details.

Q13. Is any part of the land in your application known to be the subject of a compulsory purchase order? ~~YES~~ **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.

**Q14**

Craigencalt Ecology Centre currently manages the subject land (Appendix DD) (see [www.theecologycentre.org](http://www.theecologycentre.org)). The intention would be for KCLA 2005 to lease the land to the Ecology Centre for them to manage it sustainably. This would include the land being used for:

- Access for recreation in particular for anglers who currently have no dedicated section to fish from;
- Opportunities for volunteering for local people, encouraging them to take ownership of the site.

CEC is currently recognised as:

- A best practice example of community regeneration;
- A place that is socially inclusive and unique in Scotland for the services it provides;
- A training facility for disadvantaged people, including individuals with disabilities and the unemployed;
- A haven for wildlife and an increasing number of rare species;
- An area of ever increasing biodiversity.

The subject land supports a diversity of flora and fauna. The land will be developed and improved in order to increase the biodiversity of the area and provide an area for fishing.

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.

Craigencalt Ecology Centre currently provides seven local people with employment. It also provides training facilities for unemployed people and individuals with disabilities. Volunteering opportunities help local people build their self-esteem and confidence, learn new skills and gain work experience to assist them into employment or to change career. Disadvantaged people gain real-life job experience, helping them improve their employability and move into either work or further education or training.

The subject land offers valuable training and volunteering opportunities to learn about conservation, biodiversity and wildlife management. The Ecology Centre will be able to develop and maintain the subject land through these work experience schemes, so providing economic benefits for the local community.

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

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

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

Yes. The land is sufficient to provide access for fishing from the bank and to support increased biodiversity.

**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.

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

We firmly believe that community ownership of this site would be in the public interest, as it would ensure the protection and use of a much-valued community asset.

It is in the public interest for the community to own the subject land as, when Local Nature Reserve status is granted for an area around the Loch, community ownership will ensure a sustained commitment from locals to assist with the management of the area. Community ownership will also increase the opportunities to draw down funds to develop and improve the facility; it will create a more attractive proposition for partner bodies such as Scottish Wildlife Trust / Scottish Natural Heritage/ local authority. Community commitment will be apparent and will provide continuity of land ownership.

(Please note that, to date, no specific boundary has yet been designated for the Local Nature Reserve.)

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