

From:
Sent: 24 April 2012 15:44
To:
Cc:

subject: Proposed Acquisition of NLB Land/Buildings at Cape Wrath

Update on the proposed acquisition of the NLB land and buildings at Cape Wrath

Issue:

The Northern Lighthouse Board declared to MOD in late 2011 that they were intending to put the non-operational land and buildings at Cape Wrath up for sale. The land extends to approximately 43 hectares, with a number of redundant buildings in a poor state of repair. The MOD declared an interest in the property, as this land is considered critical for future military operations at MOD Cape Wrath. If the MOD were to acquire this additional land then it would provide the following benefits; prevention of a hostile neighbour owning the land which could see future military exercises being interrupted, new artillery and mortar locations, availability of troop accommodation, no future over firing rights from 3rd parties being required (other than the Highland Council property), and the expansion and 'tidying up' of the range which would mean an enhanced training facility for the MOD.

Durness Development Company, a Community Body set up to acquire the land in 2007 under Section 2 of the Land Reform (Scotland) Act, lodged an application to acquire the land but this right has since expired (expires after 5 years). At the Durness Community Council / MOD Liaison Meeting held on 18 April 2012, the Development Officer for the Durness Development Company stated they would be re-registering their interest in the land. Under Section 46 of the Act, the Community Body has the right to register an interest in the same land at a later date if the previously registered interest has expired, however they need to show in their application to the Scottish Ministers that their application is likely to lead to the right to buy this time within the 5 years (clearly they didn't raise the funding last time round) and that it still has the community support to achieve its aims. The decision rests with the Ministers to approve a re-application. Alternatively the Landlord (ie NLB in this case) can appeal against re-registration of an interest (ie from the Durness Development Company) but I am not sure if they would be minded to do this, nor if the MOD would be minded to lobby them to do so. This remains an option though and shouldn't be ruled out at this stage.

Valuation of the Land and Buildings extending to 43 hectares or thereby:

DIO LMS appointed the VOA (District Valuer) in December 2011 to value the land and buildings on instruction from Navy Command (who hold the funding for the proposed acquisition). There was a significant delay in receiving the Report as the VOA had to confirm they could accept our instruction and that there was no conflict of interest as they had previously acted for Durness Development Company in 2008. Internal approval within the VOA was sought and the valuation proceeded. The valuation was received on 24 April 2012 by DIO LMS, and the market value for the land and buildings is [redacted]. I had previously intimated to all parties that the land had been valued at [redacted] but I have since learned this was a 2005 market value for a smaller area of land extending to 22 hectares. I also just learned today that the 42 hectares of land we are now considering was valued in 2008 by the VOA for the Community at [redacted] and so there is only a slight increase in the four years to now.

I have gone back to the VOA seeking sight of the comparables they used to value this site and I am now content with the justification for the figure quoted of [redacted]. Despite the remoteness and ruggedness of the land, and the MOD restrictions placed upon it, the property does have hope value

15/05/2012

CFO
Head Hard FM
Dep Head Hard FM (LMS)

ACQUISITION OF LAND AND BUILDINGS AT CAPE WRATH CURRENTLY OWNED BY THE NORTHERN LIGHTHOUSE BOARD

ISSUE

1. Whether to approve funding for the acquisition of land and buildings at Cape Wrath currently owned by the Northern Lighthouse Board (NLB) to extend the range at DTE Cape Wrath.

RECOMMENDATION

2. CFO is invited to approve:- the funding for the acquisition of the land and buildings (extending to approximately 42 hectares of land and several low level stores/garages) at Cape Wrath which is currently owned by the NLB .

TIMING

3. Urgent

BACKGROUND

4. The MOD acquired circa 9000 ha of land at Cape Wrath in the 1990s which forms the MOD Cape Wrath Bombing Range today. A small area of land with buildings, extending to approximately 42 hectares and currently owned by the NLB, lies to the north west tip of the Range (see plan attached). The MOD currently has over-firing rights over this area of land. The NLB recently advised the MOD that they wish to sell this area of land with a few buildings and enquired if the MOD would be interested in acquiring it. Both DTE (the operators of the Range) and the Navy (a key user of the Range for frequent NATO led Joint Warrior Exercises) are both very keen to acquire the land for the following reasons; it would provide greater flexibility for amphibious and ground based training, it would provide more much needed artillery and mortar locations and it would prevent a hostile neighbour from moving in and being so close to all the military action which takes place there.
5. Navy Command HQ, with approval from yourselves under the BC ROS/CAP/ESM/004 Pt2 dated 22 December 2011), has already funded the Valuation Office Agency (VOA ie District Valuer) to value the site available to the MOD. Navy Command HQ will also fund the acquisition and on-going maintenance costs of the acquired land and buildings as they see it as a crucial area in the further development of the Range at Cape Wrath and have funds available this year to purchase it and fund the through life maintenance costs associated with the land and buildings.
6. The VOA has completed its Valuation Report and reported that as at May 2012 the market value of the land and buildings is . is worth noting that the same land and buildings were valued by the VOA in 2008 for a Community Right to Buy bid by a local development group based in Durness at , therefore there has only been a slight increase in values over recent years which is reasonable in my professional opinion.

DIO Ops North
Subject: Proposed Acquisition of NLB Land/Buildings at Cape Wrath

Update on the proposed acquisition of the NLB land and buildings at Cape Wrath

Issue:

The Northern Lighthouse Board declared to MOD in late 2011 that they were intending to put the non-operational land and buildings at Cape Wrath up for sale. The land extends to approximately 43 hectares, with a number of redundant buildings in a poor state of repair. The MOD declared an interest in the property, as this land is considered critical for future military operations at MOD Cape Wrath. If the MOD were to acquire this additional land then it would provide the following benefits; prevention of a hostile neighbour owning the land which could see future military exercises being interrupted, new artillery and mortar locations, availability of troop accommodation, no future over firing rights from 3rd parties being required (other than the Highland Council property), and the expansion and 'tidying up' of the range which would mean an enhanced training facility for the MOD.

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12/07/2012

DIC

Sent: 02 August 2012 15:29
 To:
 Cc:
 Subject: 20120802-Acquisition_NLB Land/Buildings_Cape Wrath-4_8_4_2
 Attachments: 20120803-SON_Acquisition_NLB_CapeWrath-4_8_4_2.doc; DTE Cape Wrath - Potential Acquisition Costs of NLB Cape Wrath



20120803-SON_Acquisition_NLB_CapeWrath-4_8_4_2.doc; DTE Cape Wrath - Potential Acquisition Costs of NLB Cape Wrath

SON from Navy Command attached as is the valuation from Senior Land Agent, Rosyth at a purchase price of £55K, legal fees of £10K and £175K maint (£17.5K pa over 10 yrs). Also recommended was quick demolition of the Lloyds Building @ £32K to avoid potential listing and H&S repairs. A total sum of £272K ex VAT

Bldg 95, Rm 28, LWC Warminster, Wilts BA12 0DJ

DII/F:

email:

DTRO Web Site

-----Original Message-----

From: [redacted]
 Sent: 31 July 2012 17:07
 To: [redacted]
 Cc: [redacted]
 Subject: FW: RE: Proposed Acquisition of NLB Land/Buildings at Cape Wrath

- the e-mail below has been copied to your people in Scotland, before seeking confirmation as to NC HQs willingness to fund, is this, from a DTE perspective, a practical proposition?

I have not seen the SoN. Does it establish a training need that acquisition of the land and lighthouse buildings at Cape Wrath will meet? do we understand the likely purchase, cost of making good the site and maint?

([redacted] | TL DTRO
 HQ LWC, Warminster, Wilts, BA12 0DJ

DII/F:

-----Original Message-----

From: [redacted]
 Sent: 31 July 2012 13:57
 To: [redacted]

Cc: [redacted]
 ([redacted])

Comd DTE Scotland

ATN:

Civ No: 0

Work Mobile:

Personal Mob:

From: [REDACTED]

Sent: 13 November 2012 12:41

To:

Cc:

Subject: FW: 20120914-Aquisition of Land at CWR-Update-R

All

Having read this email from [REDACTED] and reading back through my file for the minutes from the VC with Comd DTE in September, I personally think this is as much as NC are able/going to provide to flesh out the enhanced SON for a second survey. It was after all Comd DTE who requested the further survey – over concerns of underground tanks from memory. If we don't get this SON up to RPC Scotland soon there is a real chance of slippage and losing the opportunity to be in with a chance to purchase.

Saying that, having read the email between [REDACTED] and [REDACTED] his morning whereby it stated ([REDACTED] is 'not inclined to support' this acquisition perhaps a decision needs to be taken now as to whether we proceed at all. As I see it, there is an embarrassment factor here for the MOD – if we continue to give the impression to the NLB we are keen purchasers and then pull out after a second survey then future relations with NLB are going to be fraught (the MOD has a number of shared sites, leased sites with the NLB across Scotland and NI). Secondly the very reason why the Scottish Govn is not making a decision on the Community Right to Buy application could be (and this is of course not certain) because they think there is real interest from the MOD and the Community. If the Scottish Govn finally makes a decision not to grant the right to the Community and the NLB then get the chance to offer it to us, and then we pull out, there is yet scope for further embarrassment for both the MOD and Government.

Regards

| Defence Infrastructure Organisation |
Forthview House | 30 Hilton Road | Rosyth | Fife | KY11 2BL

Civ: | Mil:

Mob: |

Email: |

Website: www.mod.uk/dio/

WARNING – CONFIDENTIALITY NOTICE

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13/11/2012

Media Coverage of Cape Wrath Issue

Notes from: DIO Environmental Advisory Services Access and Recreation Team

As we are all aware, on 12th November 2012, a letter was sent from the Minister for Defence Personnel, Welfare and Veterans to John Thurso, MP for Caithness, Sutherland and Easter Ross, that stated the MOD position on access to Cape Wrath, should the department be successful in purchasing the remaining 58 acres of land and associated buildings from the Northern Lighthouse Board.

This letter stated that should we be successful, then on health and safety grounds, access by the local community would be precluded. Currently it is not known where this statement originated from but it does not accurately reflect the true position which is that public access to the Cape will remain largely unaltered in the event of an MOD purchase.

This inaccurate statement was seized upon by the community of Durness and the Durness Development Group (DDG) who currently have a Community Right to Buy application lodged with the Scottish Government. DDG issued a press release (attached) on the 13th December 2012 containing this MOD "statement". Subsequently there has been a lot of coverage in the Scottish media, both TV and press. They have also gained many supporters through their 'Save Cape Wrath' page on the social media network Facebook. Links to this page have appeared on many other pages within the Facebook network.

The John Muir Trust, one of the MODs neighbouring landowners at Cape Wrath, have publicly stated their support for the Community Right to Buy application, based on the wording in the letter.

After a basic search of the internet, below are just some of the links that can be found referring to the Ministers letter. Much of the content of these links is replicated on other websites, as there appears to have been much copying and pasting of information between concerned parties.

It should be stressed that the links below are to material that has appeared after the content of the Ministers letter went public in the DDG press release.

There are many other websites and forums from September onwards, relating to the topic of the MOD s interest in purchasing the land and buildings and the Community Right to Buy application. This includes organisations such as The Ramblers who are a very powerful voice in such matters and are not afraid to be very vociferous.

(Some of these links will not open fully on Dii Terminals)

<http://www.heraldscotland.com/news/home-news/fears-over-access-to-cape-wrath.19858687> - Wed 9th Jan

<http://www.mountain-media.co.uk/blog/mod-would-stop-public-access-if-cape-wrath-is-sold-to-them/> - 13th December. Powerful voice within Scotlands Outdoor Recreation community. has really seized upon this and is using every outlet he has to make comment on it: Twitter, his website, his blog, and although it hasn't

It is inevitable that this badly worded statement will have damaged the MODs relationship with many recreation and access groups as well as individuals from the local community and those with a wider access interest above and beyond the comments and postings on the above. It is imperative that a corrective statement is issued to clarify the MODs position regarding Access to the site in the event of us purchasing the land. This should be issued to the DDG and other relevant parties through a press release and direct posting on forums and web pages by DIO Secretariat. As well as the reputational damage discussed above there is an additional risk that the existing statement will add weight to the community bid to purchase the land if the Scottish Govt believe that all access will be curtailed if the MOD are given the chance to make the purchase.

|Access and Recreation Advisor (Scotland & Northern Ireland) PTS EAS|

Defence Infrastructure Organisation |

Forthview House | 30 Hilton Road | Rosyth | KY11 2BL

Email: DIO_Ops_North-PTS13e2@mod.uk

Website: www.mod.uk/dio/

 **Defence Infrastructure Organisation**

From:
Sent: 09 January 2013 11:23
To:
Cc:
Subject:

All...

The letter sent out by Minister has created a huge amount of bad feeling towards the MOD and its interest in Cape Wrath. This is all seemingly due to the statement that "any local access would be precluded" in the event of an MOD purchase. This is damaging not only to the Cape Wrath issue but also impacts upon our reputation with wider access interest groups and organisations across Scotland and the UK.

I am keen that draft response is put out there with some urgency as the rumour mill is rife and the access forums, web pages and blogs are fast filling up with anti-MOD posts. Scott is, as I type, at home wading through the numerous sites and will report back tomorrow with what he is finding. I would hope that we would all be in agreement with, as per recent issues in the Home Counties, DIO Sec posting replies directly on to the blogs, facebook pages, etc, to try and calm this gathering storm.

Scott's call was not specifically about Cape Wrath but it was raised and used as a poker during our conversation!

Will await update with interest!!

Senior Environmental Advisor (Access and Recreation) | DIO PTS EAS |
Defence Infrastructure Organisation | Building 97A | Land Warfare Centre | Warminster
| Wiltshire | BA12 0DJ

Civ: | Mil:

Role email: Website: www.access.mod.uk
<http://defenceintranet.diiweb.r.mil.uk/NR/rdonlyres/03D1289B-47B5-40EF->

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[jpg](#) Email Signature JPG (11.6 KB). Opens in a new

 **Defence Infrastructure Organisation**
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<http://defenceintranet.diiweb.r.mil.uk/NR/>

[mail Signature NEW.jpg" \o](#)

"<http://defenceintranet.diiweb.r.mil.uk/NR/> [5-40EF-](#)

Opens in a new
window." \t " blank

From:
Sent: 08 January 2013 17:13
To: [
Cc:
(MULTIUSER)
Subject: 20120107-Draft reply TO 03827.doc

Many thanks for your comments and input, which I hope are reflected in this updated draft. I'm going to send it to DIO

DIO Ops N

From:)
Sent: 14 May 2013 10:59
To:)
Subject: RE: Acquisition of Cape Wrath land
Attachments: FW: Release-Authorised: CWR

I've had a good dig through the file and have a better understanding of the situation.

From a strictly MOD viewpoint, DIO Ops Training (DTE) held the view from their former commander down through that the case for acquisition was not absolutely compelling, as there was not a clear training requirement to acquire the land and buildings. The drivers to the proposal were Navy Command, who saw this as more of an opportunity to safeguard potential future over-firing rights and potentially increase the area to the west which could be used for live firing. The site comprises approx 42 hectares and includes a number of dilapidated buildings needing significant investment to bring up to a basic standard to meet health and safety requirements as well as various buildings best demolished, a number of underground tanks etc. DIO Ops Training saw the buildings as being of little or no operational use as troop shelters. In summary the site presented quite a significant potential liability, which would come onto DIO Ops Training's books, not Navy Command.

DIO Ops Training asked NC to prepare a Statement of Need for the works requirement to enable NC to inject funds within FY 12/13 from in-year underspend to allow RPC to carry out the necessary works to meet basic MOD standards. However, there was significant wrangling about this and NC did not seem able to prepare the Statement of Need to satisfy DIO Ops Training that the initial works would bring the buildings and infrastructure up to a satisfactory standard that would require no more than standard ongoing care and maintenance. This is further complicated by the location and difficulties in getting plant, machinery and people there, which was another factor in DIO Ops Training being somewhat sceptical about this, the suspicion as far as I can read being they were being potentially lumped with a large drain on finances after NC's initial cash injection, which might not meet basic requirements as detailed in the initial SON. I understand the initial spend including acquisition, fees and works was panning out around

In terms of the overfiring rights, whilst it may help to acquire this land, the café run by A (of Christmas turkey fame) is next door and owned by Highland Council, leased to the with a term of 9 years to run until expiry of the current lease. Under Navy protocols, they will not fire over people or inhabited buildings, so acquiring the NLB site would actually make little or no difference to over-firing capabilities for as long as the café is in existence or a third party is in occupation of the Highland Council-site. If we play a slightly longer term game, clearly it would make sense to acquire the land to avoid hostile parties taking over, but the DIO Ops Training view seems to be relatively short to medium term based upon significant spend for little training benefit as they see it.

I think it's fair to say that NC were looking at this over the longer term and could see the potential significance of acquiring the site, or if nothing else preventing it getting into someone else's hands who may not be so sympathetic to MOD, but in DIO Ops Training's defence, they would be the ones footing the future maintenance bill.

The further complication is of course the Community Right to Buy issue. Durness Community launched their initial bid seemingly as a defensive measure and without too much substance behind it and thus failed to come up with funding to purchase the land in the 5 year registration period. This expired in Aug 12 after 5 years, but they applied to Scottish Government to renew the RTB interest. The reapplication was opposed by NLB, and under Land Reform legislation Scottish Ministers had 7 days from 24th Aug 2012 to determine whether the bid was competent, but we appear to be still

From: L...
Sent: 04 July 2013 16:21
To:
Cc:

Subject: RE: NLB Cape Wrath

As we discussed, and I was drafting this while your e-mail below arrived. The Community Right to buy registration of interest (or to be accurate, re-registration) by Durness Development Group has been approved by Scottish Ministers. This automatically triggers a 5 year period under the Land Reform Act 2003 whereby the landowner, Northern Lighthouse Board, is not at liberty to sell, or negotiate sale of the land to anyone other than the Durness Development Group. From the guidance, the landowner is "prohibited from transferring the land, or from taking any action with a view to a transfer" with anyone else.

This means that any interest from any part of MOD is academic, there is nothing that we can do other than wait to see if 5 years elapse and DDG fail to purchase.

You've covered all the point below.

Regards,

MRICS | Senior Estates Surveyor, Land Management Services |

Defence Infrastructure Organisation |

30 Hilton Road | Rosyth | Fife | KY11 2BL | Civ: | Mil: |

Mob: |

Email: |

Website: www.mod.uk/dio/

From: [mailto:]
Sent: 04 July 2013 16:19
To:
Cc:
Subject: NLB Cape Wrath

A nuance that I had not quite appreciated. LMS has informed me that Scot Gov has approved the Community Right to Buy the NLB Estate at Cape Wrath, which means they now have 5 years to purchase the land. During this time NLB are not allowed to negotiate with any other potential purchasers.

It may be that MOD feels it has the political clout to contest such a decision on grounds of national security needs.

However, it does not take much imagination to picture the local reaction to such an approach and it would make our relationship with the local community very difficult to say the least.

08/07/2013