

* Case Studies

Mutually Agreed Negotiated Sale of Village Land and Foreshore: Findhorn, Moray

The Findhorn Village Conservation Company (TFVCC) was initially formed in April 2011 after an opportunity arose to register a community interest in a site within the village which was being used as a garage site by residents, however it was subsequently removed from the market. Then in 2012 the organisation had an opportunity to speak to the landowners Novar Estate (NE) about the ownership of the stryplies (lanes) in Findhorn which run through this former fishing village connecting the cottages, as there was concern that these were being lost to the community through sale and subsequent



development. Through these discussions NE asked whether there was community interest in purchasing all remaining NE owned land in and around the village area which comprised a range of different areas of land from lanes and public spaces within the village, areas of foreshore and green space and conservation areas. Early in the process a 'Minute of Agreement' was drawn up by NE's solicitors, signed by both parties, which set out that no land could be sold by NE until TFVCC had explored funding options and also set out arrangements for mapping, valuation etc. The community then undertook a full examination of feasibility and levels of community support, jointly commissioning a mapping exercise with NE and commissioning a valuation of the land, submitting a first application to the Scottish Land fund in July 2014. Consideration of the application was deferred twice to address issues around foreshore ownership and the level of the purchase price with final approval of £520,000 towards purchase and conveyancing costs awarded in January 2015. The land was finally transferred to TFVCC on 3rd March 2016. Although this was a mutually agreed sale it took four years to complete in considerable part due to the extremely complex mapping requirements which NE was responsible for.

(<http://www.findhornvillageconservation.org.uk/>)

Landowner Initiated Whole Estate Negotiated Transfer: Scalpay, Western Isles



The island of Scalpay which lies off the East coast of North Harris in the Western Isles was owned by a private individual Mr Fred Taylor until its transfer to the community in November 2013. Mr Taylor having taken advice from the community council and the community owners of the North Harris Estate made his plans, to gift the island to the community, known to Scalpay residents at a public meeting in March 2011. Following the very positive meeting a Steering Group was established to investigate the feasibility of the islanders taking

ownership and to consider the options for what mechanism should be used as the islanders could either opt to set up a new community land trust for Scalpay or seek to join with North Harris Trust (NHT) which owned the adjacent North Harris Estate. The final decision on how to proceed was subject to a community ballot in November 2012 which asked two questions; the first relating to whether the gift should be accepted and the second related to whether to go with North Harris or whether to have a standalone Scalpay Trust. The community opted to accept the gift and to proceed in partnership with North Harris who then had to adjust their articles of association to reflect the extended geographical coverage and nomination/ election of Directors from Scalpay. While no money changed hands at the time of the transfer there were a range of other acquisition and development related costs incurred by both Mr Taylor and NHT which were met through a Scottish Land Fund grant and NHT's own funds. (<http://www.north-harris.org/>)

Community Initiated Whole Estate Negotiated Sale: Carloway, Western Isles



In December 2011 Breascleite Community Council approached the landowner of Carloway Estate to identify if they were interested in selling the whole estate to the community. The landowner indicated they were amenable to an approach at which time BCC spoke with neighbouring Carloway Community Council and the various grazings committees. In July 2012 a public meeting was held which agreed that the community would investigate the feasibility of a purchase. A Steering Group was established on the night with additional

members co-opted after the meeting. During late 2012 early community consultations took place and the landowner confirmed details of the land and assets to be included in the sale. In early 2013 funding was secured for a feasibility study and a renewables study and consultants were appointed through an open tendering process. In the second half of 2013 the feasibility and renewables work was completed, the community established the Carloway Estate Trust (CET) and a valuation was commissioned from the DVS which was accepted by both the community and the landowner. The community held a ballot to demonstrate community support in February 2014 which had a 68% turnout with a



75% vote in favour of purchase.

Funding for the purchase was secured from the Scottish Land Fund, Comhairle nan Eilean Siar and HIE in May 2014. Conveyancing and mapping account for the remainder of 2014 and on into early 2015. CET formally took ownership of Carloway Estate on 1st May 2015. Carloway Estate Trust or Urras Oighreachd Chàrlabhaigh is now up and running; their first election for directors took place in August 2015 with 16 nominations for 12 places. They have employed a development officer and are investigating a number of development opportunities.



Landowner Initiated Negotiated Sale, Community Declined: Tanera Mor, Wester Ross

In October 2012 the Wilder family, owners of the 760 acre island of Tanera Mor, lying just West of Achiltibuie, announced their intention to offer the community the opportunity to purchase the island and its assets including 9 houses, a café, workshop and other associated infrastructure. At a public meeting it was agreed that the

existing community company Coigach Community Development Company (CCDC) who had recently taken ownership of the Achiltibuie Smokehouse buildings would investigate the feasibility of a purchase. With the financial support of HIE an options appraisal and financial review was commissioned, a process which included a questionnaire to all residents. In February 2013 a further public meeting revealed that while buying the island would be a huge opportunity the questionnaire returns indicated that the community felt it was simply too large a project for CCDC to take on at that time, there were also unresolved issues about the availability of the funding required and the community not being resident on the island. The Chair of CCDC in closing the meeting said: 'We support the conclusion of the questionnaire that we do not pursue the generous offer made for community purchase of Tanera Mor. In coming to this conclusion we recognise that the future of the island plays an important part in the future of the wider Coigach community. As such we undertake to assist the owners in finding a purchaser who will serve the interests of both them and the rest of the community'. The proposal was supported by a show of hands in favour. At time of writing in May 2016 Tanera Mor is still on the market.

(<https://ccdcompany.wordpress.com/>)



Photo by Tom Baker

Landowner Initiated Housing Site Negotiated Sale in Direct Response to Identified Community Need: Ulva Ferry, Mull



In 2010 the primary school in Ulva Ferry on the island of Mull was threatened with closure. In response to this a community group, the Ulva School Community Association (USCA), was formed both securing the future of the school and the development of a community plan through HIE's Growth at the Edge Initiative. The community consultation work, as part of the development of the community plan, carried out in 2011 identified that the greatest threat to

the local community was the lack of affordable housing meaning that young families were not able to live in the area. In direct response to this a local farmer approached the community and indicated that they would be prepared to sell some land to the community specifically for affordable housing. USCA then approached the Mull and Iona Community Trust (MICT) to take the lead on the project as they lacked the capacity and structure to develop the project further. MICT subsequently worked with the local authority planners and the farmer to identify potential housing sites in this very sensitive National Scenic Area. Two sites were identified, one adjacent to the school and one 2 miles from the school, the former was sold to the community at full market value while the latter was gifted. While the sites were agreed in 2013 it took two years to complete the sale process as

planning permission was first secured, a rural housing burden was then placed on the land and there was also a complex process of registering the land as the sites had to be surveyed and mapped. In 2015 MICT finally took ownership of the two plots one of which, adjacent to the school, it will develop to create two highly energy efficient houses for affordable rent built to 'Passive House' standards and costing only £300 per annum to heat, the other of which will be sold with a rural housing burden conditions attached. It is expected that the first two houses will be built by Easter 2017.



(<http://www.mict.co.uk/projects-services/ulvaferrydevelopments/ulva-ferry-housing-project/>, www.justgiving.com/ulvaferryhousing)

Community Initiated Village Land Negotiated Transfer/ Sales: Johnstonebridge, Scottish Borders

The Johnstonebridge Community has secured ownership of 5 sites within the village to deliver a range of projects including a community centre, play area, village gateway, allotments and potentially affordable self-build housing. The first site, as of 2015 fully operational as a multi-functional community centre and play area was gifted to the Johnstonebridge Centre and Community Development Trust (JCCDT) by Annandale Estates (AE) in 2010/11 following two years of project development, discussions and negotiations. Part of the delay was due to the need to establish a community company as the community council is not deemed to be an appropriate legal structure to own and manage facilities as was proposed. The remaining four sites were secured after the community first registered an interest in them through Part 2 of the Land Reform (Scotland) Act 2003 when they were due to be placed on the open market and sold at auction in mid-2012. In late 2012 with support from the Big Lottery community consultation and feasibility work was able to be carried out which demonstrated both community support and suitable end uses for the sites. JCCDT, with ongoing advice from AE who had originally sold the 4 parcels in 2006, secured ownership of the four plots in January 2014 which are all now under various stages development. (<http://www.johnstonebridgecentretrust.co.uk/>)

Landowner Initiated Negotiated Sale, Property Subsequently Removed from Market: Whitmuir, Scottish Borders

The owners of Whitmuir Farm in the Scottish Borders took a decision in 2012 that they would consider selling the farmland, extending to 140 acres, to the community. At that time a community benefit society Whitmuir Community Farm (WCF) was established and subsequently a community share issue was launched in March 2013 which raised almost 50% of the asking price. Then in 2014 the extent of the property to be sold was increased to include the farmhouse and a range of other buildings which raised the price considerably but the owners still agreed to offer a first right of refusal to WCF. After further investigation including a detailed valuation of the farm and buildings by Bell Ingram, the owners decided to withdraw the property from sale. The owners



have however continued to work with WCF and in 2015 signed a five year Memorandum of Understanding with the group to enable them to use the land for a local food and food waste recycling project which has been funded by the Climate Challenge fund from 2015-2017. (<http://www.whitmuircommunityfarm.org/index.htm>, <http://www.whitmuirtheorganicplace.co.uk/about>)

Community Initiated Negotiated Sale of Property being Marketed for Sale: Bonar Bridge, Sutherland

In 2010 the owner and manager of the Post office in Bonar Bridge put both the business and property in which it was located on the open market as they wished to retire. It failed to sell in over three years, possibly as the property also included a house and extensive garden that had been unoccupied for some considerable time and was in need of renovation. In late spring 2013 the local development company the Kyle of Sutherland Development Trust (KoSDT) approached the owner with a view to buying



the property but not the business to help address the perceived barrier and the property was taken off the open market. With support from the Big Lottery's Investing in Ideas fund by August 2015, KoSDT had commissioned a feasibility, undertaken community consultation and had the property valued. The DVS placed a value on the property less than what it was being marketed for but the owner accepted the new value. An application for funding the purchase was submitted to the Scottish Land Fund in November 2013, the funding approved in February 2014 and the property was transferred in March 2014, less than a year after the idea was first mooted. The Post Office has continued to be run privately renting space from KoSDT who have renovated the house and are letting it at an affordable rent. KoSDT are now seeking to develop a terrace of 3 one-bedroom houses for affordable rent in the garden area of the property. In addition to the post office and housing units in Bonar Bridge KoSDT are in the process of securing two other areas of land for other developments, however these have progressed less smoothly one due to having to deal with an 'offshore company' owning one area of land being procured and there being outstanding debts associated with another. (<http://www.kyleofsutherland.co.uk/>)