



COMMUNITY
OWNERSHIP
SUPPORT SERVICE

Development Trusts Association Scotland

1B

MODULE ONE B: INTRODUCTION TO COMMUNITY RIGHT TO BUY

ONE B



**The Scottish
Government**
Riaghaltas na h-Alba

The Community Ownership Support Service is funded by the Scottish Government to support the sustainable transfer of assets into community ownership. This advisor-led service provides communities and public bodies with advice and support on the asset transfer journey.

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▶ SECTION 1: Introduction

▶ 1.1 Purpose of guidance

This module is part of a series of seven guides which have been produced by the Community Ownership Support Service (COSS) to support the sustainable transfer of assets into community ownership. COSS is delivered by the Development Trusts Association Scotland and is funded by the Scottish Government.

This module has been developed to provide community groups thinking about using Community Right to Buy (CRtB) - often referred to as a 'community buyout' with an introduction to the topic. This guidance covers the processes for the three main CRtB powers, a comparison between the different options and an overview of how to prepare for using these rights.

This document is based on the Scottish Government's guidance on CRtB and should be read as an introduction to the subject. If you choose to undertake a CRtB, you will need to read the Scottish Government guidance to ensure you have a full understanding of the processes and procedures. Links can be found in Section 9 of this document.

Table 1 Modules in the series

	Module	Aim is to provide community organisations with:
One	Introduction	An introduction to asset transfer including current policy and procedures; benefits and barriers to asset transfer; the Route Map to successful asset transfer.
One B	Introduction to CRtB	An introduction to the main Community Right to Buy options for communities; tools and resources; getting prepared for CRtB; sources of support.
Two	Feasibility	The knowledge and practical skills to explore feasibility, focussing on user demand and the organisation's readiness.
Three	Business Planning	The knowledge and practical skills required to develop a business model and business plan including the proposition; marketing and the content of a business plan.
Four	Financial Planning	An understanding of financial planning including costs/ expenditure; sources of income; preparing financial projections; investment appraisal; stakeholder management.
Five	Governance and People	Knowledge and practical skills to establish good governance including building board capacity; effective leadership; managing staff and volunteers.
Six	Managing Assets	Introduction to all aspects of managing a building or land asset including design and construction; maintenance and management.

► 1.2 About COSS

The Community Ownership Support Service (COSS) is funded by the Scottish Government to support community groups across Scotland to take a stake in or acquire ownership of land and buildings. We work with communities who wish to take on public assets through the Community Asset Transfer (CAT) process as well as supporting communities who wish to undertake Community Right to Buy (CRtB).

This free, advisor-led service is delivered Scotland-wide and aims to provide individual community groups with a bespoke support service. Our support includes:

- Expert advice on all aspects of community ownership
- Training courses on community ownership and development processes
- Sign-posting to other support agencies
- Web access to information on good practice, toolkits and case studies

Through COSS communities can also link into the Development Trusts Association Scotland's expansive network to explore the wide range of business models being adopted by other communities throughout Scotland and across the UK.

Get in touch with your local advisor and they can work with you as you progress through the Community Right to Buy process.

▶ SECTION 2: Background and context

▶ 2.1 Policy context

Since the start of Scottish devolution, land reform has been a policy priority with community ownership recognised as a key component of that programme. Community ownership seeks to address inequalities in landownership, empower communities to spearhead sustainable development in their areas, and to tackle social, economic and environmental problems. There have been a number of developments in the last 25 years which have brought us to where we are now. These include:

The Abolition of Feudal Tenure Act etc. (Scotland) Act 2000, which abolished remaining aspects of feudal tenure, initiating modernisation in the land system

The Scottish Land Fund, which was introduced in 2001 to fund community acquisitions of land and land assets

The Land Reform (Scotland) Act 2003, which introduced Community Right to Buy

The Community Empowerment (Scotland) Act 2015, which extended Community Right to Buy to urban communities, introduced Community Right to Buy Part 3A and gave communities further powers to buy publicly-owned assets through Community Asset Transfer

The Land Reform (Scotland) Act 2016, which introduced Community Right to Buy Part 5, established the Scottish Land Commission and introduced the Scottish Land Rights and Responsibilities Statement

Land reform, and community ownership in particular, is expected to be an important aspect of Scottish Government policy in the coming years in addressing impacts from the COVID-19 pandemic, the climate crisis and post-Brexit legislative change.

▶ 2.2 Purpose and Benefits of CRtB

The Scottish Government states that ‘the purpose of Community Right to Buy is to provide opportunities for communities throughout Scotland to secure their future through the purchase and subsequent sustainable development of land.’¹ CRtB has enabled communities to protect and develop key local services, enhance environmental wellbeing and attract investment and people. Through CRtB communities have acquired community centres, forests, schools, churches, fields, public houses and reservoirs amongst other assets.

▶ 2.3 Other rights - Community Asset Transfer of public assets

As well as the various CRtB options covered in this document, Community Asset Transfer (CAT) is a process that allows a community organisation to take over publicly-owned land or buildings. The Community Empowerment Act gives community bodies a right to request to buy, lease, manage or use land and buildings belonging to local authorities, Scottish public bodies or Scottish Ministers (relevant authorities).

If you think this may be a better route to achieve your ambitions, please discuss with your advisor or have a look at our ‘Module One - Introduction to Community Asset Transfer’ guidance.

¹ Scottish Government (2016) ‘Community Right to Buy - Guidance for Applications Made on or After 15 April 2016’ ISBN: 978-1-78544-995-6, p. 85

► SECTION 3: Routes to Community Ownership of Privately Owned Land

There are currently four routes to community ownership of privately owned land. These are summarised in the comparison table below, explaining where each community right applies and in what circumstances the right may be exercised. Each of these routes can also be applied to publicly-owned assets under certain circumstances. If this is something you wish to explore, please discuss with your COSS advisor.

In addition to these four routes, there is a Crofting Community Right to Buy which is beyond the scope of this guidance. If you are interested in CRtB for crofting land please see the relevant Scottish Government Guidance.

Table 2 - Overview and comparison of routes to community ownership of privately owned land

	Negotiated sale	CRtB - Part 2 “Original CRtB”	CRtB - Part 3A “Abandoned, Neglected & Detrimental”	CRtB - Part 5 “Furtherance of Sustainable Development”
Legislation	Various	Land Reform (Scotland) Act 2003. Amended in Community Empowerment (Scotland) Act 2015	Community Empowerment (Scotland) Act 2015	Land Reform (Scotland) Act 2016
Type of Right	N/A	Pre-emptive right to buy	Compulsory purchase right	Compulsory purchase right
What it provides	Community bodies can negotiate a private sale with either a private or public owner	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	Gives community bodies a right to compulsorily purchase land that 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	Gives community bodies a right to compulsorily purchase land for the purposes of sustainable development that will deliver significant benefit to the community
Motive behind making an application	Should be used where the community has identified land and there is a willing seller	Should be used where the community has identified land and has proposals for that land that could further the achievement of sustainable development	Should be used where the key aim is to resolve the abandoned, neglected or detrimental issue and a negotiated private sale was not successful	Should be used where the community has proposals for land that could further the achievement of sustainable development that would result in a significant benefit to the community and where a negotiated private sale was not successful

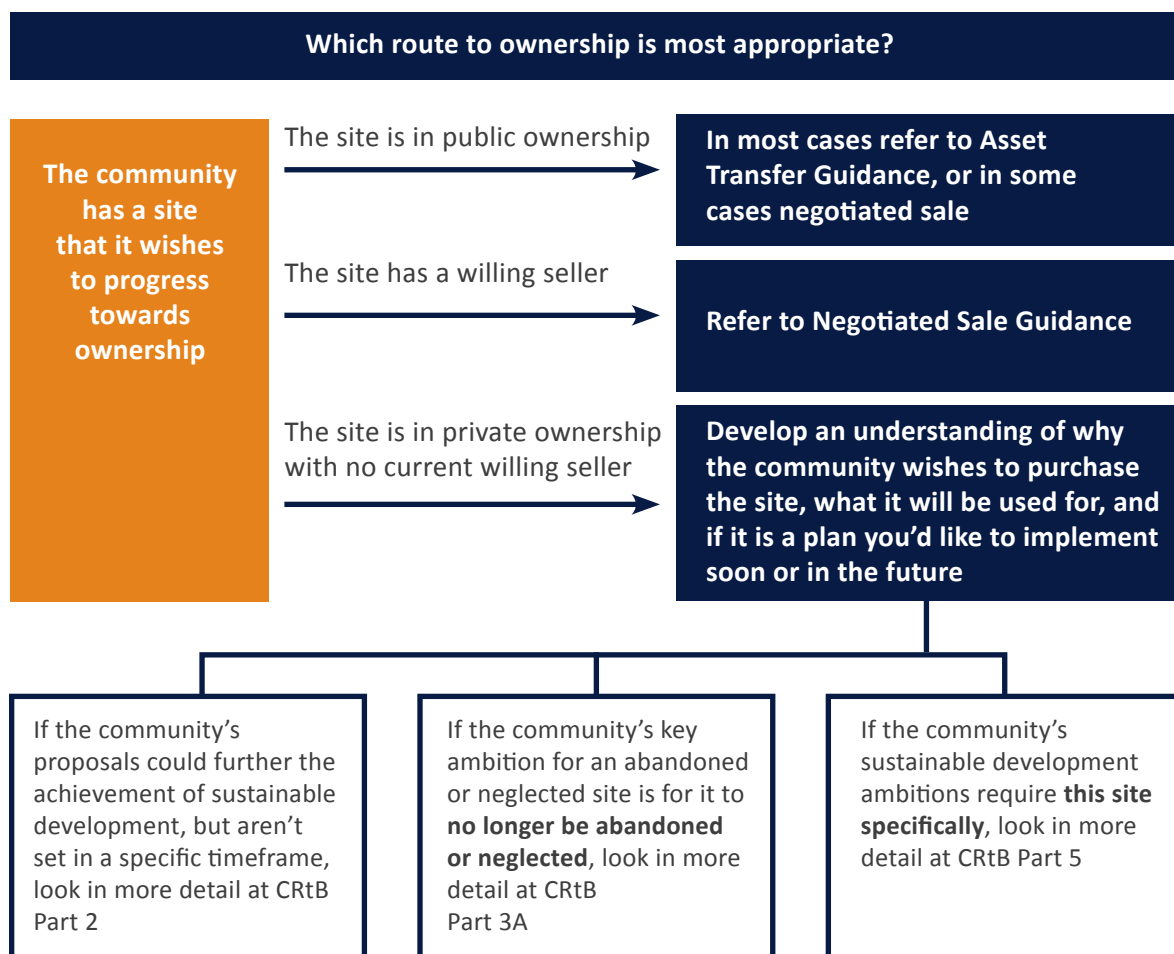
Purchase price	Should be assessed by an independent valuer, jointly appointed and instructed by the owner and community	Market value as assessed by an independent valuer appointed by the Scottish Government or agreement between the owner and your community body	Market value as assessed by an independent valuer appointed by the Scottish Government	Market value as assessed by an independent valuer appointed by the Scottish Government
Indicative timescale	6 months - 2 years	9 months approx to submit application, then timescale dependent on owner deciding to sell	22 months approx	22 months approx
Risks	Negotiations are taking place outwith the CRtB process; therefore, should negotiations fail, CRtB legislation may need to be used as a fall-back	A successfully registered interest is valid for 5 years and requires to be re-registered at the end of this period if the community interest in the site remains but no sale has taken place	Owner can choose to address the abandoned, neglected or detrimental element which would negate application	
		The owner is not content with assessment of market value and withdraws from the sale; the registered interest would continue to apply	The owner or community is not content with the assessment of market value and chooses to appeal, which can significantly extend the timescale	

► **3.1 Deciding which CRtB is most appropriate for your community**

If there is not a willing seller, you should consider which CRtB option is most appropriate for your community. It will be helpful for you to consider why you want to buy the site and what you plan to do with it if successful. The answers to these questions will then help you understand how you would build the case within an application:

- Why do we want to buy the land and what is our vision for it?
- What land do we want to buy and can we make a compelling case under the requirements of that Community Right?
- Could we achieve what we want through other means, such as Community Asset Transfer, a negotiated sale, purchase on the open market or leasing?
- Are we buying this land for sustainable development purposes?

Figure 1 – Which route to ownership is most appropriate



An application under each CRtB option requires to make a compelling case to the Ministers who assess the application, and if successful grant approval. The case to be made under each CRtB is different and is summarised in the comparison table below.

Table 3 – Making the case

	CRtB - Part 2 "Original CRtB"	CRtB - Part 3A "Abandoned, Neglected & Detrimental"	CRtB - Part 5 "Furtherance of Sustainable Development"
Case to be made in application	That community ownership of the site would help in the sustainable development of your community and that it is in the public interest.	Why the community considers the site to be abandoned or neglected by the owner. Based on the current physical condition or management of the site in relation to what should reasonably be expected from owners for that kind of site. If demonstrating the case under detrimental: How the site is causing direct or indirect harm, due to its use or management, to the environmental wellbeing of the community.	That community ownership would deliver significant benefit to the community. This is evaluated as the likely sustainable development generated by community plans versus the likely sustainable development generated by owner's plans. That community ownership is the only, or most practical way of realising the significant benefit. If refused, the ongoing situation of the property will cause harm to the community.

▶ 3.2 Eligibility

In order to use either Part 2, 3A or 5, your community must form a compliant community body to apply for consent to purchase land. The four compliant types of community body are:



The constitution of the community body should be checked to ensure that it is eligible for CRtB. The community body should:

- Be controlled by members of the community
- Be defined geographically
- Ensure its main purpose is consistent with furthering the achievement of sustainable development
- Meet the other requirements for your governing document as set out in the relevant Act.

Scottish Ministers must give written confirmation that the main purpose of the community body is consistent with furthering the achievement of sustainable development before that body can apply to register an interest in land under the Act.

The Scottish Government has produced template governing documents for a SCIO and CLG that are eligible for CRtB.

▶ SECTION 4: Community Right to Buy (CRtB) Part 2

▶ 4.1 Overview

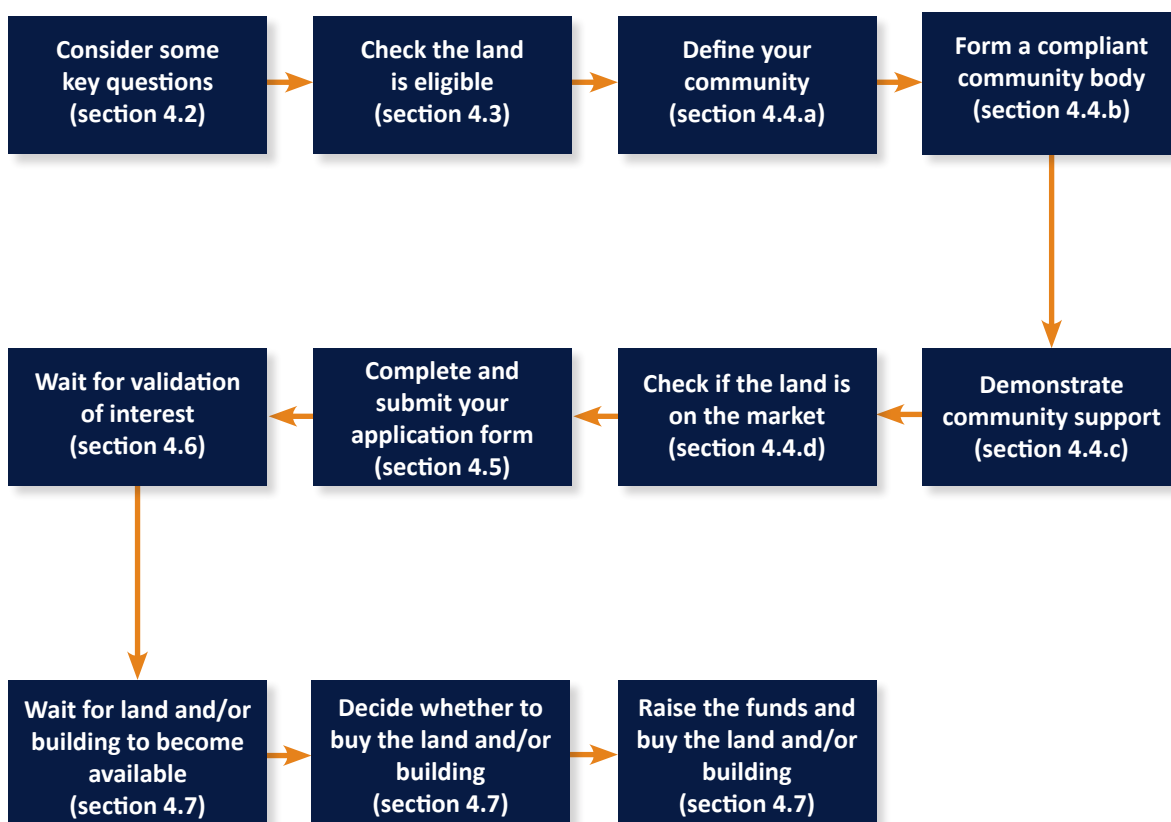
Community Right to Buy (CRtB) was introduced in Part 2 of the Land Reform (Scotland) Act 2003 (hereafter referred to as CRtB Part 2). It was updated by the Community Empowerment Act 2015, the effects of which came into force in April 2016. Community Right to Buy allows communities to buy land and put it to beneficial community use.

CRtB Part 2 is the most commonly used CRtB power. After an interest in land has been registered, it grants communities a right of first refusal to buy that land, once the land has been put up for sale. It does not grant compulsory purchase.

There are two stages in exercising CRtB Part 2:

- 1) A community body, on behalf of a community, registers its interest in buying an area of land.
- 2) If or when the land is offered for sale, the community body is given priority to buy it, before any other parties.

Figure 3 - Community Right to Buy (CRtB) Part 2: Simplified Process



► 4.2 Before starting

Before embarking on the CRtB Part 2 process, you need to consider a few questions. These include:

- What is the purpose of buying land and what do we want to do with it?
- What land would we like to buy?
- Do we have the commitment and skills necessary to acquire the land and subsequently manage and develop it?
- Are there other, perhaps easier ways that we could acquire the land, such as a negotiated sale or buying it on the open market?
- Do we need to own the land or could we lease it instead?
- Do we have a long-term vision for the land if we acquire it?
- Is there enough support in the community for acquiring the land?
- Can we raise the funds to buy the land?
- Do we have the time available to undertake this process?
- Is the land already on the market? If so, you will have to make a 'late' application which has stricter requirements and deadlines.

► 4.3 What land can be bought?

Communities can register an interest in buying most types of land, such as churches, pubs, estates, empty shops, woodland, fields and more. Communities can also register an interest to buy rights to salmon fishing and some minerals.

There is some land, called excluded or ineligible land, which communities cannot buy. Excluded land includes land with rights to oil, coal, gas, gold or silver. Land that includes oyster or mussel gathering rights and sporting rights are also excluded. For further information on this please read the relevant guidance and legislation.

► 4.4 First steps

Once you have determined what land you want to buy, what you want to do with it and whether the land is eligible, there are some first steps you need to take. It is also advisable to make contact with the Scottish Government's Community Land Team so they are aware of your plans at the earliest opportunity.

a) Define your community

To be eligible for CRtB, you need to define your community in one of the following ways: postcode area, postcode district, postcode sector, postcode unit (full postcode), settlement area, locality, electoral ward, community council area or island.

There are different advantages to each of these definitions, so it is important you seek advice before choosing any one definition.

If you have an existing community body, you need to make sure that it defines your community in one of the ways listed above.

b) Establish a compliant community body

A community body is the legal entity that registers an interest in, and will own the land on behalf of the community. To be eligible, you must register as one of the following:

- A Company Limited by Guarantee (CLG)
- A Scottish Charitable Incorporated Organisation (SCIO)
- A Community Benefit Society (BenCom)

There are different advantages to each of these legal forms, so it is important you seek advice before deciding. You also need to specify that your community body's primary purpose is to further sustainable development in your community. The documents that you complete must be submitted to Scottish Ministers to check compliance and to gain consent. Template documents which meet the eligibility criteria are available from the Scottish Government website.

If you have an existing community body, you must ensure that it is one of the forms listed above and meets the eligibility requirements.

c) Demonstrate community support

You need to show that at least 10% of your community, as you have defined it, supports your proposal. You can do this in a number of ways, such as a petition list. You have up to six months to do this before submitting your application.

d) Understand the costs involved

There are costs involved beyond the purchase price of the land. Make sure you fully understand these and how you will meet them before proceeding.

e) Check if the land is on the market

Standard or 'timeous' CRTB Part 2 applications should be submitted when the owner has not yet taken steps to transfer the land. If the owner has taken steps to transfer the land, you have to submit a 'late' application which has stricter requirements and tighter deadlines.

Further information on the steps above can be found in the relevant guidance.

► 4.5 Completing and submitting the application form

The CRTB Part 2 application form is 15 pages long and contains 9 sections. These are: 1) who is applying, 2) details of who is applying, 3) the land to be registered, 4) ownership & interests, 5) late application evidence (if applicable), 6) community support, 7) proposals for the land, 8) public interest and 9) declaration.

Of particular importance are sections 7, 8 and 9.

In section 7, 'proposals for the land', you need to show how owning the land will help in the sustainable development of your community. To make this simpler, you could present your case in terms of environmental, economic and social benefits and the timescales for these to be achieved. You should be able to evidence this through, for example, a business plan.

In section 8, 'public interest', you need to show how owning the land is in the public interest. The legislation does not define this, though it is generally defined as for 'the welfare or wellbeing of the general public'. It is useful to think about this in terms of the social benefits you believe will be brought about by ownership of the land.

In section 9, 'declaration', two signatures must be provided from board members, charity trustees or committee members on behalf of your community body.

You will also need to include maps, plans or other drawings in your application. These are needed to show 1) how you have defined your community and 2) the land you want to buy. Any maps or plans submitted must meet certain requirements as specified in the guidance.

Once you have completed your application, you should submit it to the Community Land Team at the Scottish Government (address details are in the 'Sources of Support' section at the end of this document).

► 4.6 Once your application has been received

Once your application has been received it will be checked to make sure the form has been completed correctly, that any maps or plans submitted comply with the requirements of the legislation and that ownership details are correct.

Your application will then be logged in the Register of Community Interests in Land and other relevant parties will be notified of your application. This includes the owner who will be notified that they are now unable to transfer the land until a decision is made.

Relevant parties, including the owner, will then be invited to submit views on your application. Your community body will be given the opportunity to respond to these. Please note that for late applications you will not be able to respond to the landowner's comments.

Once views and other relevant information is gathered, Ministers will decide whether to accept or reject your application. They have 63 days to do this and to notify you and other relevant parties.

If your application is accepted, your community body's interest in buying the land will be registered in the Register of Community Interests in Land. This expression of interest is valid for five years from the date of registration. You will be able to exercise this right if and when the owner puts the land on the market.

If your application is rejected, you can appeal the decision. The owner and other relevant parties can also appeal your application if it is accepted.

► 4.7 Exercising your right to buy, valuation and transferring ownership

Once your interest to buy is registered, your right to buy the land will be triggered if and when the owner informs the Community Land Team of their intention to sell it

If the land comes up for sale, its value will be assessed by an independent valuer appointed by Ministers. The purchase price will be determined either by valuation, agreement between the owner and your community body, or by the Lands Tribunal if valuation cannot be agreed and goes to appeal.

If your community body confirms it wishes to buy the land once it has come up for sale, you have eight months from the date of this confirmation to raise the money and complete the purchase. You will need to appoint a conveyancer who will oversee 'the transfer of title' - transfer of ownership of the land - to your community body.

Once you have completed the transfer of title, your community body will be legal owners of the land and the CRtB Part 2 process will be complete.

(Please see Scottish Government guidance for further detail on this stage of the process)

► SECTION 5: Community Right to Buy Part 3A - Abandoned, Neglected or Detrimental Land

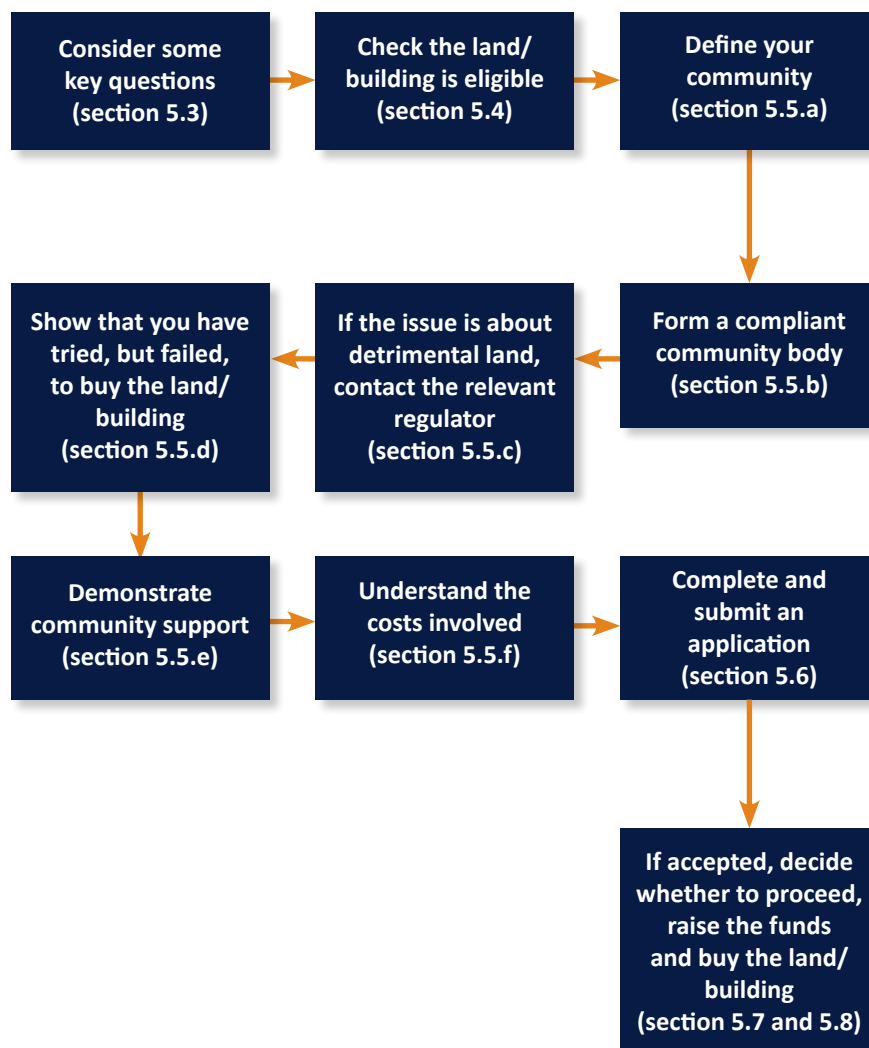
► 5.1 Overview

The Community Right to Buy (CRtB) Abandoned, Neglected or Detrimental Land (ANDL) is contained in Part 3A of the Land Reform (Scotland) Act 2003 (hereafter referred to as CRtB Part 3A). It was introduced by the Community Empowerment (Scotland) Act 2015 and came into effect in June 2018.

CRtB Part 3A enables communities to buy land which is ‘wholly or mainly, abandoned or neglected or the use or management of the land is causing harm to the environmental wellbeing of the community’ and put it to productive and beneficial community use.

CRtB Part 3A allows communities to buy land through compulsory purchase. It does not require a willing seller or the land to be marketed for sale.

Figure 4 – CRtB Abandoned, Neglected or Detrimental: Simplified Process



► 5.2 What is meant by abandoned, neglected or detrimental land?

Abandoned or neglected land relates to 1) the physical condition of the land, 2) the designation or classification of the land and 3) the land's use and management.

Detrimental land concerns harm to the environmental wellbeing of the community and differs slightly. It relates to 1) the effect of the land on the community, such as statutory nuisances, and 2) the land's use and management.

When making your case under CRtB Part 3A you should consider the land's risk to public safety, the impact on nearby land, environmental harm, whether the land is a conservation or other designated site, or whether the land's management is producing a statutory nuisance.

CRtB Part 3A should be used to rectify the issues discussed above. It should not be used to stop development plans by the owner or to stop other parties buying the land, nor should be used to preserve the land's status quo.

For further information on these conditions, please refer to the relevant Scottish Government guidance.

► 5.3 Before starting

Before embarking on the CRtB Part 3A process, your community needs to fully consider what land you want to buy and why. You should be able to answer questions like the following before proceeding:

- Why do we want to buy the land and what is our vision for it?
- What land do we want to buy and can we make a compelling case that is abandoned, neglected or detrimental to the community's wellbeing?
- Do we have enough support in the community for our proposal?
- Could we achieve what we want through other means, such as a negotiated sale or purchase on the open market?
- Do we have the commitment and skills necessary to buy the land and to develop it subsequently?
- Can we raise the funds to buy the land?
- Do we need to buy the land or could we lease it instead?
- Do we have the time available to undertake this process?

► 5.4 What land can be bought?

If you decide to proceed with CRtB Part 3A, you need to make sure the land you want to buy is eligible. Most types of land can be bought, such as brown and green field sites, inland waters and canals, woodland, buildings, schoolhouses, halls, churches, shops and foreshore.

However, there is some land, called 'ineligible' land, that you cannot buy through CRtB Part 3A. This includes an individual's home and land relating to it, land owned by a UK government department, and land that contains rights to petroleum, coal, gold or silver.

Further information in this area can be found in the relevant guidance and legislation.

► 5.5 First steps

Once you have decided what land you want to buy and why, and whether the land is eligible to be bought, you need to take some first steps. It is also advisable to make contact with the Scottish Government's Community Land Team so they are aware of your plans at the earliest opportunity.

a) Define your community

To be eligible for CRtB, you need to define your community in one of the following ways: postcode area, postcode district, postcode sector, postcode unit (full postcode), settlement area, locality, electoral ward, community council area or island.

b) Establish a compliant community body

The community body is the legal entity that registers an interest in buying land and who subsequently buys and owns it. You need to establish one of the following three eligible legal entities:

- A Company Limited by Guarantee (CLG)
- A Scottish Charitable Incorporated Organisation (SCIO)
- A Community Benefit Society (BenCom)

There are advantages to each of these legal forms and one may be more appropriate for your purposes. Seek advice on this before deciding. You also need to specify in your governing documents that the primary purpose of your community body is to further sustainable development. You need to send your documents, depending on the legal form chosen, to Ministers for approval. Template documents which meet the eligibility criteria are available from the Scottish Government website.

If you have an existing community body, you must ensure that it is one of the forms listed above and meets the eligibility requirements.

c) If the issue is about detrimental land, you need to have first contacted the relevant regulator about fixing the issue

You need to be able to provide evidence that you have contacted any relevant regulators, such as the local authority, SEPA or NatureScot, about the land you are interested in before proceeding.

d) You must have already tried to negotiate a purchase of the land or building you are interested in

You need to be able to evidence that you have tried, but failed, to negotiate buying the land from the owner.

There are advantages to each of these definitions so it is important you seek advice before selecting one.

If you have an existing community body, you need to make sure you have defined your community in one of the ways listed above.

e) Demonstrate community support

You must conduct a ballot to show sufficient community support. At least half of the people living in your defined community must have participated in the ballot and, of those, a majority should have voted in favour of your plans. This must be conducted no earlier than six months before submitting your application. Ballot results should be submitted to Ministers.

f) Understand the costs involved

There are costs beyond the purchase price of the land. Make sure you fully understand these and how you will meet them before proceeding.

Further information on the steps above is available in the relevant Scottish Government guidance.

► 5.6 Completing and submitting the application form

Once you have completed the steps above, you can begin to complete your application form.

The application form is 20 pages long and contains 10 sections. These are: 1) name of your community body, 2) community definition and contact details, 3) details of the land, 4) details about ownership of the land, 5) land eligibility and contact with regulator (if applicable), 6) attempts at acquiring the land, 7) community support, 8) proposals for the land, 9) public interest and 10) declaration.

Of particular importance are sections 8, 9 and 10.

Section 8 concerns what you want to do with the land once you have ownership of it. You need to show how your ownership of the land will address the issue of the land either being abandoned, neglected or detrimental. You also need to show how ownership would allow you to pursue sustainable development of the land to the benefit of your community. You should explain sustainable development in terms of social, economic and environmental benefits. It is good to evidence this through, for example, a business plan.

Section 9 is where you need to demonstrate how your ownership of the land is in the 'public interest'. Public interest is not defined in the guidance. However, generally, it refers to the wellbeing of the public and society. You should show how your plans will benefit people in your community through, for example, more green space or reduced social isolation.

Section 10 is the declaration, which must be signed by two board members, trustees or committee members of your community body.

Alongside your application, you also need to submit at least two maps or other plans and drawings. One map, plan or drawing should be used to show your community as you have defined it. The second should be used to show the land you want to buy. Maps must comply with the requirements stated in the guidance.

Once you have completed your application form you should submit it to the Scottish Government's Community Land Team as well as to the owner and any relevant parties (e.g. creditors). Address details of the Community Land Team are in the 'Sources of Support section'.

► 5.7 Once your application has been received

Once your application has been received it will be checked to make sure it has been completed correctly, that any maps or drawings submitted comply and that ownership details are correct.

Ministers will then invite relevant parties to give their views on your application. These parties include the owner, creditors of the land and any other people Ministers consider relevant. These parties have 60 days to respond.

Any views expressed will then be sent to you, and you will have 60 days to respond in turn.

After at least a further 60 days, Ministers will then judge your application against their criteria. A decision will then be made either to accept or reject your application. Reasons will accompany any decision made.

If your application is accepted, your register of interest in buying the land will be entered in the Register of Applications by Community Bodies to Buy Land (RoACBL).

If your application is rejected, you can appeal this decision. The owner and other relevant parties can also appeal against a decision to accept your application.

► 5.8 Exercising your right to buy, valuation and transferring ownership

If your application is accepted, the land you want to buy will undergo valuation. Ministers must appoint an independent valuer within seven days of accepting your application. Valuers have up to eight weeks to determine the purchase price of the land you want to buy. The valuer's decision can be appealed by your community body and by the owner and other relevant parties.

Once valuation is agreed, you will have 21 days to confirm whether you wish to proceed with your purchase of the land. You have six months from the date of your application being accepted to complete the purchase of the land. It is up to you to secure funds to purchase the land.

You will need to hire a conveyancer who will complete the 'transfer of title' - transfer of ownership - of the land from the owner to your community body.

Once your community body has ownership of the land, you will have completed your CRtB Part 3A process.

SECTION 6: Community Right to Buy Part 5 - Land to Further Sustainable Development

6.1 Overview

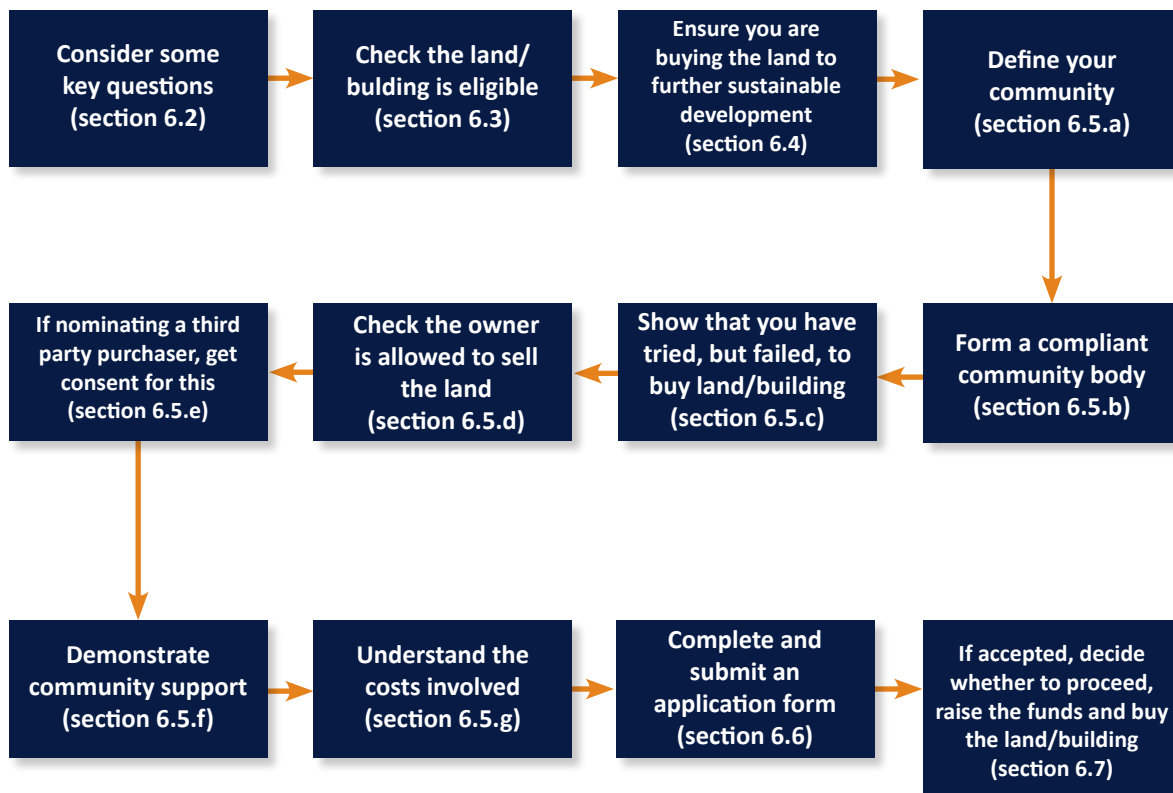
The Community Right to Buy (CRtB) Land to Further Sustainable Development was introduced by Part 5 of the Land Reform (Scotland) Act 2016. It came into effect in April 2020. It will hereafter be referred to as CRtB Part 5.

The purpose of CRtB Part 5 is to allow communities to buy land to further sustainable development in their local community. Sustainable development refers to how current actions impact future environmental, social and economic wellbeing.

CRtB Part 5 allows communities to buy land through compulsory purchase. This means there does not need to be a willing seller nor does the land you want to buy need to be on the market for sale.

In addition, CRtB Part 5 allows a community body to nominate a third party to purchase the land on the community body's behalf. A third-party purchaser could include a Community Controlled Housing Association (CCHA) or another properly constituted local group. A community body can also buy a tenant's interest in land through CRtB Part 5. A tenant's interest in land could include agricultural use or business on one floor of a building such as a shop.

Figure 5 - Community Right to Buy (CRtB) Part 5: Simplified Process



► 6.2 Before starting

Before you begin the CRtB Part 5 process, you must know why you want to buy the land and what you intend to do with it. Consider the following questions:

- Why do we want to buy the land and what is our vision for it?
- Is the primary purpose of buying the land to further sustainable development?
- Can we satisfy the ‘sustainable development conditions’ listed above?
- What social, environmental and economic benefits will be achieved by owning this land?
- Is buying the land the most practical way of achieving the benefit?
- Do we have enough support in the community for our proposal?
- Could we achieve what we want through other means, such as a negotiated sale or purchase on the open market?
- Do we have the commitment and skills necessary to buy the land and to develop it subsequently?
- Do we need to buy the land or could we lease it instead?
- Can we raise the funds to buy the land?
- Do we have the time available to undertake this process?

► 6.3 What land can be bought?

The land that you are allowed to buy is called ‘eligible land’. This includes brown and green field sites, inland waters and canals, woodland, buildings, schoolhouses, halls, churches, shops and foreshore. Land that you cannot buy through CRtB Part 5 is called ‘ineligible land’ and includes land that contains an individual’s private home, crofting land, land which is owned by the Crown, and land owned by a Government Department or Minister of the Crown.

More specific information is in the relevant guidance. It may also be beneficial to seek advice to ensure that the land you want to buy is eligible, otherwise your application will be automatically rejected.

► 6.4 What is meant by ‘land to further sustainable development’?

CRtB Part 5 is specifically concerned with buying land for pursuing sustainable development. Generally, sustainable development is about how current actions and decisions impact the future wellbeing of both people and the environment. It is best to think about sustainable development in terms of social, environmental and economic benefits.

For an application to be successful under CRtB Part 5, it must satisfy ‘sustainable development conditions’. These are:

- a) The transfer of land is likely to further the achievement of sustainable development in relation to the land
- b) The transfer of the land is in the public interest
- c) The transfer of the land is likely to result in significant benefit to the relevant community and is the only, or most practicable way of achieving that significant benefit
- d) Not granting consent to the transfer of land is likely to result in harm* to the community
(*Harm refers to negative impacts on economic development, regeneration, public health, social wellbeing and environmental wellbeing)

► 6.5 First steps

Once you have decided what land you want to buy, what you want to do with it and whether it is eligible, there are some first steps you need to take. It is also advisable to make contact with the Scottish Government's Community Land Team so they are aware of your plans at the earliest opportunity.

a) Define your community

To be eligible for CRtB, you need to define your community in one of the following ways: postcode area, postcode district, postcode sector, postcode unit (full postcode), settlement area, locality, electoral ward, community council area or island.

There are different advantages to each of these definitions, so make sure you seek advice before settling on one definition.

If you are already a community body, make sure your definition of community is one of those listed above.

b) Establish a compliant community body

To be eligible for CRtB Part 5 you must form a compliant community body. The community body is the legal entity that registers an interest in and owns the land on behalf of your community. To be compliant, your community body must be one of the following:

- A Company Limited by Guarantee (CLG)
- A Scottish Charitable Incorporated Organisation (SCIO)
- A Community Benefit Society (BenCom)

Again, there are different purposes and advantages to each of these legal forms. Seek advice before deciding on one.

Once you have determined which legal form to take, complete the relevant governance documents and submit them to Ministers for approval. In the governance documents it must also be made clear that your community body's primary purpose is to further sustainable development in your community. Template documents which meet the eligibility criteria are available from the Scottish Government website.

If you have an existing community body, you must ensure that it is one of the forms listed above and meets the eligibility requirements.

If you are nominating a third-party purchaser, you do not have to form one of the entities above. You simply need to be a body corporate with a written constitution, whose aims include furthering sustainable development. A body corporate may take the form of one of the three legal entities listed above, but it also includes other forms as well.

c) You must have already tried to acquire the land from the owner

At least 6 months before submitting your CRtB Part 5 application, you must have tried to acquire the land from the owner by coming to an agreement. To do this you need to submit the written request form provided on the Scottish Government website to the owner. If you are applying for a tenant's interest in land, you must have tried to acquire it from them as well, again using the correct Scottish Government form.

d) Check that the owner is allowed to sell the land

If the owner has entered into an option agreement with another party, they will be prevented from transferring the land to you. The Scottish Government's Community Land Team is able to help you with this.

e) If you are nominating a third-party purchaser, get consent from Ministers

If you are nominating a third-party purchaser to own the land on behalf of your community body, you need to get approval from Ministers to do this. A third-party purchaser has to meet certain requirements to be considered eligible.

f) Demonstrate community support

You must be able to demonstrate community support for your proposal. To do this, you need to carry out a ballot of your community within the six month period before submitting your application. At least half of the members of your community, as you have defined it, must participate for it to be valid and, of those, a majority need to approve of your plans in order for your application to be considered.

g) Understand the costs involved

There are costs beyond the purchase price of the land. Make sure you fully understand these and how you will meet them before proceeding.

Further information on the steps above can be found in the relevant Scottish Government guidance.

► 6.6 Completing and submitting the application

Once you have taken the steps above, you can begin to complete the application form. The form is 25 pages long and contains 8 sections. These are: 1) community body name, 2) community definition, contact details and third-party purchaser details (if applicable), 3) details of the land or tenant's interest in land you want, and the community's connection to the land, 4) ownership and creditor details of the land, rights and interests tied up in the land etc., 5) ballot details, 6) details of steps taken to acquire the land or tenant's interest, 7) proposals for the land and 8) declaration.

Of particular importance are sections 7 and 8.

In section 7 you need to demonstrate how your proposals for the land will further sustainable development in your community. Sustainable development is about how current decisions impact future wellbeing. It is best to split sustainable development into three categories of social, environmental and economic benefits. However, it is also good to draw connections between these different benefits as well. Social benefits may include retention of young people and reduced loneliness. Environmental benefits may include more green space and better air quality. Economic benefits may include better work opportunities and more money being spent in the local area. The more benefits you can highlight the stronger your case will be. Include a business plan and/or Community Action plan to evidence them.

Section 8, the declaration, must be signed by two different board members, trustees or committee members of your community body. If you are nominating a third-party purchaser, the declaration must be signed by a representative from the third-party purchaser in addition to a representative from your community body.

You need to include maps, plans or other drawings with your application. This is for two purposes. The first is to detail your community as you have defined it. The second is to detail the land, or tenant's interest in land, which you want to buy. Maps need to meet certain requirements to comply. Further information on this is available in the guidance.

Once you have completed your application along with maps, plans or other drawings, you should submit it to the Scottish Government's Community Land Team. Address and email address details are provided in the 'Sources of Support' section later in this document.

► 6.7 Once your application has been received

Once your application has been received, it will first be checked to make sure it has been properly completed. This includes whether it has been signed by two people and whether the maps, plans or other drawings comply as well as that the ownership details are correct.

After this, Ministers will invite relevant parties - including the owner, a tenant (if applicable) and any creditors - to give their views. They have 60 days to do this. Public notice will also be given of your proposal and anybody is entitled to express their view.

Any views expressed will then be sent to your community body, or third-party purchaser if applicable, and you will have 60 days in turn to respond to them if you wish.

A further 60 days must pass, and then Ministers will consider the application. Ministers will then either decide to accept or reject your application. You, and other relevant parties, will be informed of this decision which will be accompanied by reasons.

If your application is rejected, you can appeal. If your application is accepted, the owner, tenant (if applicable), any creditors and other relevant parties can also appeal against it.

If your application is accepted, it will be logged in the Register of Applications by Community Bodies to Buy Land (RoACBL).

► 6.8 Exercising your right to buy, valuation and transferring ownership

If Ministers consent to your application, they have seven days from the date of consent to appoint an independent valuer. The valuer will assess the market value of the land and determine the price to be paid for it. They have eight weeks to do this and notify parties. The valuer's decision can be appealed by your community body, the owner and other relevant parties.

After valuation, your community body has 21 days to decide whether to proceed with purchase. If you decide to proceed, you will need to hire a conveyancer who will oversee the 'transfer of title' - transfer of ownership of the land - from the owner, or tenant if applicable, to your community body or third-party purchaser if applicable.

Your community body, or third-party purchaser, has six months from the date of your application's consent to acquire the land. How you fund the purchase is up to you.

Once 'transfer of title' is complete, your community body, or third-party purchaser if applicable, will be the owners of the land and the CRtB Part 5 process will be complete.

► SECTION 7: Getting Ready for Community Right to Buy

Before you get started with CRtB, it's important to be prepared for completing the process itself, which can be time-consuming and requires a broad range of skills. You will also need to think about what needs to be in place before you take ownership of the land itself. You should be confident that everything has been done to ensure that the project is needed and will be financially viable.

There are some initial steps you should consider to prepare for CRtB:

► 7.1 Options appraisal

A site options appraisal is a tool that can help you identify the best possible site for delivering your project within a given area. It will help you:

- Identify the key criteria that your asset needs to meet
- Assess potential sites against these criteria
- Identify one or more sites that can become the focus for more detailed feasibility work

The factors to consider will vary depending on the nature and objectives of your project, but some common ones are:



► 7.2 Feasibility

Once you have identified your preferred site through appraisal process, you will want to think further about whether this is indeed the right land. The type, size and condition of the land will determine the scale and complexity of transforming it into the vision you have developed for it.

This involves gathering information and seeking advice which can support the project proposals and show how the objectives for the project can be accomplished from a technical, legal, financial and operational point of view. Market research will be required to ensure there is clear demand for the proposed use of the land.

It is essential that stakeholders are identified and consulted with in order to secure buy-in, which will ultimately enhance the likelihood of success. There is a need to analyse your organisation's capacity in relation to taking on the management or ownership of the land and ensure there is a strategic fit. Conducting a financial assessment of the project is critical.

The COSS publication 'Feasibility' provides advice, guidance and practical exercises to help you determine the viability of your project.

These are some of the steps you should take as part of your initial feasibility assessment:

a) Analyse your skills

Before you get started, it's a good idea to check whether or not your group has the skills and experience required to successfully manage your project. This is known as a Skills Assessment Analysis or Capacity Needs Analysis. Carrying out this analysis at an early stage will help you to identify what skills you have in your group and those you need to develop or recruit into the team. You can find a template for a skills analysis on the COSS website.

b) Contact advisors

Think about the individuals and agencies that you can access support from as you develop your project. In addition to COSS you can access local support from Third Sector Interfaces who can assist you with organisational development, volunteering, networks of local organisations and connections to the Community Planning process. The Scottish Government's Community Land Team (see section 8) can provide detailed advice and guidance on the CRtB process. There are many other organisations who can provide specialised support (section 9), so make use of the help that's available.

c) Consider your stakeholders

Thought needs to be given to identifying all stakeholders, in order to secure the benefits of involving anyone who can help make a project happen. It is important to plan ways in which they can be involved in the development of the project. Once stakeholders have been identified, it is worth analysing where they are in relation to your project: are they actively for or against the project or uncommitted one way or another? You need to consider their power, influence and interest in relation to your project, so you can prioritise and understand how to communicate effectively with them.

d) Involve the community

Involving your community in developing and managing your project should be a key part of your plans. It can seem daunting if you haven't done it before, but there are plenty of ideas that can help you get started. It is vital to have the support of your community in order to ensure long-term success, and to demonstrate that there is a need and demand for your project. The COSS publication *Involving Your Community* helps you to design appropriate plans for engaging with your community. Involvement can range from informing and consultation to active engagement in taking decisions and implementing the project.

e) Research similar projects

There is a wealth of experience to draw on from other community organisations who have delivered similar projects. Start with looking at case studies, websites and reports from these organisations. Speak to your advisors about projects they are aware of that you could learn from. If possible, visit these organisations or speak to the people involved to hear first-hand how they overcame obstacles and navigated the processes. Learn from their successes and their failures.

f) Develop project objectives

Whatever your group's starting point and aspirations, it is important to be clear at the outset about what the project aims to achieve and why. These will change and develop as you work on the project, but being clear about your project objectives at the outset will help you to consider all the options and opportunities. Therefore, your group should outline the main project objectives at the earliest possible stage. Project objectives should be SMART: Specific, Measurable, Achievable, Realistic, Timebound.

g) Develop a sustainable business model

The business model of any organisation or project is about how it generates the majority of income from its activities. For some projects this may be straightforward, for others it may be more complex. Market research is really important to test your assumptions about demand: how do you know there is an unmet need or an opportunity you can exploit, who are the customers/users, who are your competitors, what are the external trends in the marketplace? Understanding these factors and demonstrating you have a sustainable business model is particularly important for securing finance to fund a development project.

h) Prepare a project proposal

Prepare a summary of your ideas for funders and other stakeholders which gives a short introduction to your project. This should outline a clear vision for the project, your initial objectives, any risks you have identified and some milestones for the major steps you will take. As well as being a useful tool for explaining your project externally, this document will ensure members of your group are clear on what you're trying to achieve.

► 7.3 Factors for success

There are some key factors which help contribute towards a successful community project which are worth keeping in mind as you develop your ideas:



▶ **SECTION 8: Case Studies**

▶ **8.1 Case Study 1: Bellfield, Portobello, Edinburgh**

‘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.’ (Ian Cooke, Director of Action Party)

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. Fearing that the building would be turned into private housing, resulting in the possible loss of this public amenity, in April 2017 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. 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 defined their community by postcode, with around 5000 people living in the defined area. An effective community definition contributed to the tremendous success of their ballot: 51% of eligible voters voted and, of those, 98.7% voted in favour of Action Party’s plans.

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 purchase of the building 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 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.

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

- ‘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 see CRtB as a backstop power’
- ‘Understand the issues that are particular to your community’
- ‘Speak to other community bodies who have gone through the process and seek help’

Registration number in Register of Community Interests in Land: CB00202

► 8.2 Case Study 2 - Sunart Community Company, micro hydro scheme

Sunart Community Company used the Community Right to Buy process to acquire a dam and land owned by Scottish Water. Acquiring the dam enabled the group to develop a successful micro hydro scheme, built and managed by Sunart Community Renewables, that now generates thousands of pounds each year for a community benefit fund. The owner of the dam was Scottish Water (a public body) and although they were keen to dispose of the asset, at the time there was no Community Asset Transfer process available, so Community Right to Buy was the best option open to the group.

After a great deal of work, they registered the CRtB in 2012 and it was formally approved in 2013, following a successful ballot (95% support on 75% turnout).

The land and dam were purchased for £2000 through local fundraising and a donation from the Sunart Community Council. The property was valued by the seller using a commercial agent (in agreement with the community) and this was acceptable for the CRtB process. Thereafter, a District Valuer was appointed by the community to assess rental value of the wayleave for the penstock (pipeline) across common grazings. A BenCom was established in 2014 to run a very successful share issue which raised £753,300 for the capital costs of the project. The scheme was complete and generating electricity by late 2015.

The Community Right to Buy process was a lengthy one for the group and at times bureaucratic and time-consuming for the volunteers involved for an asset valued at only £2,000. The group experienced difficulties in dealing with the seller in the early days of the project, but interventions from their local MSP helped move the process along. Some additional work was required to define the community boundary as the area of benefit included part of a postcode area, requiring the group to name individual properties to create an accurate definition of the community. The changes made to CRtB as part of the Community Empowerment Act in 2016 have improved this situation, allowing communities to be defined in other ways in addition to postcodes.

The key advice they would give to other groups considering CRtB is:

- Be aware of the lengthy timescales involved and the level of work required.
- Make sure you get the mapping right
- Try to use a negotiated sale before CRtB
- Keep the community informed and engaged throughout the process
- Utilise all available assistance from public and charitable bodies

The project feasibility was made possible with a 'CARES' Loan (Local Energy Scotland) and a charitable grant from SSE Renewables. Community Shares Scotland and Co-operatives UK assisted greatly with the BenCom formation and share issue.

Registration number in Register of Community Interests in Land: CB00150

▶ 8.3 Case Study 3 - North West Mull Community Woodland Company

North West Mull Community Woodland Company (NWMCWC) used CRtB Part 2 to purchase the island of Ulva in June 2018. The island had been suffering from lack of investment for many years causing economic decline and depopulation. When NWMCWC became aware that the island was to be sold, an attempt was made to pursue a timeous application for CRtB, but this was unsuccessful and a 'late application' was necessary, with the additional requirements that brings. The group secured a 64% turnout from the community ballot to approve the buyout and 64% of people voted in favour.

The scale of the project and the funding required (in excess of £4 million) was daunting but the group's previous experience purchasing forestry through the National Forest Land Scheme gave them confidence. The bulk of the funding needed for the purchase was secured from the Scottish Land Fund with loans, private donations and fundraising from the community completing the package.

NWMCWC have an ambitious vision for the island: re-invigorating the economy, developing the infrastructure in a sustainable way and improving the social fabric. Much of this work is already underway with houses being repaired, electric vehicles acquired and improvements being made to piers and agricultural infrastructure.

Mapping proved to be one of the more challenging and complex parts of the CRtB process, requiring the group to piece together a number of different sections. Securing the funding necessary to get a piece of land registered was also a challenge and a risk for the group as there is no guarantee of the buyout being successful. Negotiating with the landowner was also a drawn-out and difficult experience for the group.

The advice they would give to other groups would be:

- Don't wait for land to come on the market as this makes the process more complex, if you are interested in a piece of land either register an interest or at least record in your meeting minutes to show you have considered it
- Get your own valuation of the land done early so you have a solid figure to work from
- Define your community carefully to ensure a sensible boundary that includes people who are interested in and supportive of the project
- Work with the team at the Land Unit from day one to keep you on the right track and avoid problems later

The group were well supported throughout by the Scottish Government's Land Unit which provided important feedback on submitted documents and advised the group on navigating the process.

Registration number in Register of Community Interests in Land: CB00221

► 8.4 Case Study 4– Castle Woods, Helensburgh Community Woodlands Group

Helensburgh Community Woodlands Group’s acquisition of Castle Woods, was a journey through both Part 2 and Part 3A of the Community Right to Buy legislation, eventually agreeing a sale of the land through a negotiated sale.

Helensburgh Community Woodlands Group (HCWG) formed in 2004 in response to two areas of woodland within residential areas being sold by the Ministry of Defence to a housing developer. HCWG defined their community by postcodes that surround the two pieces of land, this equated to just over 2000 people on the voters list (around 1000 households). This number was manageable from the point of view of newsletter drops to inform people and for the time when a ballot may be required. As the land was in the community’s direct locality, most people were aware of the land in question and had views about its future.

After an initial request to purchase the land from the new owners was unsuccessful, land reform legislation gave HCWG hope that they could find a way to protect and enhance the woodland’s natural amenity value through community ownership. In 2016 HCWG successfully registered two CRtB Part 2 applications, one for each area of woodland.

Acknowledging that the owners were unwilling to sell and believing that the woodlands were becoming neglected, in December 2019 HCWG submitted two separate CRtB Part 3A applications. Although the two pieces of land were owned by the same landowners, a separate application was required for each title.

After a five month wait, the application for Castle Woods was declined to be considered by Scottish Ministers due to a discrepancy with the mapping which outlined the area of ownership. All was not lost, however, as during this period the owners had indicated a willingness to sell, but concerns of reduced market value discouraged them from proceeding with a sale under Part 2. With this knowledge, HCWG decided to privately negotiate an offer subject to funding. With support of the Scottish Land Fund sale of the 2.1Ha woodland went through for £100,000 in November 2020.

“We don’t think the owners would have sold the land if we hadn’t gone through the Part 3A application process. The case we made was robust and we had a feeling that their legal team may have persuaded them that they would be very unlikely to get planning consent in future. Hence we don’t regret going through the Part 3A.” – Andy Donald (HCWG Committee Member)

The second application, for the smaller area of woodland, was also rejected by Scottish Ministers on the grounds that the application did not sufficiently demonstrate that the land was eligible under Part 3A. HCWG still hold a registered Part 2 Community Interest and plan to apply for a five year extension. The members who live locally feel the right thing to do is to keep trying to protect the woodland which is now regenerating naturally.

HCWG’s first action as landowners was to undertake tree safety and invasive species work. They are transitioning from a woodland protection group to a group that promotes people making use of the woodland. The long-term goal is a well-used woodland that is accessible to all.

Andy Donald provided a few tips for others considering a CRtB:

- *‘If the boundary is not clearly defined by the Title deeds, don’t start...’*
- *‘Make sure you have funding to cover your legal costs: you need good legal advice from someone that is knowledgeable on the legislation. Also just having someone to discuss any concerns was critical; it’s a bit daunting without that. We were very fortunate to have the support from the Scottish Land Fund throughout; without that we wouldn’t have got started really.’*

Registration numbers in Register of Community Interests in Land: Castle Woods - CB00206 (Part 2), AB00002 (Part 3A), Woodland on Cumberland Avenue CB002004 (Part 2), AB00001 (Part 3A)

▶ **SECTION 9: Tools and Resources**

▶ **9.1 General**

- [Involving your Community](#) – a practical guide to a range of community engagement techniques developed by COSS
- [COSS website](#) – provides a range of project development guidance, case studies and resources
- [Community mapping tool](#) and [accompanying guidance](#) – produced by the Scottish Government to help communities map the land they have identified

▶ **9.2 CRtB - Part 2 Specific**

- [This Route Map and Guidance Booklet](#) - breaks down the journey
- [Register of Community Interests in Land](#) - community bodies that have registered an interest in land
- [Land Reform \(Scotland\) Act 2003 - Part 2](#)
- [Scottish Government CRtB - Part 2 webpage](#)

▶ **9.3 CRtB - Part 3A Specific**

- [This Route Map and Guidance Booklet](#) - breaks down the journey
- [Scottish Government CRtB - Part 3A webpage](#)
- [Land Reform \(Scotland\) Act - Part 3A](#)

▶ **9.4 CRtB - Part 5 Specific**

- [This Guidance Booklet](#) breaks down the journey
- [Scottish Government CRtB - Part 5 webpage](#)
- [Land Reform \(Scotland\) Act 2016 - Part 5](#)

▶ **9.5 Negotiated Sale Specific**

- [This Route Map](#) breaks down the journey
- [Protocol for Negotiated Sales](#)

► **SECTION 10: Sources of support**

Scottish Government - Community Land Team

www.gov.scot/policies/land-reform/community-right-to-buy/

Administers the Community Right to Buy (Section Four of the CEA) and various rights to buy under the Land Reform (Scotland) Act 2003. They can offer advice and guidance at any stage of the Community Right to Buy process.

Tel: 0300 244 9822 Email: crtb@gov.scot

The Scottish Land Fund (SLF)

www.tnlcommunityfund.org.uk/funding/programmes/scottish-land-fund

Provides support and advice on funding and early stage work. SLF can help with the costs of buying the property as well as providing funding for some development support pre- and post-acquisition.

Tel: 0300 123 7110 Email: advicescotland@tnlcommunityfund.org.uk

Highlands and Islands Enterprise (HIE)

www.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.

Tel: 01463 245 245 Email: info@hient.co.uk

Development Trusts Association Scotland (DTAS)

www.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.

Tel: 0131 220 3777 Email: info@dtascot.org.uk

Community Land Scotland

www.communitylandscotland.org.uk

The membership network for aspiring and established community landowners. It facilitates the exchange of information between community landowners, provides a representative voice for the sector and promotes the importance of the community landowning sector to Scotland.

Tel: 07884 314297 Email: info@communitylandscotland.org.uk

Just Enterprise

<https://justenterprise.org>

Just Enterprise is 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.

▶ **SECTION 11: Appendix**

▶ **11.1 Glossary of Key Terms**

Community body: The body that registers an interest in and acquires the land, on behalf of the community. A community body must either be a Company Limited by Guarantee (CLG, a Scottish Charitable Incorporated Organisation (SCIO) or a Community Benefit Society (BenCom) to be eligible for CRtB.

Community buyout: A catch-all term for when a community group buys an area of land and/or building(s). It is more commonly used in reference to buying privately-owned land but may include buying publicly-owned land as well. A successful Community Right to Buy is a type of community buyout.

Eligible land: Land that you are allowed to buy through CRtB.

Excluded or ineligible land: Land that you are not allowed to buy through CRtB.

Public interest: The welfare or wellbeing of the general public.

Sustainable development: Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

It is helpful to think of sustainable development in terms of social, environmental and economic benefits:

- Social benefits may include retention of young people, reduced loneliness and isolation and greater community inclusion
- Environmental benefits may include more green space in your community, better management of local habitats and improved air quality
- Economic benefits may include more employment and training opportunities, more money being spent in the local area and a greater diversity of business types

Transfer of title: When ownership of the land is transferred from the landowner to you.

This Guidance was produced by Development Trusts Association Scotland. Written by Callum Leavey-Wilson, Karlene Doherty and Felix Spittal.



**COMMUNITY
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