

Your church, your community



Guidance for communities exploring future
uses for church buildings

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About this guidance



This guidance has been developed by the Community Ownership Support Service, Heritage Trust Network and Historic Churches Scotland to meet a growing need from communities for specific guidance around churches and accompanying land.

Taking over a building of any type is a big step for a community and brings with it substantial responsibility. It can appear a daunting prospect, but this document has been designed to guide you through the process.

1 Introduction



Churches occupy an important place in many communities: historically, culturally and, in many instances, physically, as a focal point for the community and a local landmark.

Their role as a place of worship is often supplemented by other important community activities such as baby groups, foodbanks, coffee morning and lunch clubs. There can be many reasons for a church to require new stewardship, from reductions in congregations to a decline in the condition of the building itself that makes it unviable for its current use.

For people in the local community this can be difficult, as the church will have played such an important role in their lives, with many important events and memories associated with the building. This strength of feeling can be an asset, as it can motivate people to 'save' the church and find new uses for it. However, this attachment to the church can also lead to a lack of objectivity when it comes to assessing the viability of the building for future use. Through this guidance we aim to help you make a pragmatic appraisal of your church building, decide whether the community wants to take ownership and give you the tools to help make it a success.

2 About us



The Community Ownership Support Service exists to help communities acquire and manage a wide range of assets. Funded by the Scottish Government, we provide direct one-to-one support to hundreds of communities each year as well as delivering a comprehensive training programme to prepare communities when they take on assets of all types.

Historic Churches Scotland's objective is to conserve historic places of worship for and with communities, for the benefit of all. We believe our unique ecclesiastical heritage can make a positive difference to the lives of people in Scotland, now and in the future.

Heritage Trust Network is a membership organisation run by people who have delivered amazing heritage projects against all the odds. Our mission is to help others do the same. We operate throughout the United Kingdom, drawing together and supporting the work of local heritage groups, whether constituted as building preservation trusts, community trusts or social enterprises.



3 Steps to success



One of the most common questions that people ask when considering whether to undertake a project like this is – what do I do next?

The steps that have been summarised on this page and in the more detailed information that follows, have been written for people who are considering the acquisition of a church for the community. These don't have to be completed in the order provided, but have been presented here in the order they are most likely to be carried out.



3.1 Establish a working group



One of the first steps is likely to be establishing a working group to carry out some of the initial work on assessing the building and determining whether to proceed with acquiring the church.

This could be a sub-group of an existing organisation (such as a Friends of the Church) or it could be an entirely new group.

If you're thinking of acquiring and running a building, especially one as unique as a church, you need a team of committed individuals to take the project forward. There's likely to be a significant amount of work required just to acquire the building, as well as to run it in the long-term. You must be prepared for the project to be more complex, time-consuming and expensive than your original expectations. Skills are important to navigate the complexities involved with acquiring a church, but volunteer time-commitment is absolutely crucial to move the project forward.

Often you will find that some people are happy to volunteer their time to do practical work but have no interest in being on the board, so it's important you help volunteers do the work that matters to them, otherwise they may become disillusioned and walk away.

You never know who might be in your local area looking for a new opportunity to become involved, so make sure you spread the word far and wide. If you cannot get a committed group of individuals together with time to devote, then the project is likely to be a non-starter.



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3.2 Gather information about the building



It's important to get access to the church, so you can get a better idea of what you would be taking on.

Once you have access, you should get to know as much as you can about the church:

- Its physical and social history – what does it mean to the community? Is it a listed building? (pg 15)
- Understand the internal structure and how everything in the church works (or doesn't!)
- Get an idea of what should be retained for historical, social or practical reasons
- Investigate any immediate or pending maintenance issues
- Determine the costs of running the building
- Establish if there is any land available with the building
- Find out about ownership of the surrounding land, including the graveyard, and rights of access for the church
- Confirm what services are in place – electricity, water, drainage etc.

To ascertain the condition of a building it is likely you will need some professional help from an architect and/or surveyor. In the first instance, is there a local builder, surveyor or architect who would look round the church and give you an indication of potential renovation/repair costs? Depending on the church, you may also need to consider hiring specialists in electrics, heating, dry rot/wood, flood risk, asbestos, bats, drainage and structures, all of which will cost money.

It's worth asking the current owner if a condition survey has been done. Quite often this will have been undertaken to assess the viability of the church if

it is being considered for disposal or as part of the congregation's regular building maintenance. This will give you a clearer picture of any problems with the structure and an estimate of costs to carry out repairs. If a survey hasn't been done, you could ask the seller if they would be prepared to have one carried out.

The main areas of concern in church buildings are usually roofs, stonework, gutters, drains, windows and heating systems. If serious maintenance work is required, it can be costly so estimates should be sought before proceeding with any purchase. The location of lights and other fittings in high ceilings and inaccessible locations means that any work needed is likely to be more expensive as scaffolding or specialist ladders may be required.

Churches can be challenging to heat as they often have single glazing, high ceilings, stone walls and poor insulation. The gas or oil boiler may be old and inefficient, if there is central heating at all. Think very carefully about what this means for energy costs and the suitability of the church for the purpose you intend to use it for. Heating and lighting in churches can often be designed to be "all on or all off" which may not suit your intended future use, so modifications to systems may be required.

You should also investigate if there are any conditions (pg 17) attached to the title deeds of the church, or if the seller intends to add them, as these can place limits on what you can do in the building.

“ Think very carefully about what this means for energy costs and the suitability of the church for the purpose you intend to use it for.”

3.3 Engage with your community



Engaging with your community to gather their views should be a key part of your plans and one of the first things you should do to ensure there is support as well as to gather people's views.

Community engagement is not something you do once, more of a continuous process as your project develops.

It can seem daunting if you haven't done it before, but it is essential to ensure that the decisions you make will benefit the area. The degree of involvement and exactly how to involve people has to be matched to your community, as well as the needs and status of your project.

It has a number of key benefits:

- Ensuring that the project reflects local needs, has local support and does not have any adverse unintended consequences
- Providing new ideas and different perspectives
- Identifying new partners and collaborators
- Finding people who can bring new skills, knowledge and experience to the project
- Giving your community, public bodies, funders and other organisations confidence that your project is rooted in community needs and has community support

It's important to be clear why, when and how you are going to involve people. Clarify why you are involving people at each stage of your project and explain how you are going to do it. You should be clear with the community about the scale of the challenge and the amount of work that will be required. It's important to manage expectations and be realistic about what is achievable.

Have a look at the COSS publication 'Involving Your Community' dtascommunityownership.org.uk/resources/coss-publications/module-two-feasibility for further ideas on local engagement.

Types of community engagement

Informing people

Is the starting point and will be important throughout the project

Consulting people

Should take place when there are options to define or decisions to be taken

Engaging people

Should take place when there is clear support and commitment for your project and where people want to get closely involved

3.4 Learn from other communities



It is vital to learn from communities who have been through similar experiences with their own church projects.

You could start by looking at the case studies in this document as well as the many provided by the Heritage Trust Network: heritagetrustnetwork.org.uk/about-us/case-studies, Historic Environment Scotland: historicenvironment.scot/about-us/what-we-do/conservation/refurbishment-case-studies and the National Lottery Heritage Fund: heritagefund.org.uk/our-work/places-worship

There is no substitute for talking directly to the people involved with delivering similar projects, so you can learn from their experiences and avoid the mistakes they may have made. There is a small grants programme developed specifically to support this called the Community Learning Exchange: scottishcommunityalliance.org.uk/community-learning-exchange which provides funding to enable either a virtual or in-person visit to another community who have undertaken a similar journey. There are some fantastic church projects out there to inspire and enthuse you. Get in touch with Heritage Trust Network and Historic Churches Scotland for examples, or speak to COSS who can refer you to the scheme.

This can be an exciting part of the process as you consider all the activities that the church could be used for. Involving the community heavily at this stage will generate ideas and enthusiasm. It is also important at this stage to start thinking about a good mix of revenue generating activities, as well as those that are perhaps not as cost effective but will have great impact in the community.

3.5 Explore future uses



Whether you intend to keep the church primarily as a place of worship, convert entirely to other uses, or a mix of the two, there is likely to be some thought needed on how to use the available space most effectively.

The layout and physical attributes of a building are very important when considering how it will be used in the future. A large church will often have one major space, suitable primarily for larger gatherings. Changing that space, by sub-dividing it into a reduced area to accommodate smaller gatherings could be expensive or subject to planning restrictions. It is worth, therefore, exploring options with an architect, though this will incur a cost.

The likely answer is in using the space for which it's best suited, while considering the financial viability of that proposition. This will keep down costs and make projects more likely to secure funding. If this can't be done, keep in mind that structural change is particularly expensive with older buildings. If a building is listed, you may need to make clear how any major structural changes that are needed will be done in such a way as to preserve the historic importance of the building; advice from a conservation accredited architect or involving a specialist Building Preservation Trust can help here. It might also be worth approaching a Heritage Society for their experiences on adapting historic and traditionally constructed buildings as they will be accustomed to making appropriate and fundable changes.

If you're planning to use the building for secular purposes, you will need to think about how to attract people who may not have a previous connection to the church and make them feel welcome. Similarly, you will need to be mindful of those people of faith in the community who may be sensitive about new activities taking place in the church, particularly where they may not align with religious values.

This is a good point at which to return to your community and engage further on your proposals, to gather ideas, gauge interest in particular uses and ensure there is still support.

Case Study: Kilmaronock Old Kirk Trust

Kilmaronock, West Dunbartonshire

"The vision and purpose of the Kilmaronock Old Kirk Trust is to deliver a fully restored historical church building to be available for flexible and sustainable community use, with an emphasis on heritage of the site for the benefit of locals and visitors".

Kilmaronock Old Kirk was built in 1813 in a style known as a 'Georgian Wee Classic'. The site has a rich history and lies in an area of around 1,000 people. In recent years it has been sold to the local community along with a small car park and an area of Glebe land. The surrounding graveyard is operated and owned by West Dunbartonshire Council.

Key steps to ownership:

- Held an open public meeting to determine local interest and potential volunteers/trustees
- Formed a volunteer committee, trying to ensure a mix of ages and skills
- Kept reassessing whether this project could/should proceed at key decision points
- Kept building owners (Church of Scotland) informed of intentions and progress
- Held regular minuted committee meetings and public meetings to keep people updated

Further details of the Case Study can be found in Appendix B (pg 22).

3.6 Consider your options



There are likely to be a number of options open to you when considering whether to acquire a church for the community.

You will need to seriously consider whether the church is the right building to meet local needs and if community ownership is the best option. There may be private interest in the church or it may be entirely unviable for any future use. Private developers may provide a new life for the church as housing, retail or other uses – one advantage there is that the community won't have to run and maintain the church. However, the risk with this option is that once it's sold into private hands, the community loses control over how it is used in the future.

It's important you assess the area around the church: consider other organisations with similar propositions. How does the site fit with other facilities and amenities, demographics and the social make-up of the area? Is it in the right place, with adequate links to transport, as well as to other activities and services? Can a refurbishment lead to the creation of spaces that work for your group, local people and all the activities you plan? Can it be managed and maintained by your organisation or is additional support needed? Can the heating system be upgraded or renewable energy systems installed to make the spaces suitable for your proposed use?

Consider how you could work in partnership with other community groups and organisations in the area to ensure that the church's development is complementary to other activities taking place locally.

Carrying out a simple options appraisal can help you assess how to proceed and whether the church is the right asset to meet your objectives. It can be helpful to compare with other buildings in the community or with another option entirely. The COSS publication 'Feasibility' dtascommunityownership.org.uk/resources/coss-publications/module-two-feasibility has a template for an options appraisal table.

3.7 Make a plan



Good project management will help you keep control of all the work that needs to be completed and ensure it's done on time and to sufficient quality.

Outlining a simple plan will keep you on track and make clear to everyone involved the objectives that need to be reached.

It's important to establish a clear vision for your project to ensure everyone understands what you're working towards. The vision is the end point you want to reach and could be a simple statement such as 'To make the Riverside Church a vibrant arts centre at the heart of the village of Brightfield'.

Once you have a vision, you can develop your objectives (more detailed outputs and outcomes you want to achieve) for the project.

You should include a 'timeline' or Gantt chart for the project with key milestones. These chart a specific timescale for the project against the tasks that have to be completed to enable planning to meet deadlines (for example funding deadlines or construction contract periods) and monitor progress.

In addition to this internal project plan, you may also want to develop a more externally facing proposal document that includes your vision, objectives and an FAQ. This will clarify what you're planning and can be used to inform the community, press, funders and other stakeholders. It's also sensible to be clear in this FAQ what you won't be doing, as this will address any myths and rumours which can circulate in the community.

3.8 Initial assessment

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The initial assessment of your proposal is a good first step which allows you to determine whether this project is likely to be worthwhile pursuing further.

It will help you consider feasibility (whether it can be done) and viability (whether the building can survive by generating income to cover its costs).

This involves gathering information and advice which can support your proposals and show whether the objectives for the project can be accomplished from a technical, legal, financial and operational point of view.

To do this at such a level of detail that funding could be secured may require significant resources. It is worth considering project feasibility as a two-stage process: an initial assessment as described here, and a more detailed feasibility study.

There is a tendency at this stage to assume that a lot of professional help is required to make an initial assessment of the project. This will depend on what support and skills are available to you, but an initial assessment is intended to be broad-brush based on some professional advice, local research and budget estimates rather than professionally verified market information or construction cost estimates which would be part of a detailed feasibility process.

The main purpose of the initial assessment is to:

- Test the feasibility of your objectives and, where necessary, to refine them in the light of the information and advice that is gathered
- Test whether the project is viable and sustainable and shows enough potential for success to conduct more detailed feasibility work

To do this you may want to consider the following questions:

Is the church obtainable and on what terms?

Can the church be developed to meet your vision?

Is there sufficient demand for what is proposed to make the project viable?

Can you generate enough income to meet the costs of running the building?

Are permissions (planning and listed building consent) necessary and are they likely to be given?

Is there sufficient support from the community and other stakeholders?

Is there an existing organisation who can take the project forward?

Can you put together a team of people with the time and skills to advance the project?

Are there sufficient financial resources to complete the purchase?

Is there enough time to complete the project?

Having considered these questions and decided that the project is worth further investigation, you can proceed with more detailed feasibility work, either utilising the skills and knowledge within your community or by paying consultants to complete the work. Your choice in whether or not you need this type of external support should be determined by the scale of the project, the complexity and the risks involved, as well as your ability to access funding to pay for consultants.

3.9 Set up an organisation

Funding

At this stage it is sensible to start exploring funding options.

There are three main areas where you are likely to need funding during your project: start-up and development costs for professional support (architects, consultants, surveyors, legal etc); capital funding to acquire the building itself; any post-acquisition renovation and project costs.

It is useful to look at the funding available, whether you meet the eligibility criteria and if there is a reasonable chance of securing funding for the costs you are likely to incur at each stage. The Scottish Land Fund: tnlcommunityfund.org.uk/funding/programmes/scottish-land-fund is the main source of funding for communities looking to take ownership of assets in Scotland, providing both support for development costs and acquiring the church itself. However, they have strict eligibility criteria and this includes only funding geographical communities as opposed to communities of interest. The Community Ownership Fund: gov.uk/government/publications/community-ownership-fund-prospectus is another option and will fund communities of interest if the asset is at risk of being lost to community use.

Please see the funding section (pg 18) for a range of potential funders.



If you are not part of an existing organisation then you will need to consider what legal structure you want to establish and when is the best time to do this.

There may be little point incorporating a company or applying for charitable status early on, as the project may not go anywhere and the organisations would then have to be wound up. An informal steering group may be the best option for the initial stages until you're clear about how you want to proceed.

However, when you get to the stage of applying for funding and commissioning work, you will need a legal structure and a bank account: scvo.scot/support/running-your-organisation/finance-business-management/bank-accounts. If you are not working under the umbrella of another organisation you will need to set up your own. When you come to the point of acquiring the church, funders will expect you to have a legal structure in place and this will almost certainly need to be an incorporated body.

Setting up a new organisation

You can get help from your local Third Sector Interface to set-up a new organisation: gov.scot/policies/third-sector/third-sector-interfaces. SCVO has guidance on the different legal structures available and their pros and cons: scvo.scot/support/setting-up. The main types of organisation you could consider are:

Organisational structures

Unincorporated Association

- Simple structure
- Can be set up with a simple constitution
- No regulator
- Not suitable for owning or operating church

Company Limited by Guarantee

- A not-for profit membership organisation
- Can also apply for charitable status
- Regulated by Companies House

Scottish Charitable Incorporated Organisation (SCIO)

- An incorporated charity structure
- Regulated solely by OSCR
- Tax benefits and rates relief

Community Benefit Society (CBS)

- A structure that can raise finance from the community through a share offer
- Can also apply for charitable status
- Regulated by the FCA

3.10 Develop a sustainable business model



A key element of determining whether your idea is viable relates to demonstrating that there is a need and demand for the idea which has been developed.

Developing a clear business model for your organisation will:

- Help to identify the potential challenges
- Help to determine if the project is viable
- Help to find a way to balance your social objectives with trading and managing a business
- Demonstrate how you will generate revenue
- Clarify what value the business offers and to whom

In relation to identifying the demand for the project, it is essential to understand who the key users and beneficiaries are within the local area and what they want. Market research will help you determine whether people are likely to use the services you're going to offer, how often, and how much they are willing to pay.

Assessing the market

Whatever you will do with the church it will have to generate income and that means establishing a successful business model. Think through how you will establish that business and who your customers will be. It's important to be as honest as possible about the challenges of attracting customers.

You need to have something that marks you out from the competition, so consider what that is and explain why it will attract customers to your offer. What makes you different or sets you apart? This might come from your pricing structure, the nature of your service e.g. having local, trained staff who understand your customers, your location or a combination of factors. It may be the architecture and uniqueness of the building itself. Try and encapsulate this in a single line. It could well be a key promotional tool or selling point for you.

Breakeven

If your project is to be successful you have to ensure that the church can generate sufficient income to meet the costs. Getting figures from the owner of all the previous running costs (utilities, insurance, maintenance etc.) will help you determine what's likely to be required. Remember that these costs are indicative and may rise if you intend to use the church in a different way.

You may want to consider a simple Breakeven Analysis: dtascommunityownership.org.uk/community/community-asset-transfer/business-planning/breakeven-and-sensitivity. This is an examination of costs and income, showing what needs to be achieved to ensure that revenue costs are equal to revenue income (the Breakeven Point where no loss is incurred) and what additionally may need to happen to achieve a profit/surplus of revenue income over revenue costs.

3.11 Manage in the long-term



A church building may have already stood for hundreds of years, and with proper care and management could continue for a similar length of time.

With this in mind, it's important to consider carefully how the building will be managed in the long-term. This means securing intergenerational support for your project and having plans in place which extend to the future.

You will also need to consider maintaining levels of volunteer energy and commitment. The individuals involved in helping acquire the building may not have the skills and time needed to manage it after you take ownership, so you need to think about who will do this and what succession plans will be in place to ensure this continues in the long-term.

To make the building sustainable you will need to bring the costs down and reduce its environmental impact. A good starting point for this is to have an energy audit completed which will identify where improvements can be made and what the costs are likely to be. Business Energy Scotland: businessenergyscotland.org could carry out an energy audit for you.

“It's very much for the next generation”

Netherton Church

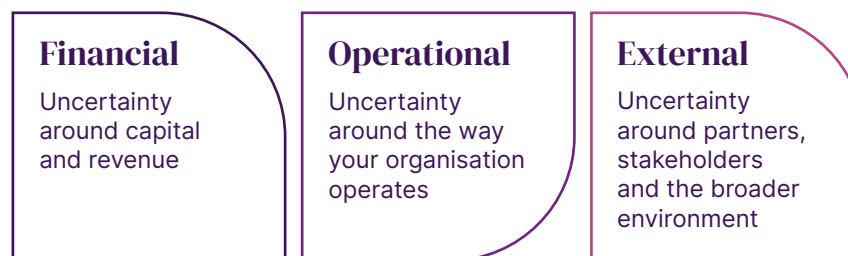
3.12 Consider the risks



It's important to take time to assess and manage all the risks associated with taking on the church.

It is also important to remember that it will not be possible to eliminate all risk. The aim should be for risk management to be 'cost-beneficial' (i.e. the cost of managing a risk must not outweigh the benefits).

Risk can be categorised into three main areas:



COSS has produced a Risk Management Template which helps you identify risks associated with your project and manage them effectively in order to mitigate risk: dtascommunityownership.org.uk/resources/planning-and-designing-your-project/risk-management-template

Some common risks associated with acquiring a church might be:

- Inability to secure the capital costs required to develop the church to a sufficient standard causes user demand to be less than anticipated and running costs in excess of sustainable levels
- Poor communication and engagement with the community leads to unrealistic expectations and loss of support for the project
- Inability to secure sufficient volunteer support leads to delays in project and breakdown of relationship with seller
- Rising energy costs leads to business model becoming unsustainable and failure of the project

4 Working with the seller



When a church is being disposed of there may be a desire from the seller to work with the community to explore the possibility of a local organisation taking on the church before it is placed on the open market.

You should contact the owners as soon as possible to ensure they are aware of your intentions and can plan accordingly.

The key thing that a community usually needs is time to carry out the all the steps listed in chapter 3 to ensure there is a viable project, and to confirm that there is support from the community to take ownership. To give the seller confidence to provide the time you need, it's important that you work to keep them informed of the progress you're making. If they are delaying the sale of the church, they will want to see that you are serious and that things are moving forward. There is no defined timescale for how long you should be given; some communities have had to deal with very tight timescales of just a few weeks while others have been given years to complete the sale.

Case Study: Historic Kilmun

St Munn's Church, Cowal Peninsula, Argyll

To take ownership of the church, the Historic Kilmun group had to prove to Church of Scotland that they would be responsible owners. Partnerships with stakeholders were formed, a working group was established, and a Business Plan created. Discussions were ongoing with The Church of Scotland for three years, to buy or lease the building.

The negotiations over price were complicated, as the group felt the initial valuation was too high. However, the local congregation would benefit from the sale, so Historic Kilmun did not want to push for a price that was too low. £10,000 was agreed.

"When we finally heard the church was ours, it was quite overwhelming; the process had taken so long, and it was quite amazing that the day had finally arrived – literally a dream come true."

Further details of the Case Study can be found in Appendix A (pg 20).

4.1 The Church of Scotland



The responsibility for holding most Church properties rests with the Church of Scotland General Trustees.

The General Trustees form a statutory corporation set up in 1921 to hold properties and investments for the Church as a whole.

The Church of Scotland Law Department is responsible for the marketing and sale of properties no longer required by the Church's councils, committees and congregations. This ranges from land with potential for development to church buildings suitable for community use.

Communities considering acquiring a church building should, in the first instance, make their interest known to the General Trustees by contacting them by email: gentrustees@churchofscotland.org.uk. It may also be helpful to make others within the Church aware of your interest, for instance, the local Minister and Kirk Session, or the Presbytery for your area. Each Presbytery will have produced its own Mission Plan which includes details of its proposals for land and buildings. You can find details of all the Presbyteries on the Church of Scotland website: churchofscotland.org.uk/contact/presbytery-list

5 Legal considerations



As you develop your project you will need to think about some of the legal challenges which may arise.

Getting guidance from advisors such as COSS will help you assess how complex these are and what impact they will have on your ability to deliver your objectives for the church. When it comes to completing the purchase, you will need to appoint your own solicitor and find the funding to pay their fees. The Law Society of Scotland has a search tool to find solicitors with the appropriate experience in your area: lawscot.org.uk/find-a-solicitor

5.1 Listed buildings



“Listing is the process that identifies, designates and provides statutory protection for buildings of ‘special architectural or historic interest’, as set out by law in the Planning Listed Buildings and Conservation Areas (Scotland) Act 1997” Historic Environment Scotland guidance:

historicenvironment.scot/advice-and-support/listing-scheduling-and-designations/listed-buildings/what-is-listing

Many churches may be listed which affects how you can use and develop them. It is vital to be aware of what this entails as part of your feasibility assessment.

Listed buildings are managed through the planning system, through Listed Building Consent. Any changes to the church have to be carefully considered. If you want to alter, extend or demolish a listed building you will need to contact your planning authority to see if Listed Building Consent is required.

If the church is listed, you will usually need consent for alterations which affect the character of the building. You may need consent for alterations which may seem minor, such as cleaning the stone or replacing windows. You will most probably need consent for major work such as extensions, structural alterations or demolishing all or part of the building.

There may be fixtures in the building like the pews, communion tables, altars, fonts, pulpits and organs that are either historically significant or protected by the listed status, so you may need to consider this when thinking about how you will develop the building. Historic Environment Scotland has a guide to Managing Change in Interiors, which will help you consider internal alterations: historicenvironment.scot/archives-and-research/publications/publication/?publicationId=cb0da736-636d-4768-af03-a60b009731c1

It's important to remember that this doesn't mean you can't, or shouldn't, make changes to the church, you just need to ensure you follow the correct process. The building will need to adapt to a new use; the listing process simply exists to make sure that change is managed and considered.

It is a good idea to contact your local Planning Authority and their Conservation Officer (if there is one) to discuss your ideas and invite them for a site visit. They can give you a good idea early on of what would be acceptable; keep in mind that a building adapted for new uses is more likely to be kept in good condition for future generations.

If you're unsure of the listed status of your church, Historic Environment Scotland has a portal where you can search for details of listed buildings: historicenvironment.scot/advice-and-support/listing-scheduling-and-designations/listed-buildings/search-for-a-listed-building

5.2 Community Right to Buy



Community Right to Buy is a means for geographical communities to acquire land and buildings.

It can be a way for communities to get the first option to buy a piece of land or building when it comes on the market, or in certain circumstances force an owner to sell.

If there is a building or piece of land which you have identified as important for your community, you can use Community Right to Buy to ensure you get the chance to purchase it if it comes up for sale. An example of when this could be useful: if there is a piece of Glebe land (land owned by the church and used in the past for ministers to grow crops or keep animals) which could be developed by the community, Community Right to Buy could be used to give you first right of refusal and the opportunity to purchase at market value. If you think this may be something you want to pursue, speak to COSS for advice.

There are now three different Community Right to Buy (CRtB) options for communities, which are included here for completeness, but the first outlined is the most likely to be useful to you:

1. Community Right to Buy – Community bodies who successfully register a community interest in a site have the first option to buy when the registered site is offered for sale. If the church you are interested in is not yet on the market, you can register an interest and be given the first opportunity to purchase it at market value if it is sold. If it's on the market, you can still use CRtB to register an interest but it would have to complete a 'late application' which has tighter rules and deadlines.
2. Community Right to Buy, Abandoned, Neglected & Detrimental – Community bodies have a right to compulsorily purchase land which is wholly or mainly, abandoned or neglected or the use or management of the land results in or causes harm to the environmental wellbeing of the community.
3. Community Right to Buy, Furtherance of Sustainable Development – Community bodies have a right to compulsorily purchase land for the purposes of sustainable development that will deliver significant benefit to the community.

COSS has produced guidance ('Introduction to Community Right to Buy') which provides an overview of the processes involved with each of the Right to Buy options: dtascommunityownership.org.uk/resources/coss-publications/module-one-b-introduction-community-right-buy

Case Study: Action Party

Bellfield Church, Portobello

Action Party's acquisition of the former Portobello Old Parish Church, now known as Bellfield, was the first successful urban Community Right to Buy in Scotland.

Following the merging of three local congregations, the Church of Scotland decided to sell Portobello Old Parish Church. In April 2017, fearing that the building would be turned into private housing resulting in the loss of this public amenity, worried local residents met and decided to acquire the building. They initially offered to buy the building at market value from the Church of Scotland but were declined. Action Party then embarked on the CRtB Part 2 process. It took the group around five months to complete the process, from their initial plans to finalising the purchase.

There were some difficulties with the process including complicated ownership titles and the challenges that come with a listed building. Nonetheless, Action Party went on to receive £647,500 from the Scottish Land Fund as well as other funding which enabled the building's purchase in September 2017.

Bellfield now acts as a community hub for local residents, providing venue, meeting and activity space for a wide variety of events and classes. It also includes a community garden.

Further details of this Case Study can be found in Appendix C (Pg 23).

5.3 Title Conditions



A range of legal mechanisms can be used by the seller of the church in seeking to protect their interests.

You need to consider these very carefully, as they may affect your ability to deliver your project, achieve the financial goals in your business plan and secure finance. These conditions are attached to the title deeds of the church and can place limits on what you are able to do. You should ask the seller about whether they would look to include these as part of any purchase early in the process, so you have time to consider and discuss with your solicitor.

Some conditions which may be included as part of the transfer of title:

- Restrictions on use which restrict you to specific activities that can take place in the church
- A right of first refusal for the seller, should you ever decide to sell the church
- A financial clawback mechanism which can be triggered if you develop or sell part of the church

There is the opportunity to negotiate on these conditions with the seller and have them amended or removed where they may negatively affect your project. Your solicitor will be able to advise and carry out the negotiation on your behalf when you're purchasing the church. If you are not yet at the stage of appointing a solicitor, you can contact COSS who will be able to provide some general guidance.

5.4 Graveyards



The majority of graveyards in Scotland are owned and maintained by local authorities.

The Church of Scotland (Property and Endowments) Act 1925 transferred responsibility for many Church of Scotland graveyards over to local authorities. However, there are a small number of graveyards that remain in the hands of religious organisations, trusts, private organisations and individuals.

It is important that you clarify ownership of the graveyard (if an owner can be identified) and consider the implications for when you take ownership. There may be issues with access or shared responsibilities for walls, fences or other infrastructure with the local authority. Check with your local authority regarding what they carry out in terms of maintenance and upkeep, and what they would require from you as the new owners. The Burial and Cremation (Scotland) Act 2016 aims to clarify the complex rules, but accompanying guidance and regulations are still to be written at the time of publication.

This guidance from Historic Environment Scotland covers technical conservation issues relating to various elements of a graveyard with advice on specialised repair and conservation techniques: historicenvironment.scot/archives-and-research/publications/publication/?publicationId=7a74107f-5d49-473d-bf3e-a5ad00a281d6. Archaeology Scotland has resources to help you conserve graveyards and document gravestones: archaeologyscotland.org.uk/projects/scottish-graveyards

6 Funding and Finance

There is a range of funders available to help you develop your project, acquire the church and carry out renovations.

Although many of the funders below are interested in the architectural and historical significance of the building itself, the primary goal for most funders is the wider benefit that your project will bring to local people. When applying for funding you need to show how your proposals will have a positive economic, social and environmental impact on your community.

Historic Environment Scotland

A wide range of grants and funding available to projects that protect and promote historic environment: historicenvironment.scot/grants-and-funding

National Lottery Heritage Fund

Offers funding for projects from £3,000 up to millions of pounds. Their grants help protect and preserve heritage while connecting people and communities to their history and traditions: heritagefund.org.uk

Architectural Heritage Fund

Helps communities through advice, grants and loans to find enterprising ways to revitalise old buildings. Early-stage development grants are available to help projects get started by testing options and viability: ahfund.org.uk

Funding Scotland

Find funding for your charity, community group or social enterprise using the free online search engine at funding.scot

Scottish Land Fund

Supports communities with grants of between £5,000 and £1 million to fund the purchase of land or buildings. Funding is also available to help develop projects. Must be community-led, community-controlled and defined by a geographic area: tnlcommunityfund.org.uk/funding/programmes/scottish-land-fund

Community Ownership Fund

Voluntary and community groups can bid for up to 50% match funding to help them buy or take over local community assets at risk of being lost, to run as community-owned businesses. This funding may support the purchase and/or renovation costs of community assets and amenities: gov.uk/government/publications/community-ownership-fund-prospectus

Listed Places of Worship Grant Scheme

The Listed Places of Worship Grant Scheme is run by the UK Government and provides grants towards the VAT incurred in making repairs and carrying out alterations to listed buildings mainly used for public worship: listed-places-of-worship-grant.dcms.gov.uk

Foundation Scotland

A diverse range of funding programmes benefitting communities across Scotland: foundationscotland.org.uk/apply-for-funding

COSS Guidance

COSS has produced some guidance on alternative sources of funding called Beyond the Usual Suspects which is an introductory guide to other approaches, such as crowdfunding and community shares: dtascommunityownership.org.uk/resources/coss-publications/beyond-usual-suspects

7 Tools and Resources

Some of the resources in this section have been developed with English churches in mind, so while the majority of the information will be useful and relevant, there are differences between Scottish and English law that you should be aware of when using these resources.

- **Community Ownership Support Service** – wide range of resources on planning and delivering your project: dtascommunityownership.org.uk/community/community-asset-transfer/business-planning/breakeven-and-sensitivity
- **Digital Toolkit from Heritage Trust Network** – resources for all stages of heritage regeneration projects, with specific church case studies (videos publicly available) and church event series: heritagetrustnetwork.org.uk/videos
- **Empowering Design Practice resources** – these resources aim to provide inspiration to those thinking about making changes to their historic building: empoweringdesign.net/edp-resources.html
- **The Crossing the Threshold Toolkit** – a step-by-step guide to managing a church building project created by the Diocese of Hereford in 2009: hereford.anglican.org/parish-support/community-partnership/crossing-the-threshold-toolkit/crossing-the-threshold-toolkit.php
- **Sustainable uses for old buildings** – introductory guide examining the opportunities and challenges involved with taking former civic buildings into community ownership: dtascommunityownership.org.uk/resources/coss-publications/sustainable-new-uses-old-buildings
- **Communities and ownership** – Historic Environment Scotland guidance for communities considering heritage projects: historicenvironment.scot/advice-and-support/communities/community-advice-hub/communities-and-ownership
- **Refurbishment Case Studies** – Historic Environment Scotland Case Studies including a number of church projects: historicenvironment.scot/about-us/what-we-do/conservation/refurbishment-case-studies
- **Community Businesses in Place of Worship** – Plunkett guidance on bringing Churches and Community Businesses together: plunkett.co.uk/advice-grants-to-bring-churches-community-businesses-together
- **Society for the Protection of Ancient Buildings** – a wide range of maintenance resources to help you take care of the church: spab.org.uk
- **Diocese of Lincoln** – Volunteer's Project and Resources Toolkit: lincoln.anglican.org/building-capacity-in-the-rural-parish-church

8 Support Organisations

Organisation	Details
Community Ownership Support Service: dtascommunityownership.org.uk	Provides community groups with a bespoke support service from the first steps to the completion of acquiring an asset. Expert advice, training courses on the development process, a wealth of written materials and training modules, web access to information on good practice, toolkits and case studies.
Development Trusts Association Scotland (DTAS): dtascot.org.uk	An independent, member-led organisation which promotes, supports and represents Development Trusts in Scotland. Development Trusts are community-led organisations which use a combination of enterprise and creativity to improve the quality of life for local people in urban, rural and island communities.
Heritage Trust Network: heritagetrustnetwork.org.uk	A UK-wide membership organisation supporting the work of local heritage groups involved with regenerating historic buildings, whether constituted as building preservation trusts, community trusts or social enterprises. Focussing on peer-to-peer support, with regular training events and networking opportunities.
Architectural Heritage Fund: ahfund.org.uk	Helps communities through advice, grants and loans to find enterprising ways to revitalise old buildings.
Historic Environment Scotland: historicenvironment.scot	The lead public body set up to investigate, care for and promote Scotland's historic environment. Wide range of guidance and resources on all aspects of historic buildings.
Historic Churches Scotland: historicchurches.scot	Owens and cares for nationally important churches in partnership with local communities.
Highlands and Islands Enterprise: hie.co.uk	The economic and community development agency for the north and west of Scotland. Advisor-led, bringing together community and economic development in the HIE region, supporting communities to own and develop land asset.
South of Scotland Enterprise (SOSE): southofscotlandenterprise.com	Support for businesses and enterprising communities throughout Dumfries and Galloway and the Scottish Borders.
Just Enterprise: justenterprise.org	Delivered across Scotland by a partnership of third sector organisations. Started in 2011, Just Enterprise provides fully-funded business support to the enterprising third sector.
Local Energy Scotland: localenergy.scot	Manage CARES, the Scottish Government's Community and Renewable Energy Scheme. CARES supports communities across Scotland to engage with, participate in and benefit from the energy transition to net zero emissions.
Third Sector Interfaces: gov.scot/publications/ third-sector-interfaces-contact-details	Each Local Authority area has a Third Sector Interface which provides support to community organisations on setting up a charity, organisational development, funding, training and many other areas.
Scottish Council for Voluntary Organisations: scvo.scot/support/setting-up	National support organisation for the third sector in Scotland. Information, advice and guidance on setting up and running an organisation.

9 Appendix A – Historic Kilmun

Part One: Initial building repairs

The ownership journey started with a severe damp problem in St Munn's Church, due to water ingress in the neighbouring Argyll Mausoleum, but neither the local authority or Argyll Estates had the money to carry out the required repairs. The newly formed Benmore and Kilmun Community Development Trust were approached to see if a solution could be found.

In 2008 a new company was formed with charitable status to apply for grants, called Historic Kilmun (Argyll Mausoleum Ltd). There followed ten years of passionate involvement by a small community group and with great support from the Community Development Officer at the Loch Lomond and Trossachs National Park and an architect.

Funding

- LEADER
- Historic Environment Scotland
- National Lottery Heritage Fund
- The Landfill Fund
- Argyll & Bute Council
- Loch Lomond and Trossachs National Park

Challenges

- Planning permission – category A listed throughout
- Undiscovered Cowal area required marketing skills
- Finance for future changes
- Growing the pool of volunteers
- Engaging with stakeholders
- Engaging with the local church community and community at large
- Funding for potential major repairs

Over

10,000

hours from volunteers

Over

£1m

raised

Over

1000

people involved

38

events

15

funding applications

7 public meetings

14 interviews with the media

9 help from amazing experts and advisors

Part Two: Taking ownership

In 2012 Historic Kilmun opened to the public, but visitor numbers were not high, and the group realised they needed to reach more of the local community if they were to be sustainable.

They fundraised to employ a Community Development Coordinator, with funds coming from The Robertson Trust and Argyll & Bute Council as well as from two generous donations. A range of activities were then established for local people, including art therapy for people with mental health challenges, oral history projects connecting local school children with elderly people, and training for those wishing to return to work. Through these activities the group became more aware of the importance of the church building as a functional space, as they had to use the local hall for many of these sessions.

During this time, the community around the building was changing, the population aged, and the congregation of the church dwindled. For four years the group worked with the congregation and Church of Scotland to try and safeguard the future of the building and keep it in good condition. They registered a Community Right to Buy and explored funding options again.

Over the last ten years the group has applied for funding only for specific projects. They have otherwise used donations and earned income for all activities. Earned income has come from: coach tours, visitors, coffee, gifts, music (concerts and recitals), guided tours, and the sale of donated books.

“Ownership gives us the opportunity to once again bring the building into the heart of the community, to ensure that the buildings are seen and used by as many folk as possible. By those with a faith and those with none. Since the 7th Century the site has been used for worship by monks, by Catholics, by Protestants. People have adapted and now we have the chance to yet again adapt to the make the most of the opportunity presented to us. To bring more people into this inspirational site.”

This Case Study is available as a more detailed 21-minute video presentation with slides:
[youtube.com/watch?v=JlShNz6_kO8](https://www.youtube.com/watch?v=JlShNz6_kO8)

Many thanks to Historic Kilmun: historickilmun.org for sharing their experiences.



Current and future uses

- A hub for Faith in Cowal Pilgrimage Trails
- A place for reflection
- A venue for funerals
- Music events, art events
- Heritage centre, annual Doors Open Days
- Workspace for artist in residence
- Heritage education, links with local schools
- A venue for weddings
- A hub for the ECHO heritage trail
- Café, shop
- Champing
- Partnership with Job Centre
- Placement for Heritage Horizons – CHARTS

10 Appendix

B – Kilmarnock Old Kirk Trust

“The vision and purpose of the Kilmarnock Old Kirk Trust is to deliver a fully restored historical church building to be available for flexible and sustainable community use, with an emphasis on heritage of the site for the benefit of locals and visitors.”

Kilmarnock Old Kirk was built in 1813 in a style known as a ‘Georgian Wee Classic’. The site has a rich history and lies in an area of around 1,000 people. In recent years it has been sold to the local community along with a small car park and an area of Glebe land. The surrounding graveyard is operated and owned by West Dunbartonshire Council. Deterioration of the external fabric of the building in recent decades has led to a need for stone repairs, and incidents of lead theft has caused leaks around the belltower.

Future plans

- Toilets installed
- Kitchen area installed
- Pews removed (people have already shown an interest in purchasing them)
- Small lift to gallery installed
- Enclosed meeting room and heritage space created in upstairs gallery area
- Natural burial site being considered in the Glebe land
- Heritage activities, potential Pilgrimage Trail
- Looking for new committee members, ensuring succession planning
- Hoping to reopen in 2023 with all works completed!

Key steps to ownership

- Held an open public meeting to determine local interest and potential volunteers/trustees
- Formed a volunteer committee, trying to ensure a mix of ages and skills
- Kept reassessing whether this project could/should proceed at key decision points.
- Decided which form to take and obtained SCIO status
- Opened a bank account
- Kept building owners (CofS) informed of intentions and progress
- Organised Trustee’s Professional Liability Insurance, £200-£300 annual cost
- Held regular minuted meetings as well as regular public meetings to keep people updated
- Started on the Community Right to Buy path, as encouraged by CofS. It was a long, onerous process and the group later decided they could take ownership without it
- Fundraised for a Feasibility Study first using funds from LEADER, Architectural Heritage Fund, local Trusts and Scottish Land Fund, with a contribution from the group’s reserves
- Options Appraisal & Feasibility Study, Building Condition Survey including costs for remedial works and five-year Business Plan were all put out to tender to appropriately experienced consultants
- Valuation of the building was requested from experienced and independent companies
- Funding to purchase the building primarily came from Scottish Land Fund (95%), who also helped fund a Project Coordinator post

- The Church of Scotland insisted on a clawback condition in relation to the Glebe land, ensuring that it could not be built upon in the future. Whilst SLF would not allow clawback conditions, this took time to sort out
- After ownership was transferred, the Trust very quickly had the boiler checked, fire safety extinguishers updated and obtained electrical safety (currently unsafe) and moss removal quotes

Top Tips

- To accompany the main document, ask your consultant for a summary Business Plan of eight pages or less, to easily communicate your project with the community and funders.
- Letters of support from local Councillors, MSPs etc. all help with funding applications.
- Check out any servitudes which are required or may be incumbent on the owner e.g. The Trust have to allow the local authority access to the car park for any funerals.

Finances

- £45k was the purchase price for the Glebe land, church and car park
- £57,110 was awarded by SLF to cover 95% of the purchase and additional fees
- £482k is needed for four phases of work to get the building up and running as intended.

This Case Study is available as a more detailed 35-minute video presentation with slides:
youtube.com/watch?v=yfshc9MUads

Many thanks to Kilmarnock Old Kirk Trust for sharing their experience:
kilmarnockoldkirk.org.uk

- **May 2017**
The church was closed
- **June 2017**
First public meeting
- **November 2017**
Registered as a charity with OSCR
- **November 2018**
Feasibility Study commissioned
- **March 2019**
Valuation
- **June 2019**
Business Plan received
Further surveys completed & first stage of funding with Scottish Land Fund (SLF)
- **November 2019**
Successful second stage application to SLF
- **January 2020**
Legal team appointed and official offer made to Church of Scotland
- **March 2020- January 2021**
Covid-related delays
- **February 2021**
Ownership completed, and keys handed over

11 Appendix C – Action Party

Following the merging of three local congregations, the Church of Scotland decided to sell Portobello Old Parish Church. In April 2017, fearing that the building would be turned into private housing resulting in the loss of this public amenity, worried local residents met and decided to acquire the building. They initially offered to buy the building at market value from the Church of Scotland but were declined.

Further meetings were held and a community body, Action Party, was established as a Company Limited by Guarantee with charitable status. Action Party then embarked on the CRtB Part 2 process, submitting a timeous application. It took the group around five months to complete the process, from their initial plans to finalising the purchase. Action Party's acquisition of the former Portobello Old Parish Church, now known as Bellfield, was the first successful urban Community Right to Buy in Scotland.

Action Party defined their community by postcode, with around 5,000 people living in the defined area. This 'narrow' community definition contributed to the tremendous success of their ballot. 51% of those eligible voted and, of those, 98.7% voted in favour of Action Party's plans.

Action Party went on to receive £647,500 from the Scottish Land Fund as well as other funding which enabled the building's purchase in September 2017. Action Party received additional support from the Development Trusts Association Scotland, the Scottish Government's Community Land Team and, crucially, from many volunteers.

Bellfield is now a vibrant community hub for local residents, providing venue, meeting and activity space for a wide variety of local groups, events and classes. It also includes a community garden.

Ian Cooke, Director of Action Party, provided a few tips for others considering a CRtB:

- 'What local issues will be addressed and which community needs will be met by community ownership?
- Is there a sufficient level of community support?'
- 'Ask yourself, is this the right building for us? Is it listed? Do we fully understand what is involved and the timescales in the process?'
- 'Try a negotiated sale first and regard CRtB as a backstop power'
- 'Is there a business case – will the project stack up financially?'
- 'Understand the issues that are particular to your community'
- 'Speak to other community bodies who have gone through the process and seek help'

Challenges

There were some difficulties with the process, including:

- Complicated ownership titles
- The challenges that come with running and developing a B listed building
- Having old graves in the land surrounding the building
- Ecclesiastical Exemption: in Scotland, churches which are listed do not require building consent before alterations, but this exemption ceases to apply when they are no longer places of worship
- The challenge of making former churches both energy efficient and fully accessible

"Action Party secured the ownership of the former Old Parish Church for the community, by successfully utilising the CRtB mechanism. In doing so, we were delighted to become the first urban community to do so."

You can hear more about their story in this short video:

[youtube.com/watch?v=emHik5K40IO](https://www.youtube.com/watch?v=emHik5K40IO)

Further information is also available on their website:

bellfield-portobello.squarespace.com/saving-bellfield

Update to this guidance

This is a new piece of guidance which we intend to update following feedback from communities.

We'd very much welcome your feedback on anything that's missing, areas we can improve upon or experiences that you'd like to share with other communities.



Get in touch

www.dtascommunityownership.org.uk

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