Thank you for the opportunity to contribute to the dialogue in the development of the Community Empowerment Bill. This is an important piece of legislation which should, if it is developed fully, contribute to strengthen communities throughout Scotland, and help to foster stronger engagement of the people within the communities, enabling them to take control of their own destiny.

I am writing this as the Chair of the Holmehill Community Buy-out group. Full details of our organisation, its aims and experiences are on www.holmehillblog.org and www.holmehill.org. These comments are based on our experiences which, as one commenter observed, are considerable as we are probably the longest established buy-out group still functioning, but who have not secured their land ownership goals. The last ten years have been frustrating and hard work, requiring tenacity in the face of the “system”, but we have survived and intend to continue, until we secure our goals.

These comments are not on the detailed clauses, as we do not have the technical capability to make detailed comments on the legal clauses of the Bill. They are around the objectives that we consider will make the Bill more effective and generate considerably more community involvement, changing the balance of power in communities from speculators to the local people.

Options

Our second attempt to lodge a “right to buy” was thwarted by the “sale of an option to sell” on the land we wished to register, at an apparently late stage in the registration process. Our understanding is that “options” are not registered so it is not possible to see who holds an interest in the land – an issue that needs resolving. It is not clear to us that the Bill, as proposed, has sealed this loophole. We would be grateful for confirmation that it has, or if not, for confirmation that it will be sealed.

Neglected or abandoned land

Up until June 2013 we might have considered that this clause would have been useable in the case of Holmehill, but our experience over the last 14 months has suggested that it has a limited application as currently drafted.

It is quite clear that the landowner is not currently, in the dictionary definition, neglecting the land, nor is it abandoned. What is happening is the wholesale destruction of the woodland that makes it the special
Local Government and Regeneration Committee

Submission Name: Holmehill Community Buyout

Holmehill Community Buyout is the campaigning name of Holmehill Ltd (Scottish Charity No SC 036988)

Holmehill Ltd is a company registered in Scotland No 279947 Registered address : Rannoch House, 20 Dargai Terrace, Dunblane FK15 0AU

Our aims are:-Creating an Accessible Woodland  Play, Adventure and Education  Healthy and Sustainable Living  A Wood that Works

place that it is. This destruction is at a slow pace, but also includes the denial of access to a considerable part of the space.

So we are concerned that the concept as presented in the Bill will be of limited value in many cases. There may be cases where it will be of real use to communities so we are not suggesting that it is removed, rather that it is strengthened.

The key issue is not that the land is un-managed, but how it is managed. In our case when we went to court over the refusal to register our first application the judgement against us was partly based on the grounds that we were seeking to purchase the land to subvert the planning process. We would argue quite the contrary – at the time of purchase by the current owner, after our rejected registration, Holmehill was designated in the Local Plan as public space. Our desire to purchase it was to retain it as public space and develop it as a public amenity. Thus our intentions were actually in support of the planning process, unlike the current owner who paid a price based on the idea that they would overturn the designation and build on the land – a speculation.

What has transpired has been years of neglect, two planning applications for building that have had to be fought through the planning process and which were ultimately respectively withdrawn by the owner and rejected by Stirling Council. Moreover we secured a continuing, and strengthened designation, as public space, in the new Local Plan with strong support from the Local Plan reporter.

However all of this has been at considerable cost to the community, both financial and emotional.

Now the neglect has now been replaced by an illegal felling of a large number of protected trees and subsequently the very slow destruction of the woodland on Holmehill by the owner, Allanwater Developments. This is restricting its use by the public, has damaged the general aspect and reduced habitats for birds and other wildlife. It is significantly reducing its amenity value to the people of Dunblane.

To prevent this ongoing destructive activity we still wish to purchase Holmehill and to develop it into a vital green space for all of the community to use.

Consequently we consider that the Community Empowerment Bill should include the ability for the local community to take ownership of land that is not being used in line with the defined planning designation and where there is a clear community demand.

This is critical in the case of land bought speculatively, where communities have to endure repeated planning applications to change be use of the land, often against consulted local plans, by the speculators as they try to realise significant profits. This aspect of the planning and land ownership process causes great cynicism amongst communities and considerable backlash against development in general.

As a group we hope that you will address these issues so that we can secure Holmehill for the community and then develop it into the valuable and accessible community resource that the community desire, rather than its remaining as a semi-derelict woodland.

David Prescott
Chair Holmehill Community Buyout