

[REDACTED]

From: [REDACTED]
Sent: 11 January 2018 09:29
To: [REDACTED]
Subject: FW: Stalking Lease on Ulva and possible hole in the Act?

Follow Up Flag: Follow up
Flag Status: Flagged

From: John Addy [REDACTED]
Sent: 10 January 2018 16:18
To: [REDACTED]
Cc: [REDACTED]
Subject: Stalking Lease on Ulva and possible hole in the Act?

Good afternoon [REDACTED]

As I mentioned to your colleague on the phone earlier this afternoon (sorry I didnt catch his name), a question has arisen here in relation to the deer stalking lease on Ulva.

As stated in the sales particulars, the present lease expires on February 18th and a concern has been raised as to what would happen if a new lease was put in place prior to our purchase (assuming we get to that point in June)?

We do not of course know the detailed breakdown of the independent Valuation which was carried out by the DV, but we do know from our own expert valuation advice that stalking rights would likely be a very significant element in the overall figure. Both directly as an intangible but significant asset, and also because the “private island premium” would be reduced if a valid lease had the effect of reducing the “privacy” element.

The importance of Deer Stalking as part of the property being marketed is evidenced by the prominence it is given in the sales particulars and it is a significant element in our plans for the island.

Important as Deer Stalking is to our Business Plan, we have also begun to fret a little about a potentially even more serious “hole” in the act. Namely, there does not appear to be anything to prevent the owner leasing any or all of the property during the period of prohibition on transfers. We have been advised that shooting rights might not be binding on a new owner but that may be moot and could lead to dispute if we attempted for example to manage the stalking ourselves or put in a new shooting tenant. A lease on the land or a building would presumably be a different matter and could bind a new owner?

You will appreciate that we could not contemplate taking these matters to court, for example to seek an interdict. But if they do represent a “hole” in the act is there anything the CRTB team could do?

regards

John Addy

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[Redacted]

From: [Redacted]
Sent: 16 January 2018 16:13
To: John Addy [Redacted] colin@nwmullwoodland.co.uk; Ian A Hepburn <ian_nwmullwoodland@btconnect.com> (ian_nwmullwoodland@btconnect.com)
Subject: North West Mull Community Woodland Company Limited - CB00221 - Section 51B form - Request for more information please

Hi

**LAND REFORM (SCOTLAND) ACT 2003
NORTH WEST MULL COMMUNITY WOODLAND COMPANY LIMITED – CB00221
ISLAND OF ULVA AND ASSOCIATED ISLANDS AND LAND AT ULVA FERRY, ISLE OF MULL**

Thanks for sending to Scottish Ministers North West Mull Community Woodland Company's Section 51B Information Form (and supporting documents). Which was received on 9 January 2018. Scottish Ministers have reviewed them, but under section 51B(5) of the Act we are writing out to request further clarification on a number of points.

Scottish Ministers are also asking for further clarification under Section 52(5)(b).



[NWMCCWC.2513
Further informati...](#)

The request for more information in the letter may look a lot, but they are designed to help ensure Scottish Ministers are able to fully consider whether, to consent to the Right to Buy, and whether it is in the public interest to consent to it. Some of the requested for information, should be easy to respond on, and the request for information could also help to North West Mull Community Woodland Company to ensure they develop a robust business plan as possible for future use. It is also possible that some of the requested information could appear in future business plans being submitted to funders, as after all business plan are a living document and Scottish Ministers due to timings are seeing an early one as opposed to a more development one over the years. Equally the asset being required is large, and Scottish Ministers want to be sure that if it was consented too, it wouldn't leave North West Mull or the community in difficulties in the future.

Scottish Ministers would be grateful for a response by 23:59pm on the **22 January 2018**. If no response is received, then Scottish Ministers will make a decision on the evidence submitted by North West Mull Community Woodland Company on the 9 January 2018.

Thank you.

[Redacted]



[Redacted]

[Redacted]





[REDACTED]

Colin Morrison
North West Mull Community Woodland
Company Ltd
Penmore
Tobermory
Isle of Mull
PA75 6QS

Your ref:
Our ref: CB00221

16 January 2018

Dear Colin

**COMMUNITY RIGHT TO BUY: PART 2 OF THE LAND REFORM (SCOTLAND) ACT 2003
“the Act”
NORTH WEST MULL COMMUNITY WOODLAND COMPANY LTD – ISLAND OF ULVA
AND ASSOCIATED ISLANDS AND LAND AT ULVA FERRY, ISLE OF MULL**

Thank you for submitting North West Mull Community Woodland Company Ltd’s (NWMCWC) Section 51(3)B Information Form (which included a draft business plan, feasibility study, Membership details and current Governing Document) to Scottish Ministers.

In order to fully consider the Community Right to Buy, Scottish Ministers are now requesting further information under section 51B(5) and section 52(5)(b) of the Act. NWMCWC has until 23:59pm on the **22 January 2018** to provide this information to Scottish Ministers.

BALLOT

Scottish Ministers are aware of the material that was issued by the ERS. Can NWMCWC confirm:

- **That if NWMCWC issued additional ballot promotion material, could they please arrange to forward copies of it?**
- **Please advise what other sources NWMCWC used to promote the ballot?**

BUSINESS PLAN

Scottish Ministers would, at this stage of the process expect for communities to have a reasonable worked business plan (BP) on their proposals. Although, Scottish Ministers do accept these are living documents. Scottish Ministers also acknowledge that communities

who submit a timeous application may not have proposals more defined than those who submit a late application who should have clearer idea of how the proposals will work.

Scottish Ministers have reviewed the information supplied under Section 51(B) and attachments and are seeking clarification on a number of points. This will help Scottish Ministers fully consider the application for consent to proceed under the Right to Buy.

Scottish Ministers are aware that a survey was issued asking if people would like to live on Ulva. Could NWMCWC please:

- **Provide Scottish Ministers with the current statistical breakdown of the responses received to this survey?**

Scottish Ministers are aware that moveable property and livestock didn't form part of the valuation. Can NWMCWC confirm:

- **Whether they plan to negotiate the inclusion of the existing moveable property in the sale and what such moveable property it is?**

NWMCWC have indicated that properties will require some upgrading and timescales for this have been have been provided at table 4 of the BP. The BP also seems to indicate that the bulk of the proposals using properties will operate during the "summer season". Scottish Ministers do expect that land to be used and sustainable all year. As owning assets will always occur costs throughout the year. Can NWMCWC please advise:

- **How the land and assets will be used out with this "summer season"? (i.e. what will the land and assets be used for during the "winter season")?**

Within the finance tables (appendix 1 to 9 of the BP) you have it marked in years. Can NWMCWC please advise how these years periods are calculated to run form.

- **Are the year projections starting from purchase (i.e. August to July) or each financial year (April to March) or each calendar year (January to December)?**

At this point in the process Scottish Ministers would expect a community to know whether (A) the community will run all or most of the assets or (B) whether most of the assets will be rented out. Scottish Ministers are unclear which option is NWMCWC preferred route for some of the proposals. Can NWMCWC confirm:

- **Which option either (A) or (B) for each of their proposals they are going to pursue? And whether (B) for some will be considered as a back-up plan should (A) not become viable?**

In table 5 of the BP mention is made about 4 craft studios. Can MWMCWC please advise:

- **Where they foresee these going?**

Upon reviewing the BP, Scottish Ministers don't see the church or the land at Ulva Ferry on mainland Mull. Please can MWMCWC advise:

- **What they foresee using the church for?**
- **What are their plans for the land at Ulva Ferry (and the slipways)?**

Scottish Ministers note a proposal for the possible creation of small crofts. Can MWMCWC please confirm if:

- **Any discussions with the Crofting Commission have taken place in regards to this and if so, what has been the Commission reaction to creating new crofts?**

Scottish Ministers note the proposals for the woodland and the agricultural land, and that further consideration on how to best to utilise this land will take place, and that Brexit may have an impact on the agricultural side. Given Brexit will occur in 2019 can MWMCWC please advise:

- **What contingency planning is being considering for the agricultural land should Brexit not make the agricultural land viable?**
- **What are NWMCWC plans for the land that isn't covered by the woodland or the agricultural land? (I.e. is there any bio-diversity (given rare wildlife) or general land management plan being planned, and if so, what is it?)**
- **When will NWMCWC know how their plans for the forestry and agricultural land?**

Scottish Ministers note NWMCWC plans for re-developing the current building assets with the creation of camping sites, tourist facilities, area for new business, and housing improvements. Can NWMCWC please advise:

- **Would any development require planning consents?**
- **Whether any contact has been with the relevant planning authorities?**
- **Could planning effect the proposed development timescales?**

Scottish Ministers are aware of a track running from Gometra to the boat house for use by the residents of Gometra and clearly any new residents living on Ulva. Can NWMCWC please advise:

- **That upgrading the path network on Ulva will take place and when it's expected to start?**

Mention is made of selling land (excluding selling land for housing plots). Scottish Ministers consider that allowing a community to buy land and then to sell parts of it may not be in the spirit of the Act. Should NWMCWC be considering selling any land after purchase, then please advise:

- **Under what reason would it occur?**

NWMCWC have indicated that a development manager will manage the assets with some of the sites and other buildings appearing to include more than just the development officer (i.e. cleaning/admin staff), and mention is made about volunteers (table 6 in the BP for example). Can NWMCWC please advise:

- **How they intend to fund such a posts after the initial 18 months, if external funding is not secured?**
- **Who would carry out the work improvements or future maintenance on Ulva (i.e. local or national trades people)?**

- **Give an indication of how many possible jobs (direct or indirect) could be created and whether they would likely be full/part time or seasonal?**
- **Would there be opportunities for other local volunteering or education opportunities?**

Scottish Ministers expect that any purchase of assets by a community will bring benefits to the whole community (through either the use of the asset, employment, benefiting from visitors using the asset etc). Upon reviewing the BP, Scottish Ministers (other than Ulva Ferry School class role potentially increasing if more people stay on Ulva) can't seem to see how the wider North West Mull community and indeed Mull as whole would benefit from owning the land in question. Please can NWMCWC:

- **Give an expanded indication to Scottish Ministers of what benefits the wider community will gain by owning Ulva? (this could be the Economic, Environmental and Social benefits – as like answered in the application form).**

The income on rental appears to be based on “full occupancy levels” right from the start. Can NWMCWC confirm:

- **Whether the calculations are based on full occupancy levels?**

Scottish Ministers note community shares may be an option to help fund purchase. However an NWMCWC current legal structure appears not to allow this. Also NWMCWC state selling off surplus assets could also help to raise purchase costs.

- **Can NWMCWC please advise how would they achieve raising community shares and what surplus assets NWMCWC are thinking could be sold?**

Scottish Ministers note the list of potential funding sources (including loans). Can NWMCWC please confirm (could take the form of a table to reply and also covers purchase and development):

- **How much money you are planning to ask the Scottish Land Fund (SLF) for?**
- **What are the back-up funders is the SLF do not award full grant requested?**
- **Has contact been made with the funders as noted in the BP?**
- **How much are NWMCWC planning to seek in funding from these funders? and for what?**

Scottish Ministers acknowledge this is a long term project, and it will take more than 5 years to implement and that long term forecasts may not be ready, however can NWMCWC provide:

- **An expected 10 and 15 year projections of where they'd like to be by then?**

Scottish Ministers also have a couple of other enquiries about costs

- **Please advise what other sources (other than crowd funding) they are planning to use/apply to, to make up the missing 5% on purchase costs?**
- **Do NWMCWC propose to use any of their surplus capital to invest in buying or developing the land?**
- **If not, please can you explain why the company buying the land is unprepared to use their own money to help with purchase or development?**

Scottish Ministers aren't sure if all projected income and outcome streams (in appendix 9 of the BP) have been captured (for example, have business rates been taken into account, has any legal costs been taken into account in relation to potential planning costs or asset development costs (like Health & Safety), staffing costs, costs for the church and Ulva Ferry land or costs associated with croft creation, acquiring machinery, and for income whether rental incomes from craft sites, or Ulva Church, or land at Ulva ferry, the woodland, farming etc) have been captured.

Scottish Ministers can see how NWMCWC will be able to monitor the success of the repopulation of Ulva, but can NWMCWC please advise:

- **How you plan to monitor the long term success of the other proposals?**

Feasibility Study

Scottish Ministers note differences between proposals in the feasibility study to the BP. In that a number of proposals in the feasibility study don't appear in the business plan (for example – tourist boards, renewables, affordable new build homes, conservation, some tourist idea's, transport infrastructure etc. Or in the BP last page that a number of proposals may be investigated further. Can NWMCWC please advise:

- **Why some of the proposals in the feasibility study (which also formed part of the CRtB application) haven't appeared in the BP?**
- **And give an indication of when the proposals as noted in the last page of the BP will be investigated?**

Scottish Ministers acknowledge that a BP is a living document, and that maybe not everything has been captured in the version supplied, but could appear in future BP as plans are more firmed up. Scottish Ministers would be grateful for a response to our request for additional by 23:59pm on the **22 January 2018**. If no response is received, then Scottish Ministers will make a decision on the evidence submitted by NWMCWC on the 9 January 2018.

Yours sincerely


On behalf of Scottish Ministers