

THE FINDHORN VILLAGE CONSERVATION COMPANY (TFVCC)

POLICY and PROCEDURE for SALE OF LAND

- a) The FVCC policy is not to sell any of the land holdings purchased from Novar Estates, except in extenuating circumstances as defined below.
- b) In circumstances where there is found to be a historical land issue prior to the purchase of Novar land the Company will give consideration to a request for land purchase or transfer of land.
- c) In cases where it is proven that the land does not belong to TFVCC then measures will be taken to agree and confirm transfer from the Company's title deeds. The landowner would survey and amend titles on the Register of Scotland.
- d) In cases where the land does belong to TFVCC, the prospective buyer will provide information - name, address, location of land, area of land, description of land and planned use of land. TFVCC will have the land surveyed and valued. TFVCC will enter negotiations on the sale of the land area.
- e) In cases where there is a dispute over land ownership TFVCC will have the land - (i) surveyed to determine the exact boundaries and (ii) valued. TFVCC will enter negotiations to try and reached an agreed settlement. Failure to reach an agreed settlement will result in either - (i) jointly engaging the services of a mediator or (ii) engaging the services of our solicitor to try and resolve the dispute.
- f) Under certain circumstances TFVCC may consider agreeing an exchange of land where it would benefit both parties. In such cases the cost of survey and title amendments would be shared by both parties.
- g) TFVCC has authority to ensure restrictions/obligations are applied to the title of the land being sold.

Note 1 -The costs of survey, valuation and conveyancing will be covered by the requester unless shared costs have approved by the Board.

Note 2 - In cases where the Board decide to enter negotiations on the sale of any land the procedure is - (i) at full Board meeting the position regarding parameters of the impending negotiation will be agreed and made clear, (ii) at a full Board meeting two directors will be nominated to represent the Board, (ii) the representatives will report back to the Board, (iv) the Board will decide any further course of action.

Note 3 - TFVCC will notify members when formally approached by any individual wishing to purchase land in Findhorn. Feedback on this will be taken into consideration before any decision is reached.

POLICY and PROCEDURE for LEASE of LAND

TFVCC will at all times consider requests to lease any of the Company's land holdings. The decision to lease or not lease will depend on specific criteria:- i.e. location of land, land use (access, amenity, residential, commercial) and any potential future use of the land by TFVCC. Applicants wanting to lease land will complete - initial enquiry form, heads of terms form and sign to agree terms and conditions. The Board will review this policy annually.

- Applicant will complete an initial form requesting that they wish to lease an identified area of land from TFVCC. The LIE 1 form can be collected from the FVCC office - the Old School, Findhorn or sent electronically.
- Applications will be discussed at the next Board meeting.
- Applicants will be notified of the Board's decision within 3 weeks after the meeting.
- In cases where the Board has agreed to lease land the applicant will complete a Heads of Terms Form LHT1 and detailed map of land area to be leased.
- TFVCC will arrange for a survey, with cost being met by applicant.
- The cost of leasing the land will depend on the use of the land.
- Leases for labs will be for a maximum period of 19 years.
- Cost of leasing land will be reviewed every 5 years and index linked to RPI.
- The Board will have discretion on whether to renew any leases. The Board or the lease holder can terminate any lease giving 4 weeks notice.
- Tenants will pay the Board's reasonable legal and survey fees.
- Once terms agreed with tenant, details will be passed to solicitor to prepare and issue formal ground lease agreement.
- TFVCC will maintain a spreadsheet of all ground leases. Information recorded will include - details of tenant, start date of lease, area of property in sq. metres, use of land, date rent to be collected and year of rent review.

WAY LEAVES

At time of purchase from Novar Estates TFVCC received information on operational wayleaves. Where applicable, when utility companies need to access and work on TFVCC land, discussions will be undertaken to agree any due payments.