URBAN COMMUNITY LANDOWNERSHIP IN SCOTLAND IN 2018

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Community Land Scotland
INSPIRING FUTURE COMMUNITIES

Pollokshields bowling green open day field
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INTRODUCTION FROM THE CHAIR OF COMMUNITY LAND SCOTLAND

Community Land Scotland is the representative body for aspiring and established community landowners. It was set up in 2010 by seventeen of Scotland’s early community landowners to provide them with a representative voice; raise awareness of the benefits of community landownership and provide a way for community landowners to share knowledge and information.

Ownership of land has helped our members to deliver significant economic regeneration, environmental sustainability, social benefits and cultural renewal in their communities. When Community Land Scotland was established, community landownership was seen as a Highlands and Islands activity and even in those areas, activity was beginning to tail off. How times have changed – community landownership is increasingly part of mainstream policy and we are seeing a new generation of community landowners spring up across Scotland.

In 2016, the Community Right to Buy and the Scottish Land Fund were extended to cover urban areas. This broadening was crucial because it shows that community ownership and land reform are as relevant to urban settings as they are to rural ones. Some of the challenges faced by urban communities are different from those in rural areas, but we do not believe that these challenges are insurmountable. We believe that, in both urban and rural areas, community landownership will create vibrant places that people want to, and can afford to, make their home in the long term.

Ian Hepburn,
Community Land Scotland
March 2018
EXECUTIVE SUMMARY

The aim of this research is to get a snapshot of urban community landownership in 2018, identify the challenges faced by urban communities that want to buy land and make recommendations on how these challenges could be addressed.

Urban community land ownership in Scotland is currently limited to two community landowning groups plus thirteen communities that are in the process of buying land. A further 17 urban communities that own or are buying buildings have been identified. These communities are varied in region, Scottish Index of Multiple Deprivation ranking, and town or city size. Groups are engaged in planning or delivery of a variety of projects though ownership of land and/or buildings, including gardening and green space projects, community woodlands, amenity and recreation facilities, and one historic site. Neighbourhood and town centre regeneration and affordable housing have been identified as potential growth areas.

Urban communities who have purchased land or buildings have used a mix of Community Right to Buy (CRtB), negotiated sale, and Asset Transfer; aspiring groups are similarly varied. Groups reported the use of CRtB and Asset Transfer to be challenging experiences. With respect to the CRtB, four urban groups have successfully Registered an Interest and two have been unsuccessful. This report makes four recommendations, which focus on:

— 1. Awareness raising and information
— 2. Improving the support available to groups in urban areas
— 3. Making connections across policy areas
— 4. Ensuring all communities have an equal opportunity to buy and develop land
Only two groups could be identified that were: urban communities of geography and that owned land

Thirteen aspiring community landowners in urban areas were identified

There is no evidence that the uptake of urban community landownership is skewed towards more affluent communities

A further 17 urban groups were identified that own, or were in the process of buying, buildings

The majority of land that urban communities own, or are in the process of buying, could be described as greenspace, including community woodlands

Urban community landownership is in its infancy, but it has the potential to protect communities against both economic decline and the effects of gentrification

Urban communities face a different set of challenges to rural communities including high land values; low awareness of the potential of community landownership; a lack of geographically based community bodies and a complex environment in terms of support, planning and access to land

These challenges could be tackled by: improving awareness of community land ownership in urban areas; providing more intensive support for the early urban community landowners and joining up policy at a Scottish and local authority level
INTRODUCTION

This report presents the findings of a research project for Community Land Scotland examining urban community land ownership in Scotland. The Community Empowerment (Scotland) Act 2015 and Land Reform (Scotland) Act 2016 added important dimensions to the existing legal framework for land reform by extending the Community Right to Buy and access to the Scottish Land Fund into urban areas in addition to rural areas. This report is therefore concerned with the current state of community land ownership in urban Scotland. It provides an overview of existing urban community land ownership and considers how urban communities can be assisted to reap the rewards of landownership. Although there are important themes of empowerment that unite community ownership within both rural and urban contexts, there are arguably different dynamics within urban areas in comparison to those in rural areas. Property owners (property management companies, developers, public bodies for example) and communities hold different interests in land, and communities themselves are often very different in constitution in urban than in rural areas. The physical boundaries between urban communities are sometimes hard to define, or overlap with each other. Communities of interest are arguably sometimes stronger than geographic communities in the urban context.

Against this background, the aims of the project were:

- To determine what barriers to community land ownership exist in the urban context and ways in which these could be addressed
- To identify any measures that can be taken to ensure that all communities are equally able to buy land if a need has been identified
- To identify what land uses are of greatest interest in urban areas
- To increase Community Land Scotland’s understanding of the urban context, in order to complement its existing understanding of rural areas

This report makes several recommendations for Community Land Scotland, and the community land sector in general, to help maximise the benefits of community land ownership for urban communities.

1This report is concerned with the ownership of real property, which may include built assets as well as un-built-upon land, such as greenfield or brownfield sites. Henceforth “land” will refer to parcels of real property whose primary purpose is not as the site of a built structure. For example, a large estate that has a house or bothy on it would be “land”, while a site with a public hall and strip of grass would not. “Property” will refer to real property regardless of the land-building make-up.
This research was organised in three stages.

**Stage 1** involved a review of relevant literature on land reform, community property ownership, and urban inequalities. Specific attention was paid to the Scottish context. Cases in England, Wales, Europe, and the United States, were also considered when relevant. This stage also involved interviews with officials from the Scottish Land Fund and the Scottish Government’s Community Land team.

**Stage 2** involved data collection using information from the Scottish Government’s Register of Community Interests in Land, the Scottish Land Fund, and open source data. Further information was collected from communities themselves through interviews and site visits. Data was then collated and analysed to observe any patterns or themes.

**Stage 3** involved analysing the collected data in relation to themes in the literature. Particular attention was paid to community groups’ motivations for their projects, the use of the Community Right to Buy, and the wider social-economic context within which the communities were situated.
BACKGROUND: POLICY & LEGISLATIVE CONTEXT OF URBAN COMMUNITY LAND OWNERSHIP

SUMMARY
Community Land Scotland and the wider community land sector have a depth of land ownership experience rooted in rural areas, primarily in the North West of Scotland. The flourishing of community landownership in rural areas can be attributed to a combination of cultural, historical and economic factors. Moreover, the community ownership policy and legislative framework has until recently been exclusively focused on the rural context, as have existing peer-to-peer support structures and Scottish Government funds for community land acquisition.

RELEVANT POLICY CONTEXT
Community land ownership in Scotland can be seen within the context of several overlapping areas within the Scottish Government’s policy programme that includes: land and the public interest, the Million Acres Target, localism, and community empowerment.

LAND AND THE PUBLIC INTEREST
The Land Reform Review Group’s 2014 report has helped to re-emphasise the relationship between land reform and the public interest. The Community Empowerment Act and Land Reform Act both require Ministers to have regard to equalities, economic and social disadvantage, fulfilment of human rights, and community empowerment. These priorities are prominently stated in the Scottish Land Rights and Responsibilities Statement and are a sign that there are clear links between land reform and these cross-cutting policy themes.

MILLION ACRES TARGET
In June 2013, then-First Minister Alex Salmond announced a target of 1 million acres of land into community ownership by 2020. A 1 Million Acre Short Life Working Group was set up in March 2015 with a number of objectives including setting out a strategy to meet 1 Million Acres. It produced its report in December 2015. A 1 Million Acres Steering Group, of which Community Land Scotland is a member, was then set up to monitor progress and provide advice on meeting the target.

COMMUNITY EMPOWERMENT
The Scottish Government’s Community Empowerment agenda is focused on both “supporting communities to do things for themselves, and to make their voices heard in the planning and delivery of services.” This includes a variety of policy actions, including funding community-led regeneration and participatory budgeting, promoting governance participation and consultation initiatives (i.e. community councils, National Standards for Community Engagement etc.).

New legislation gave communities rights to request greater participation in public bodies, added to the Rights to Buy of the Land Reform (Scotland) Act 2003, and introduced duties on public sector agencies to improve community engagement and support community development. The terms ‘empowerment’ and ‘engagement’ are used interchangeably.

The Million Acres Target feeds into the Community Empowerment agenda, arguing that communities can become stronger, more resilient, more independent through community property ownership. The December 2015 report of the Working Group says:

Not only can community ownership help to safeguard or enhance local facilities, it is also seen as a means to generate income for community activity, increase community confidence and cohesion, enable communities to have more control over their futures, and support economic regeneration and sustainable development of the community.  

LOCALISM
Localism refers to place-based approaches to regeneration and socio-economic policies. It is a policy approach that attempts to target areas that experience concentrations of deprivation, intervene early, and reduce problems in the long-term. Localism has been a fairly consistent theme in Scottish policymaking since devolution.

INSIGHTS FROM THE LITERATURE

There is little research on urban community land ownership in Scotland. Academic and non-academic research was reviewed on such topics as land reform, urban policy, community empowerment, primarily in the United Kingdom. These are organised below, by theme, notable findings and insights most relevant to understanding urban community land ownership in Scotland at present and its future potential.

A 2017 Big Lottery Report found that communities pursue property ownership for primarily need-based reasons. They report that motivations for community control of assets appears to be driven most by identified community needs; wider social issues and economic and regeneration aims were important motivators as well. Less important for communities were environmental concerns, and the use of assets as a way to secure funding.

There is a perception in the literature that urban communities do not have the same do-it-yourself experience that rural communities have. The Big Lottery reported that “The household survey demonstrated more limited interest in volunteering and managing projects in urban areas.” And proffers that “[…This] might be due to the stronger tradition of volunteering and of ‘doing things for themselves’ that exists [in rural areas].”

6 This is distinct from the UK localism/Big Society agenda, which is expressed in Localism Act 2011 and applies mainly to England.
The differences between urban and rural communities was a recurrent theme in a 2015 Scottish Government report as well, although the authors acknowledge that there was a greater depth of experience in rural than urban areas amongst their interviewees. Interviewees felt that urban communities would have less experience in developing land-based community activities and, as a result, would be more likely to be unable or unwilling to buy or lease land. Interviewees felt that there exists a “stronger community ethos in many rural areas. Geographical communities are often clearer in rural areas and partly through need, they tend to be more proactive in delivering public good services.”

In 2013, The Big Lottery reported four key factors for successful community ownership: capacity building and creativity; engagement and consultation; partners and community regeneration; and income generation.

Interviewees in a 2015 Scottish Government Report identified several barriers that they expected would be greater in urban areas: Land owner identification; Divided ownership rights; Multiple ownership; Constraints associated with planning and higher community liabilities (associated with higher-use, potential vandalism, etc.). Interviewees believed that the higher land values and greater alternative competition for land use would make for difficult negotiated sales in urban areas. This kind of competition speaks to the different dynamics of land markets and associated factors in certain cities compared to rural areas and also to other cities and towns.

‘Community empowerment’ in the form of voluntary groups and projects tend to “empower the empowered”, Hasting and Matthews’ research has shown. Hasting and Matthews research shows that the middle class are more likely to join groups, engage and complain, are seen by policy makers as most likely to vote, and so have an outsized influence in policy making processes. They found the following: middle class people join groups that policy-makers listen to; when middle class people do engage they are more likely to get what they want, incentivising them to engage again; policy-makers make policy to suit the middle classes because they believe them to vote more, but also because they believe they are likely to complain about unsatisfactory policy choices. They also found that middle class advantage can be gained not only as a result of the deliberate actions of affluent individuals and groups, but also as a consequence of actions and attitudes of service providers and/or a product of broader policy and practice.

The Big Lottery’s 2013 Growing Community Assets Report suggests that urban communities, particularly the more disadvantaged, will continue to need greater support with community ownership projects in order to achieve greater benefits.
SNAPSHOT

From the data collected using information from the Scottish Government’s Register of Community Interests in Land, the Scottish Land Fund, and open source data, we can describe urban community land ownership in Scotland as minimal, varied, and cautious.

At the time of writing, two communities can be identified that satisfy to a reasonable degree the four criteria set at the outset of this report:

- that the land and/or community in question is urban in character;
- that the community is defined by geography, not interest;
- that the asset in question is land;
- that the asset in question is currently owned by the community group in question.

It is important to state that there are likely to be others in Scotland that fit the criteria, but it was not possible to identify them within the parameters of the research. Community Land Scotland is also aware that there will be a large number of communities of interest, housing co-operatives and social enterprises that own land or buildings in urban areas.

Thirty two current and aspiring land or building owners were identified for this research. We found:

- Two urban community landowners
- Thirteen urban communities in the process of buying land
- Five urban communities that own buildings
- Twelve urban communities in the process of buying buildings

Actual and prospective urban community owners vary in relation to ranking on the Scottish Index of Multiple Deprivation\(^{15}\), town size, and region.

### ON THE GROUND: WHO AND WHERE ARE URBAN COMMUNITY LAND OWNERS?

The urban community land or building owners are not concentrated in any one area. Of those that already own land or buildings, two are in Edinburgh, one in Fife, two in Glasgow, one in Midlothian, and one in Renfrewshire.

#### Chart 1, above - communities that own, lease, or are in the process of buying either land or buildings broken down into the areas where they are based

<table>
<thead>
<tr>
<th>City/Region</th>
<th>Own</th>
<th>Lease</th>
<th>Don't Own (Expected)</th>
<th>Don't Own</th>
<th>Sum</th>
</tr>
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<tbody>
<tr>
<td>Glasgow</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>5</td>
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<tr>
<td>Edinburgh</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Fife</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Lanarkshire</td>
<td>1</td>
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<td>Lanarkshire</td>
<td>1</td>
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<tr>
<td>Aberdeen</td>
<td>1</td>
<td>2</td>
<td></td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>Renfrewshire</td>
<td>1</td>
<td>1</td>
<td></td>
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<td>2</td>
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<tr>
<td>Dumfries</td>
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<tr>
<td>Inverclyde</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td>2</td>
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<tr>
<td>Stirling</td>
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<td>Moray</td>
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<td>Argyll &amp; Bute</td>
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<td>Ayrshire</td>
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<td>2</td>
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<tr>
<td>Midlothian</td>
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<td></td>
<td></td>
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</tr>
<tr>
<td><strong>Sum</strong></td>
<td>7</td>
<td>3</td>
<td>6</td>
<td>16</td>
<td>32</td>
</tr>
</tbody>
</table>

#### Chart 2, above - communities that own, lease, or are in the process of buying land

- **Glasgow**: 7
- **Edinburgh**: 3
- **Fife**: 1.5
- **Lanarkshire**: 2.25
- **Aberdeen**: 3
- **Renfrewshire**: 0
- **Inverclyde**: 1.5
- **Stirling**: 0
- **Argyll & Bute**: 1.5
- **Ayrshire**: 1.5
- **Midlothian**: 0
CASE STUDY 1

The Linwood Community Development Trust (LCDT) is located in Linwood, just outside of Paisley. The Trust owns two greenfield sites of 3 hectares acquired through Asset Transfer from Renfrewshire Council for £1.00. They plan to use these sites for a new community centre, football pitch and changing facilities.

The Trust was set-up in 2011 to tackle decline in the community, spurred on in part by several major regeneration projects in the area that had proceeded without community consultation. In a phone conversation, a representative of the Trust told us that there had been many public services taken out of the town and a lack of investment. He described some large land sales taking place in town, with sale revenues being taken out of the community and invested elsewhere. The Trust seeks to address environmental improvement, service unavailability, and encouraging people to “do it for themselves instead of waiting.”

The Trust currently has a dozen volunteers, three part-time staff, and six full-time employees. They have several active projects. They have a small green grocery that delivers fruit and vegetables within the community, a community flower gardening project, and a community choir.

LCDT has aspirations for long-term regeneration. The Trust has a further six acres in the Asset Transfer process, also from Renfrewshire Council, another twelve acres of woodland and green space that they are seeking to purchase from a private land owner, and they are also seeking an Asset Transfer of two buildings from Police Scotland. Plans for the land include an outdoor children’s forest nursery.

They say that the Asset Transfer and Big Lottery experiences were very challenging. The issues cited include the time expended on sending documents back-and-forth and waiting on decisions, and the cost of legal fees. They also believe that the Council may benefit from further training with respect to the Community Empowerment Act and that this would move attitudes toward collaboration and complementarity. They did report very positive experiences with the Scottish Land Fund, although they did not secure funding through them.

CASE STUDY 2

Duddingston Village Conservation Society (DVCS) owns a community garden site in Edinburgh. In 2000, the National Trust for Scotland acquired an area of land in the village on behalf of the community, from the Bequest of a local resident. In February 2014, after a long period of negotiations with the National Trust for Scotland, which had been considering selling off part of the land for development, the group purchased the land from the National Trust for £50,000.

This land includes several separate walled spaces. There a community vegetable garden, a general recreation and gathering area used for occasional events, and ‘the paddock’ which hosts work space, firewood store, a greenhouse, fruit trees, and a composting area. It’s attached to a large field that is owned by the Council and the related Field Group volunteers manage.

There are no private allotments. All gardening and maintenance is done collectively. There are regular open work and drop-in days where volunteers can work in the gardens, learn about the gardens, and socialise. There are chickens on the premises, whose eggs are available for purchase. The garden is a social focal point for the community. Older people are very involved and there are some volunteer groups from the university that regularly come by to help with work days.

The DVCS Community Land Management Group has several stated aims: “To manage and develop the community land for health and wellbeing through recreation, food production and community events; To engage with the local community and users of the land to seek views on the development of the land; To manage maintenance and improvement projects with the land and direct volunteer groups; To stimulate public interest in and care for the Community Land; To promote access to and understanding of the environment, both natural and man-made, of the Community Land.”

ACHIEVEMENTS AND AMBITIONS

Urban community groups are engaged in planning or delivery of a variety of projects though ownership of land and/or buildings.

- Of the land-based projects included in this study’s sample, gardening and projects centred on green space are the most common, with eight groups owning or seeking to own greenspace. Their purposes range from recreation, food-growing, skills-building, and education.
  
  - Groups: Bonnymuir Community Development Trust, Fittle Development Trust, Duddingston Village Conservation Society, Greener Kirkcaldy, Pollokshields Community Development Trust, Viewpark, Linwood Community Development Trust, West End Growing

- Three communities are developing woodland projects.
  
  - Groups: Helensburgh Community Woodlands Group, The Cambusbarron Community Development Trust, and the Linwood Community Development Trust

- Five sites are being acquired for amenity purposes or recreation facilities.
  
  - Groups: Donside Community Association, Ardrossan Winton Community Sports Club\(^\text{18}\), East Hall Resident’s Association\(^\text{19}\), Branchton Community Centre Association, Linwood Community Development Trust

- Only one site is centred around preserving a historic site; the Carluke Development Trust in South Lanarkshire has received SLF funding to purchase a historic windmill and its 1.2 acre grounds.

- The Stove Network is explicitly focused on town centre regeneration. Linwood has similar aspirations. This may be a popular focus for groups in the future.

- Of built asset projects, there are several community hubs and centres, a few projects related to amenities for residents’ associations, town regeneration, and service provision, including nurseries, groceries, children’s recreation and education activities, and adult education and skills-building.

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CHALLENGES IDENTIFIED BY COMMUNITIES

The challenges that the groups themselves have identified include:

—1. Community Right to Buy has proven to be a difficult experience for community groups, though several have succeeded in registering an interest.

—2. Determining the ownership of land has been difficult for several groups. It is the reason some groups are stuck in-process; one has funding lined up and ready to begin building but are waiting to confirm that the proposed seller is in fact the owner, and several are in similar situations.

—3. Fund-raising is a challenge, but very few communities have yet reached the purchase stage only to be thwarted by price. On-going costs, including building repairs, were noted by some communities.

COMMUNITY LAND TRUSTS IN ENGLAND

Community land trusts (CLTs) in England have similarities with Scottish community landowners in terms of the way that they are structured and governed, but their focus is almost entirely on the development of affordable housing. In 2014, the National Community Land Trust Network, which is the equivalent body to Community Land Scotland in England and Wales, launched an Urban CLT Project. The National CLT Network had identified that the CLT model had been slower to take off in urban areas due to ‘complex political environments and fierce competition for land’. The Urban CLT project initially supported 20 demonstration urban CLTs and established a peer-to-peer network and knowledge bank. This project is currently being reviewed by academics, who is expected to report their findings in 2018.

The National CLT Network also has a model for support called Enabling Hubs, which operate at a city-wide or sub-regional level. These provide one-to-one technical support to communities; help them find sites and submit planning applications; signpost to planners, architects and surveyors and broker relationships with developers and local authorities.

20 https://sites.google.com/a/communitylandtrusts.org.uk/urban-project/
SUMMARY:
Urban communities who have purchased properties have used a mix of Community Right to Buy (CRtB), negotiated sale, and Asset Transfer. Aspiring groups are similarly varied.

Action Porty, in Edinburgh, was the first urban group to register an urban CRtB and the only one to use it to make a purchase at the time this report was written. The two unsuccessful groups’ applications were late and concerned with old buildings. All but one of the successful applications have been for land-based projects.

Several groups have used or are using Asset Transfer to acquire assets. These have mostly been from councils for existing community halls or buildings that the group would like to become community hubs. West End Growing Grounds Association in Paisley is seeking an Asset Transfer on a derelict site to convert into a community garden and green space, and the Linwood Development Trust has completed asset transfer on two greenfield sites and has more asset transfers in-progress.

Several groups have used negotiated sales to acquire assets, including the Duddingston Village Conservation Society.

COMMUNITY RIGHT TO BUY
There have been several attempts at registrations, five of which have been successful. Below all are listed along with their relevant Numbers in the Register.

Successful Registrations:

— 1. Action Porty, Edinburgh (Timeous)
   - CB00202 – Activated

— 2. Bonnymuir Green Community Trust, Aberdeen (Late)
   - CB00227 – Registered

— 3. Poet’s Neuk, St. Andrew’s (Timeous)
   - CB00230 – Registered

— 4. Helensburgh Community Woodlands Group, Helensburgh:
   - Cumberland Avenue (Timeous) CB00204 – Registered
   - Castle Woods (Late) CB00206 – Registered, CB00203 – Deleted

21 ‘Late’, in reference to a CRtB application, refers to a status rather than the typical adjective. An application is timeous when no action has been taken by the current owner to transfer the property, and an application is late when such action has been taken. See: ‘Part 2 of the Land Reform (Scotland) Act 2003: Community Right to Buy – Information for Communities’, Scottish Government, accessed 1 March 2018, http://www.gov.scot/Publications/2016/02/7321/1.

22 ‘Register of Community Interest in Land – Community Bodies (View List)’, Registers of Scotland, accessed 28 February 2018, https://www.eservices/ros.gov.uk/rcil/rcilcb/presentation/us/pageflows/viewRegister.do?rcID=%28f19r9rFo0191NUzMlA%3D%3D=ICw62MqMlJpKvW0KcdeHw%3D%3D
Unsuccessful Registrations:

1. In:Spire East End Limited (Late)
   - CB00220 – Deleted

2. Marchmont & Sciennes Development Trust (Late)
   - CB00209, CB00217, CB00218, CB00222, CB00223 – All Deleted

Three urban applications have been focused on buildings, only one of which has been successful (Action Porty). Four urban applications have been late. It is difficult to determine exactly why so many of the urban applications have been late, but it may be that in rural areas, communities are more likely to hear on the grapevine that land or buildings are coming up for sale. Bonnymuir, for example, begun as timeous but ended up as a late application because owners revealed that that market process has already begun. One of Helensburgh’s applications was late because the land owners had already begun initial discussions with another party over the sale of a small section of the land subject to the application. Upon learning this, the group withdrew their first application and immediately resubmitted another that excluded that small piece of land.

Several groups have sought to take ownership of a significant local landmark (i.e. a church) when the previous owner had lost use for it and sought disposal.

Action Porty, in Edinburgh, was the first urban group to register a CRtB and have been the only one to activate it so far. Several factors led to them being a near-perfect group in relation to Community Right to Buy:

- While the Bellfield Church was the focal point of their community engagement campaign, they were able to demonstrate that they had a need that the building could help fulfil. The community used the Church for service provision that was in jeopardy if the building was sold to a third party, and they demonstrated additional uses for the building could provide if it were community-owned.

- They had a small, defined community, allowing for a much more efficient registration process.

- They were very engaged with the community and their needs.

- The seller (the Church) did approach them and alert them of the impending disposal; their application was timeous.

- They had already done work to identify need before they even began their application process.
• They had a highly skilled and very organised board. However, they still found the process very demanding and difficult.

• There have been two high-profile cases of unsuccessful bids to register interest. Both in Edinburgh, they began following the success of Action Porty.

Marchmont & Sciennes Development Trust made several applications and ultimately was not successful. This result was reached for a variety of reasons that almost all had to do with what the group would call ‘technicalities’ and the Scottish Government Land Team would define as not complying with the legislation.

• They were interested in an old hospital site in Edinburgh that was very large and very legally complex. The first application was rejected because it listed the wrong owner: it listed the NHS and NHS Trust as joint-owners, however, the two bodies own separate properties within the same site.

• In the second application, the sole signatory was actually ineligible to sign the form (under the membership terms in LRA 2003), and that form is part of secondary legislation. This person was on the electoral register but was not eligible to vote in local elections, making them ineligible to be an Ordinary Member of the Trust. If they had changed the signatory, the application would have been accepted. Their petition eventually expired and they had to re-petition, which took a month to turn around. The group had a good case for registration (while they were seeking to ‘save’ a building, they were also able to demonstrate needed community uses for the building) and a highly skilled core membership.

Registering an Interest using Community Right to Buy legislation is a complex and technical process. Partly this is down to the need to protect the property rights of the landowner. The Scottish Land Commission will be reviewing the effectiveness of Community Right to Buy mechanisms in 2018.

There is a possibility that more urban groups may try to use the CRtB solely to protect old buildings. These are unlikely to succeed because the Act is simply not for that purpose; it is for communities to use land and buildings to fulfil specific community needs.
SOcio-economIc Background of communities Purchasing land

The groups that have or are in the process of buying land are on a broad spectrum in terms of their ranking on the Scottish Index of Multiple Deprivation (SIMD). The majority of existing community landowners are in rural areas where communities tend to be mixed, in terms of income and skills etc. Urban areas, in contrast, tend to experience more segregation into affluent and deprived areas. There was a concern that, due to the complexity of purchasing land and the requirement to get extensive community buy in, particularly for those using the legislative route; affluent, ‘high capacity’ communities might find it easier to buy land. There was insufficient time during this research project to undertake a detailed socio-economic analysis of the communities that have, or are planning to, buy land, but they seemed to represent a broad spectrum. The communities studied included one at SIMD rank 316 and one at 5958 (out of 6505 datazones) and a wide range in between. Including communities that own built assets, the range would be 43 to 5958. This provides some reassurance that urban landownership is not currently skewed towards affluent communities.
RECOMMENDATION 1: AWARENESS RAISING AND INFORMATION

In this study we observed low awareness of community ownership amongst urban communities and, among even those who could be described as having a high awareness of the concept of community ownership, there were misunderstandings about how to go about buying land. If the number of community landowners is to grow in urban areas, it is critical that people (as community bodies may not yet be in existence in many urban communities) understand what community land ownership is and the difference it can make.

Community Land Scotland and other bodies can reach out to urban communities in a variety of ways including: media presence, events and workshops, open days, making connections with bodies working in urban areas and learning exchanges.

It is vitally important that case studies of the early urban community landowners are developed and promoted to provide other urban communities with inspiration and ideas. If possible, it would be helpful to set up an ‘urban community land ambassador scheme’ where some of the people involved in the early urban buyouts can visit other communities to inspire them. Volunteers at Action Porty, for example, have put in a significant amount of their own time into talking about their experience to other communities and professionals. This has been invaluable in terms of raising awareness of urban community ownership.

There are also potentially many more existing urban community land owners we are unaware of. For example, the Duddingston Village Conservation Society in Edinburgh purchased land from the National Trust years before the CRtB and Land Fund would have been available to them. There may be other groups like them across the country that could make good case studies.

Work also needs to be undertaken with bodies that represent landowners in urban areas, in the same way as has happened in rural areas, so that they understand the rights and aims of communities aiming to buy land.

RECOMMENDATION 2: IMPROVE THE SUPPORT AVAILABLE IN URBAN AREAS

Support from Highlands and Islands Enterprise was critical to the success of early rural community landowners. The achievements of those rural communities inspired others and created a process for acquisition that other communities could follow.

The assistance of the Community Land team in the Scottish Government has been invaluable to groups that are going through the process of Registering an Interest in land. Community Right to Buy, however, is new to urban areas and we encountered a significant amount of misunderstanding about it. Community Right to Buy is intended to be a means to acquiring land or
buildings for an identified community purpose, not as a means to buying a building for its own
sake. There is a risk that more urban groups may try to use CRtB to protect old buildings when
they don’t have an identified need or use for them, using up both their own time and resources
and that of the Scottish Government. These applications are unlikely to succeed because the
Act is simply not for the purpose of built heritage conservation; it is intended for communities
that need to buy land and buildings to fulfil a certain need.

In 2017, the Scottish Government identified over 400 communities that own land. That can
be contrasted with the 19 communities that have successfully bought land or buildings using
Community Right to Buy legislation. It is therefore vital that communities can make informed
decisions about which route they should take to buy land.

We would recommend that the pioneers of urban community landownership receive enhanced
support to help them through their acquisition until sufficient case studies have been es-
tablished for peer-to-peer learning to be effective. There are a number of ways this could be
achieved including: upskilling existing agencies working in urban areas; providing more inten-
sive, specialist support to the first waves of urban communities seeking to buy land and, in
the longer term, developing an ‘Enabling Hub’ model, similar to that in England but with a wider
focus on using land for community-led regeneration rather than simply housing.

RECOMMENDATION 3: MAKE CONNECTIONS ACROSS POLICY AREAS.
Although both urban and rural communities are using landownership to create places where
people want to make their home in the long term, the motivation and means of doing this may
be different in urban communities.

Urban communities may be seeking to protect and enhance green space or develop affordable
housing in areas where there is a high level of competition for land and buildings; they may
want to remove blight, regenerate town centres or develop opportunities for job creation or
improving people’s health in areas suffering from post-industrial decline.

Rural community landownership, which has been in existence for 25 years in Scotland in its
current form (Community Land Scotland also has two members that date back to the early
20th century), has won over policy makers and reached a point where policy, support struc-
tures and funding are, although not perfect, reasonably joined up. With urban communities
potentially focusing on greenspace, town centre regeneration and urban housing; new policy
measures and sources of finance may have to be developed. This may also require more cross-
department working at Scottish Government and local authority level. Similarly, Community
Land Scotland cannot support communities or raise awareness on its own and must work
with other such as the Development Trust Association Scotland (DTAS) and the Community
Woodlands Association if we are to give urban community landownership the boost that it
needs.

24 http://www.gov.scot/Publications/2017/12/1288
RECOMMENDATION 4: ENSURE THAT ALL COMMUNITIES HAVE AN EQUAL CHANCE OF BUYING AND DEVELOPING LAND

We have found no evidence that those urban communities that own or are in the process of buying land are skewed towards affluent areas. Indeed, although we have found those communities operating in what could be described as deprived areas to have a very high level of skills and ambition; we cannot assume that this will always continue to be the case. Issues which could arise include: lower income communities not having access to the same information and support networks as affluent communities; low engagement in democratic processes making it more challenging to get people to vote in a ballot (Community Right to Buy requires around 50% of those on the electoral register to vote in a ballot); a lack of confidence in communities that may have been subject to top-down rather than community-led regeneration and a lack of access to the type of professional skills that can be useful when buying and developing land within the community.

It is important that Community Land Scotland and other bodies working on community landownership take particular care to ensure that all communities can access information and support; that achievements are highlighted and celebrated and that any recurring challenges faced by communities are addressed.
CONCLUSION

Urban community landownership is still in its infancy but it has the potential to be as transformative for towns and cities as it continues to be for rural communities. Urban community landownership has the potential to create places that people want and can afford to make their home in the long term. Many rural communities have used landownership to reverse depopulation. In urban areas, we hope that landownership will help people stay in areas where a) rising property and land prices are forcing individuals and groups to relocate or where quality of life is being affected by loss of green space and b) in areas suffering from economic decline, where people may be forced to move to find employment.

More than half of the first wave of urban community landowners are owning or seeking to own green space or community woodlands. We believe that this will continue to be a priority for many communities, due to the importance of green space to towns and cities and growing interest in community gardens and local food production. Looking ahead, we believe that communities will also be purchasing land to: develop facilities for community businesses and healthy living services including sport and recreation; regenerate town centres; provide more facilities for families such as nurseries and playparks and build affordable housing. Of course, as with rural community landowners, it will be the communities themselves that will identify which assets and services they need and who will use their creativity and energy to develop them.

In the 1990s, the pioneers of rural community landownership battled hard to own their land. What they have achieved since then has transformed their communities and drawn attention from across the globe. We can’t wait to see what the urban community landowners of the future will achieve.
Easthall Residents Association the Glenburn Centre
APPENDIX 1: NOTE ON TERMINOLOGY

This project, concerned as it is with urban community land ownership, uses these words to mean the following:

**Urban** – Urban, for the purposes of this paper, refers to the following qualities: density of population, density of built structures, ratio of commercial to residential properties. This project concerns both urban populations and urban land. A majority of the communities studied fulfil both these criteria; a minority of cases involve urban communities and non-urban spaces (i.e. woodlands within urban boundaries). The Land Reform (Scotland) Act 2003 restricted the Community Right to Buy to areas with a population under 10,000, while the extension of the Right to Buy and access to the Scottish Land Fund into areas with a population over 10,000; that threshold is used by the Scottish Government and other bodies to classify a group as urban or rural. But there are population areas beneath 10,000 that have characters of an urban areas (listed above) and/or the social issues one would typically find in an urban area. For this project each community was considered on these qualitative factors in addition to the population measure.

**Community** – ‘Community’ can refer to a geographic community or community of interest. Only geographic communities can use the Community Right to Buy, Scottish Land Fund, or be a member of Community Land Scotland. A community group defined by geography means that anyone living in that defined geographic area can hold membership and contribute and benefit from the land ownership. To use the Community Right to Buy, the ‘community body’ can take the form of a Company Limited by Guarantee, a Scottish Charitable Incorporated Organisation, or a Community Benefit Society. The body must have at least ten members, at least 75% of which should be drawn from the organisation’s defined ‘community’. Its main purpose must demonstrably be consistent with the delivery of sustainable development (economic, social, environmental).

**Land** – Land is often conceived of as greenfield or brownfield sites, and will be so here, but in legal terms ‘land’ can concern real property, including built structures. “Land” in this report refer to parcels of real property whose primary purpose is not as the site of a built structure. For example, a large estate that has a house or bothy on it would be “land”, while a site with a public hall and strip of grass would not. “Property” refers to real property regardless of the land-building make-up.

**Ownership** – Quite simply, ‘ownership’ describes the status of a community in question possessing legal title to property. While community-managed projects or projects on leased land will be discussed, they are not the subject of this report.
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