



Overview of Evidence on Land Reform In Scotland

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**Rural Analytical Unit
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Executive Summary

Introduction

The purpose of this paper is to provide an overview of the evidence available on the implementation and progress of the Land Reform (Scotland) Act 2003 to date, and to highlight some of the key issues that may be worth considering in its forthcoming review.

The Land Reform (Scotland) Act 2003 (the Act) encompasses the policy actions of access; community right to buy in non-crofting areas; and community right to buy in crofting areas with other crofting measures. The Act was introduced as part of a raft of measures within the wider Land Reform Programme, which included the set up of the Community Land Unit in Highlands and Islands Enterprise (HIE), and the Scottish Land Fund (superseded by Growing Community Assets).

This paper will cover each of the key aspects of the Act in turn, before discussing the key issues highlighted by each of these. The key aspects are:

- Access Rights
- Community Right to Buy
- Crofting Community Right to Buy.

In addition to these aspects, two levers intended to help deliver the outcomes being sought from Land Reform will be discussed. These are:

- The Land Fund
- The Growing Community Assets Fund.

Progress on key aspects of the Act and levers to deliver intended outcomes

Access Rights

Recent evidence from several sources indicates that awareness of the Scottish Outdoor Access Code has increased substantially in recent years, both amongst recreational users and amongst land managers (MacLeod Research Ltd, 2011; TNS Research International, 2010). Survey findings indicate that visits to the outdoors for recreational purposes have remained stable since 2006, and there appears to have been a decrease in the frequency of recreational users experiencing access problems. Moreover, there is evidence to suggest that the access rights contained in the Act have served to increase the confidence of access-takers in relation to exercising their rights (MacLeod et al, 2010).

Core Paths Plans, drawn up by Access Authorities in accordance with the Act's access provisions, are helping to facilitate access to and use of the countryside, as well as promoting dialogue and co-operation. However, their creation has been challenging and time-consuming for a number of Authorities and, in some instances, continues to be so (AECOM Environment, 2011).

Overall the evidence suggests that there is little appetite amongst access stakeholders for significant changes to the provisions of Part One of the Act.

Community Right to Buy (CRtB)

Part 2 of the Land Reform (Scotland) Act introduced the Community Right to Buy (CRtB) as a mechanism for encouraging opportunities for community ownership of land in rural Scotland. The evidence suggests that **CRtB** has the potential to deliver social, economic and environmental benefits, including the potential to make community land/assets more financially viable; improve local services; facilitate affordable housing; generate new economic activity and jobs; and enhance the environment through, for example, encouraging species management.

Research highlights that not all communities are equally well placed to achieve the full benefits of land and asset ownership. In addition, without the right conditions in place, ownership can bring with it more risks than benefits. It is therefore important that mechanisms are available to prevent purchases becoming liabilities (Aiken et al, 2011; JRF, 2011; Skerratt, 2011).

To date, 142 applications to register a community interest in land have been submitted as part of the Act's **CRtB** provisions, of which 95 have been approved. This level of uptake is greater than was assumed by the Land Reform (Scotland) Bill, which predicted 25 applications to register interest in the first year, followed by five a year thereafter, and two community purchases each year.

Of the, 95 approved applications, 33 have had the chance to go ahead and purchase land, and 11 have been successful in doing so (Scottish Government, May 2012).

The areas of land purchased using **CRtB** have generally been small, often constituting specific facilities and/or buildings rather than larger land areas and estates. The total area of land bought in the 11 incidences of successful community land purchases to date is 20,578.031 hectares: four of these bodies purchased less than two hectares, and only three purchased over 402 hectares (Scottish Government, October 2011).

The widespread geographical distribution of the applications made shows that the Lowlands is an important area for the community ownership of land and suggests that community ownership of land is not only associated with Highland and Island communities.

There are a number of barriers limiting the uptake of **CRtB**. These include: land not coming on to the market, or being withdrawn from it; legislation being too complex and resource-intensive; and applications being rejected due to their being late or failing to meet particular requirements (MacLeod et al, 2010). There are also a number of barriers limiting the realisation of benefits linked to **CRtB**, including: a lack of appropriate guidance and support; a lack of comprehensive information regarding the condition of an asset and/or the full costs of asset ownership; poor management and leadership; and the lack of a strategic approach to local community development in some areas.

Crofting Community Right to Buy (CCRtB)

Part 3 of the Land Reform (Scotland) Act 2003 introduced the Crofting Community Right to Buy (CCRtB) provisions. Under these provisions, crofting communities are

given the right to acquire and control the croft land where they live and work. Unlike the Community Right to Buy provisions, this does not depend on the land being for sale. The potential benefits of the **CCRtB**, like the CRtB, include economic, social and environmental impacts. The intention is to remove barriers to sustainable development by empowering crofting communities.

To date, **CCRtB** has never been implemented in its entirety to the point where a crofting community body has used it to purchase eligible land and associated rights (MacLeod et al, 2010). It is viewed as onerous, complex and resource intensive (ibid), which in part may explain the rate of uptake, which is much lower than had originally been anticipated. (To date, only two crofting community bodies have submitted applications to Ministers under the provisions. These are The Galson Trust and The Pairc Trust, both located in Lewis).

Other barriers to the successful implementation of the **CCRtB** include: concerns that the provisions may be unworkable in practice; insufficient awareness and promotion of the provisions; lack of funding support and advice; and the perceived lack of fit between the **CCRtB** and other recent reforms of crofting legislation and policy (MacLeod et al, 2010).

The Scottish Land Fund (SLF)

The Scottish Land Fund, which ran from 2001 to 2006, was initiated by the Land Reform (Scotland) Act to provide funding to communities in rural Scotland to support the acquisition of land and other assets. The **SLF** awarded 239 grants over its lifetime, spending a total of £13.5 million to support 188 community groups (SQW, 2007).

An evaluation of the **SLF** found that it had made a significant contribution to community development through the projects that have been supported. However, a number of limitations have been identified including:

- The limited value of the grants awarded, which makes it difficult for them to lead to anything more than a modest change to the pattern of land ownership (SQW, 2007);
- The need for more recognition of how land and asset ownership facilitated by the fund will help communities develop (SQW, 2007);
- The need for timescales in the application process to be more workable for the communities and resources involved (Skerratt, 2011); and
- The need for management / governance training in some Land Ownership Boards (Skerratt, 2011).

Growing Community Assets (GCA)

The Growing Community Assets fund (GCA) replaced the Scottish Land Fund In 2006. The first five year programme provided grants which totalled £50 million to help communities purchase land and other assets, to develop social capital to maximise the impact of their purchase and to have more control and influence over future development. One main difference between the SLF and **GCA** is that the latter includes urban as well as rural communities. **GCA** was re-launched in 2010 and will run until 2015, with approximately £50-60 million to invest in communities.

GCA made 127 investments between 2006 and 2010. The number of awards rose from 10 projects and £4.1 million in 2006 to 29 projects and £13.4 million in 2010. Almost half the projects (62) and half the funding, have been used to support community facilities. There have been 19 energy projects and 19 social enterprise-based projects.

The ongoing evaluation of the **GCA** programme has noted difficulties in monitoring and evaluating progress to date, given the diversity of projects funded and the fact that many projects have not yet produced outputs or achieved outcomes. However, despite these difficulties, evidence suggests that **GCA** has had a number of positive impacts, including: giving communities a greater say in how their services / assets are run; generating long-term streams of income from community assets; generating local jobs and businesses; and facilitating the sharing of skills, knowledge and confidence amongst community members (SQW, 2011).

Discussion - looking to the future

Individual Parts of the Act

Evidence suggests that the introduction of core paths by the Act has been popular, and that good progress has been made by most Access Authorities (AECOM Environment, 2011). There remains a concern that the currently challenging financial climate for the Scottish public sector means that the opportunities for encouraging more outdoor access through Core Paths Networks will slip away if funding for their creation, maintenance and management dries up (MacLeod et al, 2010; AECOM Environment, 2011)

The evidence suggests that there is little appetite amongst access stakeholders for significant changes to the provisions of Part One of the Act. However, concerns about some aspects of access provision have been raised, particularly by Access Authorities, in relation to perceived anomalies or weaknesses in the Act.

Although the **Community Right to Buy** provision in Part 2 of the Act has attracted more applications than was predicted by the Land Reform (Scotland) Bill, it has brought about relatively modest change in terms of land ownership.

Where land has been purchased using the **CRtB** provisions, the size of the areas purchased has generally been small and purchases are often restricted to specific buildings and facilities, rather than larger estates and land per se. This raises the question of what the rationale and scope of Land Reform should be (see General Points below).

It has been suggested that the **CRtB** provisions are likely to favour communities that are already reasonably strong – for example, those that have well established organisations and more resources. There has therefore been concern that it could widen the divide between poorer and better off communities.

There are a number of areas where the community right to buy could be reviewed, and where improvements might be made to the legislation. These include:

- Simplifying the time consuming administrative processes that have led to many applications being delayed, and giving communities more time (MacLeod et al, 2010; JRF, 2010)
- Providing more technical help and appropriate guidance and support to communities and community organisations (JRF, 2010)
- Providing more accessible funding to support community purchase and ownership (Macleod et al, 2010; JRF, 2010).

Several improvements have been suggested to increase uptake and impact of the **Crofting Community Right to Buy**. These include (Macleod, 2010):

- Reviewing the complex and onerous mapping requirements
- Improving promotion of the provisions in order to raise awareness
- Improving the fit between **CCRtB** and other recent reforms of crofting legislation and policy
- Publishing the Register of the **CCRtB** online, so that relevant documents and registrations can be easily accessed
- Making further funding available to assist in achieving crofting community buyouts using the Act and outwith the legislation.

Growing Community Assets

Following evaluation of the first round of the **GCA** fund programme, a number of suggestions have been made for improving the effectiveness of the programme (SQW, 2009); Big Lottery Fund Research, 2010; SQW, 2011). These include: shortening the timescale of the approvals process; making a clearer distinction between **GCA** and other funding programmes; encouraging broader engagement from community members (including a broad age range and a mix of ‘established’ and ‘incomer’ residents); providing more training and guidance on community management; and placing more emphasis on succession planning, in order for the asset to have long-term benefits and permanency, and to ensure the maintenance of skills, knowledge and experience.

General Points

There remains a **lack of clarity over the rationale and remit of Land Reform**, in terms of what specifically it is aiming to achieve and how it plans to do this. For example, there is a need to clarify the relative emphases and scope of the changes required in terms of land ownership and the changes required in terms of land stewardship, as evidence suggests that both are likely to be important in terms of the sustainable development of communities. Indeed, the evidence highlights that land / asset ownership is just one of a number of possible options that can contribute to community development, and that, in certain contexts, other options may be more effective and appropriate to communities’ needs (SQW, 2009; SQW, 2011). There is also a need to clarify the relative roles played by land and by other assets (e.g. specific buildings and facilities) in terms of sustainable community development, as the use of the Act’s **CRtB** provisions to date suggests that both land and assets are of interest to communities.

The **extent to which Land Reform can deliver other benefits**, making it more of a means to an end, rather than an end in itself, is also a key issue. For example, Land Reform has been promoted by some as a unifying strand of policy that can help

deliver existing policies on community empowerment, asset transfer, regeneration, housing, local governance and finance, and renewable energy (Wightman, 2011).

Researchers have found that **monitoring and evaluating** the three parts of the Land Reform (Scotland) Act 2003 has been extremely challenging, given its flexibility and this lack of clarity regarding its rationale. Nevertheless, monitoring and evaluation will be key for assessing whether the Act is achieving what it set out to do.

Compared to economic and social improvements, the Act seems to have left a number of potential **environmental gains relatively unexplored** (Scottish Government, 2007). These include:

- Linking land use to land ownership type is difficult, not least because there are many other drivers of land use change (Munton, 2009)
- There could be potential to refocus Land Reform on the very large private estates. Yet the very large estates are the most obvious building blocks from which to deliver ecosystem services (Bryden and Geisler, 2007).

There are rapid developments taking place which support the wider policy agenda for strengthening communities, such as the Community Empowerment and Renewal Bill, together with legislative changes in areas which impinge on **CRtB** and **CCRtB**, such as changes to crofting legislation and compulsory purchase processes. There is also a need to ensure that **consideration is taken of developments elsewhere in the UK**.

1. Background

1.1 The Land Reform (Scotland) Act 2003 encompasses policy actions including: access; community right to buy in non-crofting areas; and community right to buy in crofting areas (the Crofting Community Right to Buy – CCRtB) with other crofting measures. The Act came in as part of a raft of measures introduced within the wider Land Reform Programme, which included the Scottish Land Fund (superseded by the Growing Community Assets fund - GCA).

1.2 When the Land Reform (Scotland) Bill was introduced into the Scottish Parliament in 2001, community ownership was still comparatively rare, though there had been several developments in the past 5 years. Despite its newness, the then Scottish Office recognised that community ownership of land and community involvement in the future of a community were important issues. This has been borne out in developments since that time. There has been increasing policy interest in the ownership and management of land and other assets by community-based organisations, and an increasing number of communities have registered an interest in ownership.

1.3 This interest has grown significantly, especially in the last few years, due in part to the localism agenda. The Scottish Government's Community Empowerment Action Plan, for example, highlights the key role of land and asset ownership in strengthening the power and influence of communities. There has also been a wider movement across the UK, through reviews such as the Quirk Review, and its resultant publication 'Making Assets Work: The Quirk Review of community management and ownership of public assets' (2007), one of the most important policy documents for asset development and transfer in England.

1.4 Until recently, there has been relatively little independent research on the community ownership of land and assets, particularly in terms of its key risks and benefits, and the factors that help determine whether ownership becomes a success or a liability in the broader context of community empowerment. However, the body of evidence is growing and now encompasses reviews on the progress of land reform in general, reports and evaluations covering the impacts of specific parts of the Land Reform (Scotland) Act 2003 in particular, and studies examining the link between land reform and community resilience / sustainability. However, there is more evidence on the experiences of community bodies than there is on landowners who also have an important role to play.

1.5 The purpose of this paper is to summarise such evidence, and use it to inform the forthcoming review of the Land Reform (Scotland) Act 2003, by highlighting some of the key issues that this may wish to consider and to inform the future direction of land reform in Scotland.

1.6 The evidence reviewed in this paper largely takes the form of evaluations (Big Lottery Fund, 2010; SQW, 2007; SQW, 2009; SQW, 2011); think pieces (JRF, 2010; JRF, 2011; Holmes, 2010; Wightman, 2011); evidence reviews (MacLeod, 2010; Slee et al, 2008); case studies (Aiken et al, 2011; Skerratt, 2011); surveys and interviews (Aiken et al, 2011; MacLeod, 2010; TNS Research International, 2010). As such, the

evidence base is wide-ranging but not necessarily comprehensive in terms of its geographical or topical coverage. Moreover, there is the possibility that certain sources may not be entirely objective in terms of their analytical perspective, given that they are written and/or published by those administering particular initiatives. Evidence was also compiled from the Register of Community Interests in Land (RCIL) at <http://rcil.ros.gov.uk/RCIL/default.asp?category=rcil&service=home> which includes all the applications received by Scottish Ministers together with information on the status of the applications.

2. Access Rights

Summary

It is not possible to quantify the extent to which statutory access rights are being exercised, due to lack of data. However, recent evidence from several sources indicates that awareness of the Scottish Outdoor Access Code has increased substantially in recent years, both amongst recreational users and amongst land managers.

Survey findings illustrate that visits to the outdoors for recreational purposes have remained stable since 2006, and there appears to have been a decrease in the frequency of recreational users experiencing access problems. Moreover, there is evidence to suggest that the access rights contained in the Land Reform (Scotland) Act have served to increase the confidence of access-takers in relation to exercising their rights. Core Paths Plans, drawn up by Access Authorities in accordance with the Act's access provisions, are helping to facilitate access to and use of the countryside, as well as promoting dialogue and co-operation.

The evidence reveals that the factors preventing greater use of the access provisions made by the Act are mostly financial and cultural. For example, there is concern that the currently challenging financial climate means that the opportunities for encouraging more outdoor access through Core Paths Networks will slip away if funding for their creation, maintenance and management dries up. In addition, although evidence suggests that the introduction of core paths by the LRSA has been popular, their creation has been challenging and time-consuming for a number of Authorities and, in some instances, continues to be so.

In summary, the evidence suggests little appetite amongst access stakeholders for significant changes to the provisions of Part One of the Act. However, concerns about some aspects of access provision have been raised, particularly by Access Authorities, in relation to perceived anomalies or weaknesses in the Act.

Awareness and Understanding of the Scottish Outdoor Access Code

2.1 It is not possible to quantify the extent to which statutory access rights are being exercised by recreational and other access-takers due to a lack of available and readily comparable data (MacLeod et al, 2010).

2.2 However, a recent report on monitoring responsible behaviour among recreational users and land managers highlights that awareness of the Scottish Outdoor Access Code and its contents has increased significantly, both among recreational users (from 35% in 2002/03 to 73% in 2008) and among land managers, from 39% in 2002/03 to 63% in 2008 (MacLeod Research Ltd., 2011). These findings are supported by the Scottish Recreation Survey, which shows that, since it came into effect in February 2005, respondents' awareness of the Scottish Outdoor

Access Code and associated legislation has in general risen. This finding is highlighted in the table below (Table 2.1) – it should be noted that the particularly large decrease (between 2008 and 2009) in respondents' awareness of the statutory legislation on access rights depicted in this table (9%) is thought to be due to a shift in SNH's communications to focus on the Access Code rather than the associated legislation.

Table 2.1 Respondents' awareness of the Scottish Outdoor Access Code and the statutory legislation on access rights

| Year | Respondents' awareness of the Scottish Outdoor Access Code | Respondents' awareness of the statutory legislation on access rights |
|------|--|--|
| 2004 | 13% | Information not available |
| 2005 | 41% | 43% |
| 2006 | 56% | 52% |
| 2007 | 60% | 56% |
| 2008 | 60% | 54% |
| 2009 | 54% | 45% |

Use of the Countryside

2.3 Findings from the Scottish Recreation Survey provide details of respondents' visits to the outdoors for recreational purposes, which appear to have remained relatively stable since 2006 (TNS Research International, 2010). The table below (Table 2.2) provides details of the percentage of respondents who reported they had made at least one recreational visit to the outdoors within the previous 12 months, and also the percentage who had made at least one recreational visit to the outdoors each week in that particular year.

Table 2.2 Respondents' visits to the outdoors

| Year | Respondents who made at least one visit to the outdoors for recreation purposes in the previous 12 months | Respondents who made at least one visit to the outdoors each week |
|------|---|---|
| 2006 | 79% | 44% |
| 2007 | 80% | 44% |
| 2008 | 79% | 47% |
| 2009 | 79% | 46% |

The Scottish Recreation Survey also provides details of the percentage of visits made by respondents in which access problems were encountered (TNS Research International, 2010). The frequency of these visits appears to have undergone a general decrease since the Outdoor Access Code and Land Reform (Scotland) Act 2003 came into effect in February 2005, with 29% of respondents' visits encountering the problem in 2004, 18% in 2005, 25% in 2006, 20% in 2007, 22% in 2008, and 20% in 2009. The access problems most commonly reported by respondents in 2009 were overgrown paths (reported for 7% of visits), restrictive signage (for 5% of visits), and blocked paths (for 4% of visits).

2.4 The above finding is supported by Scottish Natural Heritage's survey to Monitor Responsible Behaviour Amongst Recreational Users And Land Managers as, between the original baseline survey and the follow-up study in 2008, the proportion of recreational users who felt 'very comfortable' when using the outdoors increased from 63% to 75% (MacLeod Research Ltd., 2011).

2.5 More generally, MacLeod et al (2010) found that the clarification of statutory access rights is viewed as increasing the confidence and assertiveness of access-takers in relation to exercising these rights.

2.6 MacLeod et al (2010) also identified concerns that a minority of access-takers are emphasising their statutory rights over their responsibilities when taking access. However, such behaviour is very much a minority activity and the Responsible Behaviour Surveys show an increasing and widespread awareness of the key responsibilities for access to the outdoors as detailed in the Code among both recreational users and land owners/managers (MacLeod Research Ltd., 2011).

2.7 Despite the largely responsible approach taken to land access by land owners and managers, MacLeod Research Ltd does note that *'whilst land owners and managers demonstrate a high awareness of their more general responsibilities as laid down in the Code, the findings identify an opportunity to increase awareness of specific responsibilities under the Code among land owners and managers'* (MacLeod Research Ltd., 2011).

2.8 Related to the above point, 17% of recreational visits to the outdoors made by respondents to the Scottish Recreation Survey in 2009 were reported to have encountered inappropriate behaviour. The most common types of inappropriate behaviour were dropping litter (8%), dogs not being kept under control (7%) and misuse of alcohol and drugs (3%) (TNS Research International, 2010).

2.9 In addition, Core Paths Plans have been drawn up by Access Authorities in accordance with the Act's access provisions, and these are helping to facilitate access to and use of the countryside. Many view Core Paths Planning as a positive process which has brought different stakeholders together and promoted dialogue and co-operation; thanks in no small part to the role of Local Access Forums. However, their creation has been challenging for some (see below).

Constraints on Success

2.10 The evidence on access provision is not so much about barriers as stakeholder concerns about constraints on success.

2.11 MacLeod et al (2010) found that the factors preventing greater use of the access provisions made by the Land Reform (Scotland) Act were mostly financial and cultural. For example, there remains a concern that the currently challenging financial climate for the Scottish public sector means that the opportunities for encouraging more outdoor access through Core Paths Networks will slip away if funding for their creation, maintenance and management dries up (MacLeod et al, 2010; AECOM Environment, 2011).

2.12 MacLeod et al (2010) also found that a number of stakeholders would welcome definitional clarity in relation to particular issues such as 'wild camping', 'dogs under control' and 'privacy'.

2.13 Another concern amongst local and Access Authorities relates to the temporary closure of core paths. This is because, while the Act makes provision for Access Authorities to exempt a particular area of land from access rights (section 11 orders), there is no equivalent mechanism for the closure of a core path. This has been a problem for the Forestry Commission who want to close core paths temporarily for large, high profile events such as car rallies, where organisers wish to have complete management control of the site so that they can discharge their duty of care (Forestry Commission Scotland and Loch Lomond & the Trossachs National Park Authority, 2010). The Forestry Commission Scotland and the Loch Lomond and the Trossachs National Park Authority have therefore made a case for amending the Act so that section 11 orders could formally close core paths as well. Evidence has been presented to NAF about these sorts of circumstances, and they have recognised that some accommodation would be helpful to give greater certainty to event organisers and land managers. The Scottish Government has now commenced a consultation on using order making powers to amend the Act to allow for the temporary closure of core paths in the context of a wider areal exemption of land from access right (S11 order).

2.14 A further issue concerns the process of handling objections to draft core path plans. This relates to the post-consultation or 'resolution' period in which the authority liaises with objectors who want core paths to be added, modified or deleted. This 'resolution' stage is potentially contentious if the process adopted by the council in its handling of objections does not allow the views of all interested parties to be taken into account as well as the actual objectors (AECOM Environment, 2011).

2.15 Additional concerns expressed by some access officers and others relating to core paths and the core paths planning process include (AECOM Environment, 2011; MacLeod et al, 2010):

- A lack of understanding regarding the purposes and values of core paths amongst some authority staff/members, communities, users and landowners;
- A lack of ambition amongst certain Access Authorities in developing their plans;
- Worries that the process has diverted Access Authorities' attention and resources away from the routine but nevertheless important work of upholding access rights;
- A lack of engagement of some users in the core paths planning process (e.g. water users, cyclists);
- The raising of aspirations by consultation programmes, which cannot then be met due to funding constraints etc.; and
- Potential consultation 'overloads' and overlaps, when core path plans, access strategies, open space strategies, local plans and other plans are reviewed

2.16 Nevertheless, evidence suggests that the introduction of core paths by the Act has been popular and that good progress has been made by most Access Authorities. More specifically, by May 2010, 18 authorities had adopted/were about to adopt their plans, 7 had submitted/were about to submit objections to Ministers,

and the remaining 9 were undertaking final consultations, or seeking to resolve objections. Moreover, communities and interest groups are perceived to be generally satisfied with the core paths plans and provision. Those who may be less satisfied include some horse riders and disabled users (e.g. inadequate provision, barriers), landowners and farmers (e.g. disturbance, anti-social behaviour and bio-security concerns), and some communities, which do not consider links between settlements as adequate (AECOM Environment, 2011).

2.17 In summary, the evidence suggests little appetite amongst access stakeholders for significant changes to the provisions with Part One of the Act. However, concerns about some aspects of access provision have been raised, particularly by Access Authorities, in relation to perceived anomalies or weaknesses in the Act.

3. Community Right to Buy

Summary

Part 2 of the Land Reform (Scotland) Act 2003 introduced the Community Right to Buy (CRtB) as a mechanism for encouraging opportunities for community ownership of land in rural Scotland. The potential benefits of the Community Right to Buy (CRtB) are extremely diverse. The evidence suggests that it has the potential to deliver social, economic and environmental benefits. These include the potential to make community land / assets more financially viable; improve local services; facilitate affordable housing; generate new economic activity and jobs; and enhance the environment through, for example, encouraging species management. However, despite all these potential benefits, some researchers have concluded that the impact of CRtB to date has been relatively small scale.

To date, 142 applications to register a community interest in land have been submitted to Scottish Ministers, of which 95 have been approved. This level of uptake is greater than was assumed by the Land Reform (Scotland) Bill, which predicted 25 applications to register interest in the first year followed by five a year thereafter, and two community purchases each year.

Of these 95 approved applications, 33 have had the chance to go ahead and purchase land, and 11 have been successful in doing so. Where land has been purchased using the Community Right to Buy provisions, the size of the areas purchased has generally been small and purchases are often restricted to specific buildings and facilities.

The widespread geographical distribution of the applications made shows that the Lowlands is an important area for the community ownership of land and suggests that community ownership of land is not only associated with Highland and Island communities.

Barriers that may help explain the drop-out rate include:

- land not coming on to the market, or being withdrawn from the market;
- complex, resource intense legislation;
- applications being rejected due to them being late or flawed; and
- a lack of resources and finances to purchase land.

Improvements that could help to enhance the uptake and impact of CRtB include:

- simplifying the time consuming administrative processes and giving communities more time;
- providing more technical help and appropriate guidance and support to communities and community organisations wishing to purchase assets;
- providing more accessible funding to support community purchase and ownership.

Research highlights that not all communities are equally well placed to achieve the full benefits of land and asset ownership. In addition, without the right conditions in place, ownership can bring with it more risks than benefits. These can include financial, legal, social, and environmental issues, which impact on the ability of the land or asset to achieve its full potential in terms of community empowerment. It is therefore important that mechanisms are available to prevent purchases becoming liabilities.

General Overview

3.1 Part 2 of the Land Reform (Scotland) Act 2003 introduced the Community Right to Buy (CRtB) as a mechanism for encouraging opportunities for community ownership of land in rural Scotland. The CRtB provisions provide the opportunity for community bodies representing rural areas in Scotland with less than 10,000 head of population to register an interest in and buy that registered land once it is offered for sale. It provides Community Bodies with a pre-emptive right to buy land in which they have registered a community interest. The right to buy requires a willing seller: it does not involve a compulsory purchase of land registered under the Act. A registered interest lasts for 5 years unless a Community Body informs Ministers that it should be deleted, it refuses the opportunity to exercise its right to buy or there have been changes which would lead Ministers to delete the registration. Community Bodies have the option to renew a current registration for a further period of 5 years. Communities in 469 of the 525 settlements in Scotland are able to apply to register a community interest in land, amounting to 89.3% of all settlements, though only 30.7% of the total Scottish population.

3.2 Community ownership is generally viewed as a way to encourage local development, by promoting self-determination and empowerment as a means to release economic and social entrepreneurial potential. The Land Reform (Scotland) Bill Policy Memorandum (2001) states that its objective is '*to remove land-based barriers to the sustainable development of rural communities*' (Scottish Parliament, 2001). In order to achieve this, the Land Reform Policy Group (1998) considered that there needed to be:

- Increased diversity in the way land is owned and used; in other words, more variety in ownership and management arrangements (private, public, partnership, community, not-for-profit) which will decrease the concentration of ownership and management in a limited number of hands, particularly at a local level, as the best way of encouraging sustainable and rural development; and
- Increased community involvement in the way land is owned and used, so that local people are not excluded from decisions which affect their lives and the lives of their communities.

3.3 The Land Reform (Scotland) Bill recognised that not all communities would wish to chose community ownership as a means of securing community involvement in land. It considered that it was likely that some would prefer to pursue some other form of community involvement short of outright ownership (e.g. long lease, working agreement with landowner etc). Nevertheless, it was thought to be important that communities should have the choice.

3.4 However, research highlights that not all communities are equally well placed to achieve the full benefits of land and asset ownership. In addition, without the right conditions in place, ownership can bring with it more risks than benefits (Aiken et al, JRF, 2011; Skerratt, 2011). These can include financial, legal, social, and environmental issues, which impact on the ability of the land or asset to achieve its full potential in terms of community empowerment. It is therefore important that mechanisms are available to prevent purchases becoming liabilities. Some communities may benefit from training, guidance and support to help them make the most of their land or asset purchases (Aiken et al; JRF, 2011; Skerratt, 2011).

Uptake

3.5 Uptake can be analysed according to the different opportunities that are available in the provisions: the number of communities setting up a community company (or Community Body) under the Act; the number of community companies or company bodies registering a community interest in land; the number of community bodies given the opportunity to proceed with the right to buy when the land comes up for sale and the number that have successfully purchased that registered land. This information is reported in Table 3.1 below.

Table 3.1 Table outlining the uptake of CRtB provisions from June 2004 – including progress made since May 2007

| | Total* | Since May 2007 |
|---|--------|----------------|
| No. community bodies formed under the Act | 176 | 104 |
| No. community bodies formed under the Act, specifically for the purpose of registering a community interest in land | 146 | 77 |
| No. applications to register a community interest in land | 142 | 69 |
| No. applications where the right to buy has been triggered | 33 | 20 |
| No. applications where land acquisition has been successful | 11 | 5 |

*Provisions came into force on 14 June 2004

3.6 **A total of 176 community bodies have been formed under the provisions.** These include some 30 companies that were previously constituted, but did not comply with the provisions. Generally, where there has been an existing company in operation, communities have found it easier to form a new company for the purposes of the Act which has given them increased transparency and a robust constitution which has enabled their community to have increased confidence in them (Scottish Government, May 2012). A further 146 were set up specifically under the Act, for the purpose of being able to register a community interest in land. However, while they may have had that intention, not all of them have submitted applications, with some 77 having done so. Some 18 community bodies have dissolved (Scottish Government, May 2012).

3.7 **A total of 142 applications to register a community interest in land have been submitted to Scottish Ministers.** Overall, 95 (67%) of these applications have been approved by Scottish Ministers, the rest having been rejected by Ministers (n=32, 23%) or withdrawn by community bodies (n=14, 10%), with one pending approval. Of the 95 approved applications, 33 have had the chance to go ahead and purchase land (their 'right to buy'). Of these 33 applications, some three are currently in the process of going through the right to buy process. There are therefore 59 applications where the community body is currently waiting on the land coming on the market. Land and assets have been purchased in 11 applications, submitted by 9 community bodies (Scottish Government, May 2012). Table 1 in the Annex provides a breakdown of the number of applications for each calendar year from June 14 2004 until 1 May 2012.

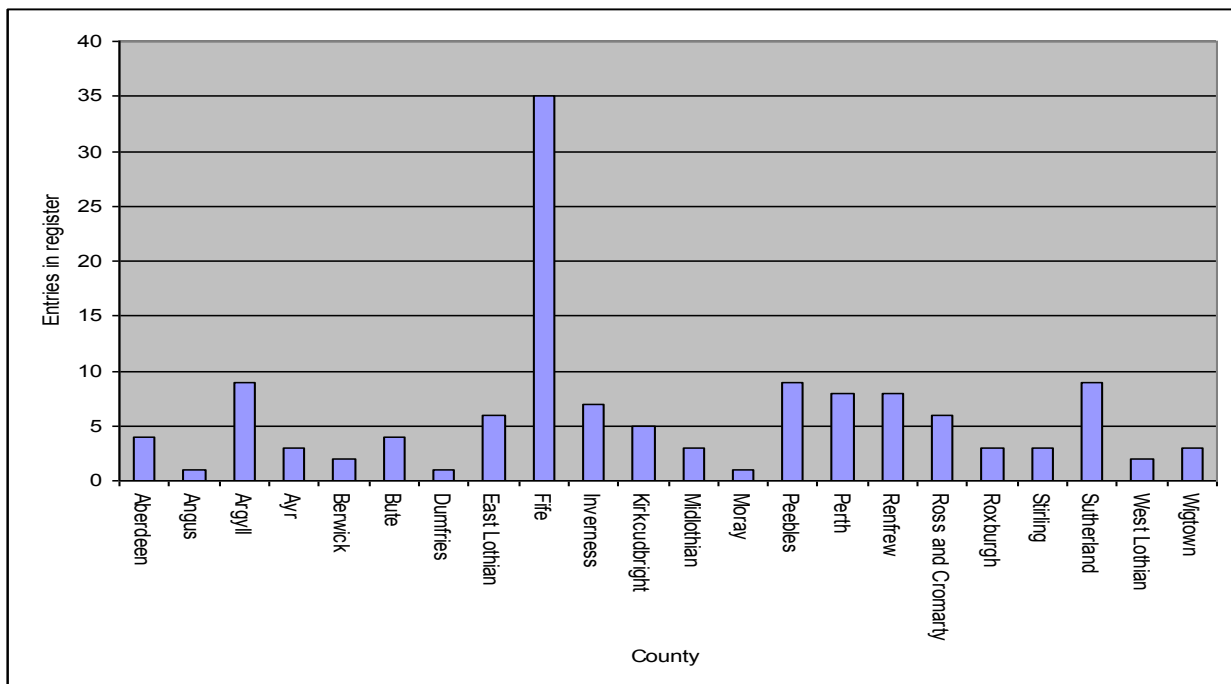
3.8 The extent of uptake is significantly higher than that assumed by the Land Reform (Scotland) Bill, which **predicted 25 applications to register interest in the**

first year followed by five a year thereafter, and two community purchases each year¹. The figures show that there is a significant difference in the number of communities forming a community company and the number of communities that have purchased land.

3.9 Statistics show an **increase in activity relating to Community Right to Buy since May 2007**, particularly in terms of the forming of community bodies under the Act (Table 3.1). However, they also show the continuation of a reasonably high drop-out rate between the registering of an initial community interest in land and the final purchase of it, which may be worth exploring.

3.10 Figure 3.1 below provides a geographical breakdown of all the communities that have submitted an application to register a community interest in land throughout Scotland. It shows that the geographical distribution of registered interests in land is by no means uniform, with significant activity in some counties and limited or no activity in others. They also show **little distinction between Highland and Lowland areas**. This widespread distribution of registrations is particularly important as it shows that the Lowlands is an important area for the community ownership of land and suggests that community ownership of land is not only associated with Highland and Island communities.

Figure 3.1 Geographical distribution of applications to register an interest in land



3.11 It was a policy intention of the legislation that communities should submit applications before steps were taken to market the land, so that they had time to properly prepare for land ownership – these are known as timeous applications. Late applications were (and still are) to be submitted in only exceptional

¹ Land Reform (Scotland) Bill. Explanatory Notes (and other accompanying documents) November 2001.

circumstances. **The number of timeous applications was lowest in 2004-2005 (when only 20% (n=4) of applications were timeous), but grew to reach a figure of 100% (n=13) by 2008-2009.** In 2009-2010, however, it experienced a steep decline (when just 50% (n=4) of applications were submitted as timeous applications)², but the situation seems to have recovered in 2010-2011 when some 75% (n=12) applications were timeous (Scottish Government, May 2012). Details of all these applications are recorded in Table 2 in the Annex.

3.12 Communities have registered an interest in a wide range of areas of land, from small parcels to large estates, but the **emphasis has been on smaller units of land, often constituting specific facilities and/or buildings rather than larger estates.** Details of the exact area of land purchased by each community body is recorded in Table 3 in the Annex, and details of the area of land where communities are currently proceeding with their Community right to Buy are in Table 4 in the Annex.

3.13 **There have been 14 instances where a community body has received Ministerial approval for their RtB but have so far failed to make a purchase.** The most common reasons for this was that they could not raise the necessary funds (9 instances) or that the landowner decided to withdraw their land from the market (4 instances). Further details are recorded in Table 5 in the Annex.

3.14 While there has been a high success rate for the Ministerial approval of applications to register a community interest in land (n=95), there have been cases where **Ministers have rejected applications (n=32; 34%).** Applications have been rejected for a number of reasons, including that the applicant has provided incomplete information, or that their application was deemed not to be in the public interest (Ministers have discretion on what constitutes public interest). Further details on the specific reasons given for rejecting CRtB applications at the registration stage are in Table 6 in the Annex. Community Bodies have also withdrawn their applications before Ministers could consider them. Further details of these are in Table 7 in the Annex.

3.15 There have been very few instances where Ministers have rejected / extinguished a communities' RtB application when the community body has sought Ministerial consent to proceed with its purchase of the land. Only three have been documented for 2005-2010. Full details of these cases are recorded in Table 8 in the Annex.

Using the CRtB: user experiences and impacts

3.16 The research into user experiences and impacts has largely focused on the views of the community bodies and their related stakeholders. MacLeod et al (2010), for example, focused on the experience of community groups, and took no account of the landowners, an important player in the CRtB process, who also have their own needs and rights within the legislation. His study, which combined a literature review on the implementation of the Land Reform (Scotland) Act with

² The sharp decline in the number of applications submitted in 2009-2010 should perhaps be viewed in the context of the changing economic climate, the changing land market, and the (real or perceived) impact of the money available for buyouts.

primary research involving electronically-administered surveys and semi-structured interviews with stakeholders, nevertheless, provides one of the most detailed analysis available on these aspects. Further information is also available from an analysis of the cases on the Register of Community Interests in Land (RCIL).

3.17 Community groups have approached the CRtB provisions with flexibility. This is noted in a number of ways through many aspects of the legislation, including the formation of their community companies (as noted, 30 of the 176 companies that have been formed were existing companies that updated their M&A to be compliant with the Act), their definition of 'community', the relationship between their 'community' and the land in which a community interest is to be registered, whether it is located within their community or is land lying near to it. The smallest community has had 13 persons (Knockman, Kirkcudbrightshire), while the largest has 6,844 persons (Dunblane, Perthshire). The majority of the communities have fewer than 5,000 persons. They have included a group of houses to villages, community council areas, islands and the southern half of a land peninsula area.

3.18 Some community bodies have formed their companies over a short period of time, while for others this had been a longer process. The time between them receiving their Section 34(4) letter, which states that the main purpose of the community body is consistent with furthering the achievement of sustainable development and submitting an application to register an interest in land has been highly variable, but in most cases has been under six months. Further information on the time between each community body's receipt of their Section 34(4) letter and their submission of an application to register an interest in land is noted in Table 9 in the Annex.

3.19 Community Bodies have registered an interest in a wide range of types of land. These have included fields, woodlands, and land which includes buildings such as churches, a school, community centre, disused church and church hall, a disused airbase, a disused PoW camp, piers and a reservoir. Communities have identified the land and assets that they wish and which they would be able to manage. Registrations have not included salmon fishing rights to any great extent.

3.20 Community bodies have also identified a range of land use on that land, including business, leisure, housing, amenity and tourism. There have been few proposals for renewable energy projects, communities appearing to prefer to develop such projects in other ways than through ownership through the community right to buy provisions. Most community bodies have identified a number of such different uses on the land (Table 10 in the Annex). These projects can have a transformational effect on the land should it be successfully acquired by the community (Table 11 in the Annex).

3.21 The following examples show the type of land to be registered, how the communities were to use the land, the benefits to the community and why the community body was successful or not in acquiring the land. They touch on some of the reasons for using the CRtB provisions for the purchase of land and the potential benefits of the CRtB noted below (Table 3.2).

Table 3.2 Examples showing the use of the CRtB and proposed benefits

| | |
|--|---|
| CB name/case no | Camuscross & Duisdale Initiative (CB00107) |
| Type of land registered | Surplus Scottish Water reservoir surrounded by croft/grazing land. |
| Proposed usage of land | Reservoir to be maintained and used to head a small-scale hydro plant. Maintenance of bordering land for biodiversity etc. |
| Benefits to community | Increased level of maintenance and development on land. Clean source of electricity to be fed back into the grid. Once on-stream, the funds from the hydro plant will be used for other community purposes and development/upkeep of the land/systems. |
| Purchased or not | Purchased. |
| Reasons for purchase or not | Purchase price very low. Funding received from a cocktail of funders. Real potential in viability and creation of wealth. Proactive group who acted on advice from relevant organisation e.g. Community Energy Scotland. |
| Valuation by independent SG appointed valuer | £6,475 |

| | |
|--|--|
| CB name/case no | Comrie Development Trust (CB00042) |
| Type of land registered | Former PoW camp including nuclear bunker, listed Nissen huts and grassed areas. |
| Proposed usage of land | Business units, war time heritage area, allotments and recreational facilities/areas. |
| Benefits to community | Employment/training opportunities. Opportunity to have an allotment. Educational/heritage tourist attraction which will bring money into the area. Recreation facilities for all. Future development opportunities |
| Purchased or not | Purchased |
| Reasons for purchase or not | Local individuals had the necessary skills to progress tasks. Local community very active. Purchase funded by loans from social banks. Site had possible areas that could be sold off to pay off part of the loan. Robust business plan. Good support from BIG Lottery in funding business plan. |
| Valuation by independent SG appointed valuer | £350,000 |

| | |
|-------------------------|--|
| CB name/case no | Silverburn Community Limited (CB00014) |
| Type of land registered | Surplus Scottish Water 'Chisholm' (water storage) tank and surrounding land. |
| Proposed usage of land | Community hub including visitor facilities and landscaped gardens. |
| Benefits to community | Local community hub. Visitor attraction/facilities. Group meeting area. Cut down travelling to other towns for facilities. |

| | |
|--|---|
| Purchased or not | Purchased |
| Reasons for purchase or not | Local people had the necessary skills to progress the various milestone tasks. Purchase price was moderate, with main costs focussed on development. Appeared in BBC's 'The Beechgrove Garden', which landscaped the gardens with the help of local volunteers. |
| Valuation by independent SG appointed valuer | £125,000 |

| | |
|--|---|
| CB name/case no | Willow Wood (West Lothian) Community Company Ltd (CB00073) |
| Type of land registered | Residential mobile home park |
| Proposed usage of land | Residential mobile home park with additional community hub/training facilities. |
| Benefits to community | Security of tenure. Provision/maintenance of site and facilities. Reduction in the need to travel to other towns. Area development and maintenance. |
| Purchased or not | Not purchased. |
| Reasons for purchase or not | Although a comprehensive business plan was developed, it did not meet the BIG Lottery's funding criteria. Other funders/banks contacted offered some funding, but this was not sufficient to progress the purchase. |
| Valuation by independent SG appointed valuer | £1,100,000 |

3.22 Community bodies were **inspired** to purchase land and assets for a variety of reasons, some of which are indicated above. Further research highlights other reasons why community bodies choose to purchase land and assets (Skeratt, 2011; Aiken et al, 2011) including:

- The desire to take care of assets / the land for future generations;
- The desire to respond to the threatened loss of a valued facility;
- The desire to increase the resources of a community organisation;
- The desire to create a sustainable, long-term source of income;
- The desire to sustain their local community, both economically and socially; and
- The desire to gain credibility and create leverage with statutory agencies and local government.

3.23 The types of **groups and bodies interested** in buying assets appear to be similarly wide ranging (Aiken et al, 2011), including:

- Small, mainly volunteer-run groups with a single long-standing asset (classified by the study as 'Stewards');
- Medium sized organisations, often with a range of assets, involved in local service delivery and partnerships (classified by the study as 'Community Developers'); and
- Organisations running larger and more professionalised social enterprises, with a mixture of assets for social and commercial purposes and a comprehensive business model (classified by the study as 'Entrepreneurs').

3.24 The **potential benefits of owning land and assets** are wide-ranging (Skerratt et al, 2011; Aitken et al, 2011; JRF, 2011). Some of these are noted above. Others include:

- Ongoing estate management and long-term stewardship;
- Greater investment due to security of tenure;
- Greater financial viability of assets;
- Growth of communities;
- Greater economic sustainability for communities;
- A better physical environment;
- Increased opportunities for business development, jobs and training;
- Enhanced credibility with local authorities and outside agencies;
- The development of private enterprises and jobs;
- Improved services that are easier for communities to access;
- More affordable housing;
- Improved levels of activity and access to services;
- Infrastructure development; and
- A heightened sense of local identity;

3.25 The **impact of CRtB** has been commented on by a number of researchers. The JRF states that the benefits of CRtB (in terms of its ability to change the pattern of land ownership in Scotland and facilitate large-scale community asset ownership) appear to have been **relatively small scale**, with just 10 out of 124³ applications to buy land having been successful by November 2010 (JRF, 2010). MacLeod et al (2010) found that, to date, the CRtB has been **relatively little used to purchase land and associated assets** in Scotland, though it has given an opportunity for a larger number of groups to register an interest in land. That study found it difficult to quantify the impacts of CRtB on land ownership in Scotland, due to the absence of a comprehensive list of community land initiatives and the range of other factors which influence key actors' decision-making in that regard.

3.26 That the full impacts of the legislation are not known was also a conclusion of the Scottish Government report **Monitoring and Evaluating the Effects of Land Reform on Rural Scotland: a Scoping and Impact Assessment**, published in 2007. This study highlights the lack of appropriate monitoring data to quantify the impact of Land Reform in Scotland, and the need to develop a more comprehensive evaluative framework for how Land Reform in Scotland contributes to sustainable rural development. It also highlights that, given the diverse nature of Land Reform arenas and measures, a one-size-fits-all approach to evaluation may not be appropriate (Scottish Government, 2007).

3.27 Some commentators (Slee *et al.*, 2008) suggest that Part 2 of the Act may have had **various indirect effects on community land ownership**. These range from providing community groups with a bargaining tool in purchase negotiations with landowners, to encouraging a climate of greater receptiveness to community involvement in land management from private, public and third-sector landowners. In support of this, Heather Holmes (2010) identifies a growing number of communities that have taken on ownership of land in the last few years, even if they

³ This number does not correspond with the figure of 131 applications as the JRF report was published in 2010.

do not use the Community Right to Buy provisions. The JRF adds that perhaps the biggest impact of the CRtB is that it may act as a catalyst for community action and new ideas (JRF, 2010), and MacLeod et al agree that there have been positive impacts in relation to cultural change regarding the dynamics of community groups themselves, which may be attributable to the Community Right to Buy.

3.28 Research suggests that CRtB buyouts are **most likely to be successful when** a number of factors are at play (Holmes; MacLeod et al; Aiken et al, 2011). These include:

- A genuine need to purchase land for community benefit;
- Strong emphasis on the development and management of natural and / or built assets for the benefit of the communities in question;
- A realistic proposal that does not over-extend community organisations;
- A community that is prepared to listen to advice from supportive bodies;
- A successful funding application(s) which provides the resources necessary to purchase land;
- A cohesive community;
- Involvement of community members in decision making;
- Paid staff, rather than a sole reliance on volunteers;
- Good financial and business planning (e.g.: the marshalling of funding and investment streams, ongoing business planning etc.);
- Full awareness of the potential costs associated with an asset, and knowledge of whether or not it is fit for purpose;
- Strong capacity and leadership within the community;
- Transparent, inclusive, effective governance of buy-outs;
- Strong, effective relationships with external partners (e.g. local authorities);
- Good access to external support, including technical aid;
- A good balance between commercial and community needs; and
- The inclusion of assets in a strategic approach to local development.

3.29 Several of these themes (e.g. good business planning, a strategic approach to local development, cohesive communities etc.) suggest that communities may need a **degree of pre-existing empowerment** in order to get the most out of CRtB. This challenges the assertion that it has the potential to make all rural communities more empowered. This was the view of several attendees at a recent JRF event on CRtB, who felt that the legislation would most favour communities that already have well-established organisations and / or that are more affluent (JRF, 2010). Those involved in delivering the legislation have also commented that *'although a number of communities have successfully submitted a 'late' application to register an interest in land and have successfully purchased land and other assets, not all have been in a position to do so'* (Holmes, 2010). Nevertheless, communities approach CRtB from a wide range of backgrounds and in a variety of forms. For example, some form a company and then shortly afterwards submit an application, whereas others approach the CRtB process before they have put any such arrangements in place.

Barriers to Uptake of CRtB

3.30 MacLeod et al (2010) identify a number of **barriers** which might help explain the limited uptake of CRtB for purchasing land and associated assets in Scotland. These include

- The land not coming on to the market;
- The land being withdrawn from the market once a registration was accepted;
- Complexity of the legislation;
- Resource intensiveness of the legislation's administrative requirements;
- Community bodies withdrawing for various reasons, including to pursue negotiations outside the Act (which is often viewed as a more flexible and amicable means of concluding purchases with landowners);
- Applications being rejected because its reasons for being 'late' were judged insufficient;
- Applications being judged as flawed in relation to mapping requirements;
- Applications being judged as flawed regarding compliance with the Memorandum and Articles of Association requirements in the Act;
- Applications being judged as flawed on multiple counts.

3.31 The first two barriers are also noted in a report by JRF, which states that many prospective purchases have not taken place simply because the land has not come onto the market (there is no provision to force owners to sell: the right to buy requires a willing seller: it does not involve a community purchase of land registered under the Act), and that this can lead to situations where time and effort is wasted planning for eventualities that never arise (JRF, 2010). Holmes agrees with this summary of the situation, adding that landowners often dislike the right to buy and will not sell the land or assets to a community body while their interest is registered (Holmes, 2010). In addition, Holmes identifies another barrier preventing communities' use of CRtB for purchasing land and associated assets:

- A lack of resources and the inability of community bodies to raise the money to buy land.

3.32 These barriers (tangible or perceived) highlight a number of areas where the community right to buy could be reviewed and where improvements might be made to the legislation:

3.33 Firstly, they suggest a **need to simplify** the time consuming administrative processes involved that have led to many applications being delayed and the **need to give communities more time** (MacLeod, 2010; JRF, 2010). In particular, there is a need to consider whether the late and the timeous processes and their requirements should be the same, and whether the Act could be extended to cater for situations where land unexpectedly comes onto the market or where sales do not take place on an open market; whether the definition of 'community' is the most appropriate one; how communities could gain easier access to the Full Electoral Roll in assessing their community support and in undertaking their ballot during their right to buy; and whether the re-registration process is appropriate. All these changes will need to be viewed within the terms of the ECHR compliance.

3.34 Secondly, there is a need for **more technical help** to be made available ‘*for everything from surveys to legal requirements to setting up management bodies*’. These tasks are often time-consuming and costly for communities, and they can be just as significant a barrier to successful applications as lack of funds (JRF, 2010).

3.35 Third, the barriers outlined above point to the importance of **appropriate guidance and support** for community organisations. This has been noted in respect to prospective purchases that never come onto the market / are withdrawn by the owner (JRF, 2010). Guidance and support are key to making the administrative processes more accessible to communities.

3.36 The barriers highlight the limited potential that the CRtB legislation has to make an impact where there is a poor supply of land available for purchase and/or limited financial resources available to the interested communities in order to facilitate purchases. In response to this issue, both MacLeod et al and JRF call for **more accessible funding** to support community purchase and ownership. They also question the closure of the Scottish Land Fund in 2006, which they feel has weakened the framework of public-sector support (MacLeod et al, 2010; JRF, 2010). Indeed, recent research on Community Land Initiatives has highlighted the drying up of funding support for capital and asset purchases as the most pressing issue facing the community land sector (Bryan and Campbell, 2010).

3.37 Research has also highlighted a number of other areas which could help maximise the value gained from the CRtB (Aiken et al, 2011). These include the need to:

- Take action to secure opportunities for all communities, particularly those in disadvantaged areas, where there may be a lack of capacity and resources;
- Explore alternative options that may be more beneficial where full ownership of an asset is too complex or risky (e.g. the potential for license, rental or part-buy mechanisms);
- Enhance the availability and quality of brokerage and technical aid, to help develop and link financial resources, stakeholders, ideas, opportunities and skills;
- Improve the transparency and quality of information about assets; and
- Encourage monitoring and assessment to develop practicable and robust methods for different organisations.

4. Crofting Community Right to Buy

Summary

Part 3 of the Land Reform (Scotland) Act 2003 introduced the Crofting Community Right to Buy (CCRtB) provisions. Under these provisions, crofting communities are given the right to acquire and control the croft land where they live and work. This does not depend on the land being for sale, as under the Community Right to Buy. The potential benefits of the CCRtB, like the CRtB, include economic, social and environmental impacts. The intention is to remove barriers to sustainable development by empowering crofting communities.

To date, Crofting Community Right to Buy has never been implemented in its entirety to the point where a crofting community body has used it to purchase eligible land and associated rights. It is viewed as onerous, complex and resource-intensive, which may in part explain the rate of uptake, which is much lower than had originally been anticipated.

Other barriers to the successful implementation of the CCRtB include:

- Concerns that the Crofting Community Right to Buy provisions may be unworkable in practice, allied to their function as a 'fall-back position' of last resort;
- Insufficient awareness and promotion of the provisions;
- Lack of funding support and advice;
- Perceived lack of fit between the crofting community right to buy and other recent reforms of crofting legislation and policy, in terms of individual versus community ownership.

Improvements that could help to enhance the uptake and impact of the CCRtB include:

- Reviewing the complex and onerous mapping requirements;
- Improving promotion of the provisions in order to enhance general awareness;
- Improving the fit between the Crofting Community Right to Buy and other recent reforms of crofting legislation and policy, in terms of individual versus community ownership;
- Publish the Register of the Crofting Community Right to Buy online, so that relevant documents and registrations can be easily accessed;
- Make further funding available to assist in achieving crofting community buyouts using the Act and outwith the legislation.

General overview

4.1 Part 3 of the Land Reform (Scotland) Act 2003 introduced the Crofting Community Right to Buy (CCRtB) provisions. These provide a regime in which a crofting community body representing an identified crofting community may acquire eligible croft land (including salmon fishing, mineral rights (except mineral rights to oil, coal, gas, gold or silver), associated with that crofting community, and sporting

rights. A Crofting Community Body may also acquire, at the same time, or within a specified period after it has purchased the eligible croft land, the interest of the tenant in tenanted land (interposed leases). This right can only be exercised by a properly constituted Crofting Community Body and also when its application to do so has the consent of a majority both of the crofting community and of the crofters within that crofting community, and is approved by the Scottish Ministers.

4.2 The CCRtB was intended to give all other crofting communities the same basic rights to acquire their croft land as were already available to the Secretary of State's (now the Scottish Ministers') croft tenants through the provisions of the Transfer of Crofting Estates (Scotland) Act 2007 (Policy Memorandum, 2001). The policy aim of the provisions was to remove barriers to sustainable rural development by empowering crofting communities. It was to enable crofting community bodies to buy land at any time, and not only when it comes to be sold. In essence, the Crofting Community Right to Buy is essentially a forced sale of land in which crofting community bodies may compulsory purchase it.

4.3 The guidance on the Crofting Community Right to Buy states that 'crofting communities interested in acquiring their croft land etc should view the use of these provisions as a fall-back position in circumstances where efforts to acquire the land by agreement fail' (Scottish Government, June 2009). When the Bill was passing through the Scottish parliament, the then Executive considered that the formal process would not be used regularly. The then Minister for Environment stated that: 'as with compulsory purchase, once it becomes clear that the crofting community right to buy can be used successfully, it will not need to be used. Instead, an indication that the process might be used will lead to negotiated sales of croft land to the crofting community. However, the bill will give crofting communities the option of buying where their relationship with the landlord is unsatisfactory. That should ensure that the owners of crofting estates who want to continue in ownership will follow more readily the example of those landlords who maintain a good relationship with their tenants'. (Scottish Parliament, Official Report, 20 March 2002, col 10387). The process was also to require a serious commitment from the crofting community to the ownership and management of land as a community asset and also likely to prove a costly and complex process. Its existence was considered to achieve two important objectives: to create a climate in which landowners would willingly sell land to crofting communities by agreement; and to encourage landowners who have monopoly ownership of land in crofting areas to work with and maintain good relations with that community (Policy Memorandum, 2001).

Uptake

4.4 Current use of CCRtB is very limited. MacLeod et al (2010) note that, to date, the crofting community right to buy has never been implemented to the point where a crofting community body has used it to purchase eligible land and associated rights. Only two crofting community bodies, The Galson Trust and The Pairc Trust, both located in Lewis, have submitted applications to Ministers under the provisions. In the case of Galson, the application brought the landowner's representative to the negotiating table and, as a result of negotiating with them, successfully concluded the purchase of the land outwith the provisions of the Act. The Pairc Trust submitted three applications to Ministers, one dated 20 May 2005 (for eligible croft land etc on

the Pairc Estate) and a further two, dated 26 February 2010, for eligible croft land etc and the interest of the tenant in tenanted land, both on the Pairc Estate. Ministers made a determination on the three applications on 21 March 2011, rejecting the application of 20 May 2005 but approving the two later applications submitted in 2010. These two applications have been appealed by means of summary application to Stornoway Sheriff Court and court proceedings are ongoing. They provide the first legal challenge to the crofting community right to buy legislation. Meanwhile, The Pairc Trust is currently in discussions with the landowner about a possible amicable estate transfer.

4.5 This rate of uptake of the CCRtB is however, much lower than had been anticipated. The Financial Memorandum shows an assumption that there would be 1 application to exercise a crofting community right to buy each year and 1 exercise of the new compulsory purchase every 10 years. This low uptake is also noted for other legislation which aims to give crofting communities basic rights to acquire their croft land, through the Transfer of Crofting Estates (Scotland) Act 1997. To date there has been only one application from an eligible crofting community, The West Harris Trust, which took ownership of the West Harris Estate in January 2010.

Using the CCRtB: user experiences and impacts

4.6 The experiences and impacts have been confined to two crofting community bodies, The Galson Trust and The Pairc Trust, though other stakeholders have also been involved within the legislative process. MacLeod et al (2010) suggest that the Crofting community Right to buy provisions are viewed by community groups and other stakeholders as a complex and resource intensive process. They particularly identify the mapping requirements as in excess of the normal standards required for an estate sale. The process can be a lengthy one, with The Pairc Trust's application of 20 May 2005 not having a Ministerial decision until 21 March 2011, and the appeals of its applications dated 26 February 2010 will mean that there may not be a determination on them for some time to come. From the time The Galson Trust set up its crofting Community Body until it assumed control of the Galson Estate, the full process took three years to complete.

4.7 MacLeod et al (2010) suggest that Part 3 of the Act may have had additional effects on community land ownership. These range from community groups who have undertaken crofting community buyouts within the Act perceiving the legislation as a useful lever in terms of ensuring a successful conclusion to their negotiations. Macleod et al (2010) note that a number of community groups have acknowledged that while this is the case, negotiated sales outwith the Act are more achievable and/or preferable if at all possible. In addition, they consider that the provisions appear to have had little impact on the land market. However, there is variable evidence on this, with Strutt & Parker and The Crofters Commission observing that a two-tier land market is emerging and that estates with no croft tenants have a far greater value because there is no-one available to exercise a 'right to buy'.

Barriers to success

4.8 MacLeod et al (2010) identify a number of barriers, which might help explain this low uptake of the Crofting Community Right to Buy. They include:

- Concerns that the Crofting Community Right to Buy provisions may be unworkable in practice, allied to their function as a ‘fall-back position’ of last resort;
- Complex and onerous mapping requirements;
- Insufficient awareness and promotion of the provisions;
- Lack of funding support and advice;
- Perceived lack of fit between the crofting community right to buy and other recent reforms of crofting legislation and policy, in terms of individual versus community ownership.

4.9 MacLeod et al (2010) suggest that ‘the demands regarding mapping and associated information for activating the crofting community right to buy are not only very difficult to deal with but also go beyond that which is actually needed for a legally competent land sale’. These include the need to incorporate all rights and interests in the subjects of the application, together with all sewers, pipes, lines, watercourses or other conduits and fences, dykes, ditches or other boundaries in or on the land, known to the applicant body or the existence of which it is, on reasonably diligent inquiry, capable of ascertaining.

4.10 These barriers (tangible or perceived) highlight a number of areas where the CCRtB could be reviewed and where improvements might be made to the legislation. The current appeals of the Ministerial decision to approve the two applications from The Pairc Trust, dated 26 February 2010, will provide some lessons learned on aspects of the legislation, which will need to be considered in any review of the provisions.

4.11 The barriers that have been identified raise a number of issues that are also raised in connection with the CRtB.

4.12 They suggest a **need to simplify** the time-consuming administrative processes involved, including the mapping. In particular, the provisions need to take into account wider changes that have taken place since the Act was introduced, for example in crofting legislation and the modernisation of the compulsory purchase process.

4.13 There is a need for **more technical help** to be made available in working through the provisions, and to ensure that applications are fully compliant and will not be rejected on a technical point.

4.14 It is also important that **appropriate guidance and support** is available for crofting community organisations, especially in connection with the provisions and wider issues in relation to negotiating an amicable transfer of land with the landowner.

4.15 There is a need for **greater awareness and promotion** of the provisions, which could also result in an increase in crofting communities thinking about community ownership of land, even if they themselves do not choose to submit applications.

5. Scottish Land Fund

Summary

The Scottish Land Fund (SLF) ran from February 2001 to March 2006, providing funding to communities in rural Scotland to support the acquisition of land and other assets. Overall, 239 grants were awarded to 188 community groups, amounting to a total spend of £13.5 million. The average grant size was around £56,000, though the five largest grants together accounted for just over half of the total SLF budget.

An evaluation of the SLF found that it had made a significant contribution to community development through the projects that have been supported. However, a number of limitations have been identified including:

- The limited value of the grants awarded, which is often too small to make more than a modest change to the pattern of land ownership in Scotland;
- The lack of recognition regarding how the fund will help communities develop;
- The short timescales for applications, which can be unfeasible for communities; and
- The requirement for governance structures to be entirely locally sourced, which may need to be re-thought, given the reported benefits brought by external board members, chairs and members in terms of strategic direction and connections.

In 2006 the SLF was replaced by Growing Community Assets.

5.1 The Scottish Land Fund (SLF) ran from February 2001 to March 2006. It was set up by what was then the New Opportunities Fund, now the Big Lottery Fund (BIG), and represented a major new source of funding for asset-based community development in rural Scotland by providing a new mechanism to support ownership activities along with the Land Reform (Scotland) Act 2003 ('the Act'). It was administered by Highlands and Islands Enterprise (HIE) in partnership with Scottish Enterprise, and delivered through HIE's Community Land Unit.

5.2 The fund was launched initially with £10m and was supplemented in 2003 with a further £5m. Its main objectives were:

- To improve opportunities and reduce disadvantage both for communities and individuals in rural areas;
- To encourage community involvement and participation in land ownership and management;
- To enhance the environmental diversity and quality of rural Scotland;
- To facilitate positive use of the land reform legislation on the community right to buy; and
- To diversify the pattern of land ownership in rural Scotland.

5.3 The fund supported sustainable development across rural Scotland by offering assistance with: feasibility studies into the viability of prospective land purchase and development schemes, land purchase, development schemes on land where access and management agreements are in place, training, and additional costs associated with development schemes.

5.4 Under the SLF 239 grants were awarded which amounted to £13.5 million. The average grant size was about £56,000, though the five largest grants together accounted for just over half of the total SLF budget. The fund helped 188 community groups to own their own land and assets. Around 5,500 people have worked directly as part of these groups.

Impacts

5.5 An evaluation by SQW (2007) found that the SLF has made a **significant contribution to community development** through the projects that it supported. The SLF facilitated the provision of a range of community owned and run facilities that have added to the quality of life of residents and, in many cases, led to an increase in economic activity. Importantly, it proved invaluable in enabling communities to use the CRtB legislation. The evaluation notes that *'through the provision of grants, the SLF helps overcome the considerable difficulties that communities have had, and would continue to have, in raising funds for investment'*. It adds that most of the SLF value was spent on acquisitions, and that these ranged from large estate community buyouts such as North Harris and Gigha to small scale feasibility studies (SQW, 2007). More broadly, the SLF may have improved community engagement with development opportunities, thus paving the way for future improvements, acting as *'a demonstration of what can be achieved'* (SQW, 2007).

5.5 In addition to these merits, the SQW evaluation also identified **some limitations** of the SLF. Firstly, it states that the value of the grants awarded will not make more than a modest change to the pattern of land ownership in rural Scotland. It also states that land and asset ownership facilitated by the fund cannot be seen as an end in itself, as there also needs to be a recognition of how it can help communities develop.

5.6 The SQW evaluation concluded with a number of **key lessons learned** which it hoped would inform the development of the successor to the SLF (Growing Community Assets). These were, that the projects funded needed to:

- Be community-led, in order to have a long-term impact;
- Have the support of a full time development officer, rather than only volunteers, so as to provide strong leadership and skilled support;
- Be aware of the challenges and risks that are likely to slow applications down;
- Have financial sustainability, which could be achieved by enabling them to generate their own incomes;
- Be capable of generating and maintaining community engagement; and
- Be monitored so as to identify examples of best practice.

5.7 Growing Community Assets (GCA) was introduced to replace the SLF. This was more focused on the need to help communities (rural and urban) develop, and is discussed in greater depth in the next section.

5.8 Despite these recommendations, a recent paper by Skerratt makes a case for the re-introduction of the Land Fund. This view has been endorsed by Professor James Hunter of University of the Highlands and Islands, Community Land Scotland, and its predecessor members at the community landowner conferences held in

Harris. More research may be needed to determine whether to take forward this argument, as the study did not discuss its successor funding programme GCA.⁴

5.9 Skerratt's paper also identifies a number of components that could be improved in order to make the Land Fund more workable, if it were to be re-introduced (Skerratt, 2011). These are:

- Funds need to be on a scale that allows for meaningful investments to be made;
- Bureaucratic requirements should be proportional to the area of land being purchased;
- The timescale for applications needs to be workable for the communities and resources involved;
- Repeated local balloting for opinion needs to be re-considered to see whether it is the most effective means of community consultation, particularly in terms of the costs and resources it requires;
- There is a need to re-think the requirement for governance structures to be solely locally sourced, given the reported benefits brought by external Board members, chairs and members in terms of strategic direction and connections;
- There is a need to commit after-care officers following a purchase, to provide revenue support post-acquisition for the appointment of a project or development officer; and
- There is a need for management / governance training to be provided to land ownership Boards, and for better signposting to help them access guidance, expertise and further funding.

5.10 Skerratt's paper also identifies specific legislative requirements that may need to be addressed in order to realise the full benefits of the SLF, including the transfer of public assets to communities at below market value (Skerratt, 2011).

⁴ <http://www.localpeopleleading.co.uk/policy-talk/policy-articles/720/>

6. Growing Community Assets

Summary

The Growing Community Assets fund (GCA) replaced the SLF in 2006. The first five year programme provided grants which totalled £50 million to help communities purchase land and other assets, to develop social capital to maximise the impact of their purchase and to have more control and influence over future development. One main difference between the SLF and GCA is that the latter includes urban as well as rural communities in its focus. GCA was re-launched in 2010 and will run until 2015, with approximately £50-60 million to invest in communities.

GCA made 127 investments between 2006 and 2010. The number of awards rose from 10 projects and £4.1 million in 2006 to 29 projects and £13.4 million in 2010. Almost half the projects (62), and half the funding, have been used to support community facilities. There have been 19 energy projects and 19 social enterprise-based projects.

The ongoing evaluation of the GCA programme has noted difficulties in monitoring and evaluating progress to date, given the diversity of the projects involved and the fact that many projects have not yet produced any outputs or achieved outcomes. However, despite these difficulties evidence suggests that GCA has had a number of positive impacts, including: giving communities a greater say in how their assets /services are run; generating local jobs and businesses; facilitating the sharing of skills, knowledge and confidence amongst community members.

A number of suggestions have been made which could potentially improve the funding programme. These include:

- Shortening the timescale of the approvals process;
- Making the distinction between it and other funding programmes clearer;
- Encouraging a wider range of community members to engage with funded projects;
- Providing more training and guidance on community management; and
- Putting more emphasis on succession planning, so that purchases have longer-term benefits and permanency.

6.1 The Growing Community Assets fund (GCA) replaced the SLF, which closed in 2006. Its 2006 to 2010 programme provided grants which totalled £50 million for both rural and urban communities and aimed to help communities purchase land and assets, to develop enough social capital (skills, knowledge, contacts and confidence) to maximise the impact of their purchase, and ultimately help communities have more control and influence over their future development (Big Lottery Fund Research, 2010). One of the main differences between the SLF and GCA is that the latter extended the asset-based community development approach from rural to also include urban communities. The overall aims of GCA are very similar to SLF and include ensuring the community has a say in how an asset is managed, allowing for sustainable development, and ensuring the preservation / development of an asset / service (Big Lottery Fund Research, 2010).

GCA was then re-launched, as part of the Investing in Communities Programme, in June 2010 and will run until June 2015, with approximately £50-60 million to invest. The current programme has four main aims for communities. These are for:

- Communities to work together to own and develop local assets;
- Communities to be sustainable, and to improve their economic, environmental and social future through the ownership and development of local assets;
- Communities to develop skills and knowledge through the ownership and development of local assets; and
- Communities to overcome disadvantage and inequality through the ownership and development of local assets.

6.2 The Big Lottery has indicated that it wants to ensure it invests in projects that deliver the strongest outcomes for GCA. It has emphasised that it prefers, where possible, to invest less of its funding on the purchase of publically owned assets and more on their future re-development once an asset is under community ownership. However, this does not preclude the acquisition of land by communities. It provides for three types of funding: for technical assistance, for asset acquisition, and for asset development. The programme is delivered in-house by the Lottery programme teams, rather than externally as in the earlier programme (SQW, 2011).

Uptake of GCA 2006-10

6.3 The ongoing evaluation found that 127 investments had been made by GCA between 2006 and 2010. The number of awards rose from 10 projects and £4.1 million in 2006 to 29 projects and £13.4 million in 2010. The average size of an investment grew slightly over the five years to £460,000 in the most recent years.

6.4 Almost half of the projects (62) and half the funding, have been used to support community facilities. There have been 19 energy projects, many of these community wind turbine investments, and 19 social enterprise-based projects. There were five cases where funding was awarded, but later withdrawn. Of the 127 investments, 36 were (by 2010) starting to generate some outputs, with another 29 under construction and likely to be complete within 12 months, and a further 16 in planning (SQW, 2011).

6.5 In terms of location, there are fewer projects in the north east of Scotland, and more along the west coast. Compared with the earlier stages of the GCA, and the SLF before it, there are far more projects in and around the central belt (SQW, 2011). The Scottish Index of Multiple Deprivation indicates that of the 74 projects funded in the first year, 55% were in areas below the Scottish average in terms of deprivation (Big Lottery Fund Research, 2010).

Impacts

6.6 The ongoing evaluation of the GCA programme has noted **difficulties in monitoring and evaluating progress** to date, given the diversity of the projects involved (it has funded a very wide range of projects, in communities that are so different from each other), and given that many projects have not yet produced any outputs or outcomes. Part of the challenge has therefore been to understand what

should be monitored and measured, and in deciding what success indicators should be used. Work will increasingly focus on capturing more data on both the number of users of projects and the ways in which the project affects them (SQW, 2011).

6.7 Despite these difficulties, the evidence suggests that GCA has had a number of **positive impacts**. These include (SQW, 2011):

- Giving communities a greater say in how their services / assets are run;
- Facilitating long-term streams of income from community assets;
- Generating local jobs and businesses; facilitating the sharing of skills, knowledge and confidence amongst community members;
- Engendering greater social inclusion; positively impacting on the local and / or global environment;
- Providing services and amenities that were not present before and/or that are more accessible than those previously on offer.

6.8 The evidence also highlights a number of **success factors** which are thought to enhance the possibility of these positive impacts being realised, and minimise the chance of GCA having a negative effect on a community or their asset. These include:

- Having breadth and depth of capacity and experience within the leadership board, including a balance between community management, financial expertise and technical knowledge. Many project managers and boards will be faced with changes in their roles as the emphasis moves from getting the project up and running to developing and using the asset;
- Having a clear vision, realistic objectives and identified actions, to help manage community expectations and reduce the possibility of friction once the projects have started; and
- Having effective management structures in place, with clear and transparent rules.

6.9 The evidence suggests several ways in which GCA **could be made more effective**:

- **GCA processes**: many projects experience long delays before they hear whether their application has been successful, resulting in concerns that match funding may be lost (Big Lottery Fund Research, 2010). The GCA approvals process is considered to be significantly more elongated than in other funding streams (SQW, 2009). There are also legal hurdles in establishing trading arms (for the sale of electricity, for example) and dealing with the receipt of income (Big Lottery Fund Research, 2010).
- **Engagement**: the Phase 1 Evaluation highlights that some projects faced resistance from local residents. It recommends that projects should reduce the dependency on a few key individuals by inviting a wide range of community members to become involved with the group leading the project, and actively encourage younger members of the community and a mix of 'established' and 'incomer' residents to be part of the group.
- **The use of income generated**: the Phase 2 Evaluation highlighted the challenge of deciding how to use the income generated by community assets to support further community development (SQW, 2011).

- **Succession planning:** the Phase 2 Evaluation highlighted the need for more attention to be paid to succession planning, in order for the asset to have long-term benefits and permanency, and to ensure the maintenance of skills, knowledge and experience over time (SQW, 2011). In particular, it predicted that funding may become more scarce over the coming years, with that from public sector sources being tightened, and that raised through the renting of space likely to be heavily reduced in the current economic climate.

6.10 SQW also questioned the uniqueness of GCA, highlighting the unclear distinctions between its characteristics and those of other funding programmes. For example, they found that GCA had similar outcomes to BIG's Transforming Your Space (TYS) programme, which also supported village hall projects and access to land. However, they did find the level of additionality in GCA to be reasonably high, with one third of respondents reporting that the project '*would not have taken place at all*' in the absence of GCA funding (SQW, 2009).

6.11 Evidence has identified **differences in how GCA is used in urban and rural communities**. In particular, it found that only a small proportion of projects are being delivered in densely populated urban areas. This suggests that this may be because urban communities are less easy to define, and / or because weaker social networks within urban areas make it more difficult to identify key development opportunities (Big Lottery Fund Research, 2010). However it also found that, when projects do take place in urban areas, they tend to engage more people than rural projects, although not as great a proportion of their respective communities (SQW, 2011). In addition, such projects were more likely to be led by experienced (semi-professional) social enterprises that are not necessarily rooted in their respective communities, but were using GCA to roll out a model previously trialled elsewhere. SQW suggests that this may be because the Fund and its delivery partners working in urban areas are more likely to support proposals from 'professional' organisations in order to achieve quick wins, or because the demand from grass-roots communities in urban areas simply does not exist (Big Lottery Fund Research, 2010).

6.12 The Phase 1 evaluation also highlights **regional differences relating to how much support local authorities give GCA projects**. Their findings show that local authorities have tended to be supportive of, but not heavily involved in small initiatives (e.g. village halls), and that they tended to take a much more active interest in larger-scale land buy-outs which are in line with local authority aims of regenerating local economies and reviving declining populations.

6.13 Importantly, the ongoing evaluation of GCA highlights the need to treat asset ownership as **just one of a number of possible options** (including leasing) that can contribute to community development (SQW, 2011). Indeed, case studies highlight that some projects specifically chose not to purchase their asset: some only went down this route because they had to act at short notice and no alternative was available. There is therefore a possibility that communities may be able to reach a greater level of empowerment without purchasing land or assets (SQW, 2009). From their survey, SQW identified the following pros and cons of asset ownership:

Table 6.2 SQW's pros and cons of asset ownership

| Pros | Cons |
|--|--|
| Increases the range of funding options, improving sustainable development. | Increased and continuing responsibility for management, finance and maintenance. |
| The community can determine the direction the project takes/ it is led by local needs. | General time and effort involved, particularly in relation to dealing with the paperwork (mainly relating to fundraising). |
| Local support/buy-in for the venture. | It requires long-term interest and commitment from the community. |
| Any income generated is reinvested for the benefit of the community. | It can take a long-time to convince everybody of the validity, capacity and staying power of your project. |
| Gives the community a real focus. It can help create a sense of identity and belonging. | Self-governance can be difficult when making decisions that affect either yourself or someone close to you directly. |
| Enables the asset to be saved/ developed in a way that generates additional benefits for the local area. | It can lead to divisions within the community – it is inevitable that some individuals will oppose the decision reached. |
| Increases the capacity of project members. | Capacity issues - A lack of recognition that community groups are often run by volunteers, not full-time paid employees. Community groups do not always have the expertise that may be required. |
| Increases self-belief within the community. | It can be difficult to avoid the bulk of the work resting on too few shoulders and the risk of these individuals losing enthusiasm. |

Source: SQW, 2009

7. Discussion of the Key Issues

Individual Parts of the Act

The access *provisions* in Part 1 of the Act are possibly being constrained by a number of factors. These mostly relate to delays in some Access Authorities drawing up core path plans; insufficient funding available to certain Access Authorities for managing core path networks; and a lack of understanding amongst some stakeholders as to the purposes and values of core paths.

The **Community Right to Buy** provision in Part 2 of the Act has attracted more applications than was predicted by the Land Reform (Scotland) Bill. However, it has brought about relatively modest change in terms of land ownership. Suggested reasons for this include the complex, resource intensive nature of the process; land failing to come onto the market or being withdrawn from it; and a lack of funding and resources to help communities purchase land.

Where land has been purchased using the Community Right to Buy provisions, the size of the areas purchased has generally been small and purchases are often restricted to specific buildings and facilities, rather than larger estates and land per se. This raises the question of what the rationale and scope of Land Reform should be (see General Points below).

It has been suggested that the Community Right to Buy provisions are likely to favour communities that are already reasonably strong – for example, those that have well established organisations and more resources. As a result concern has been expressed that it could contribute to widening the divide between poorer and better off communities.

There may be a need to address a number of gaps in the support that is available to communities wishing to purchase land and assets. For example, the lack of a comprehensive national database on community asset ownership, and the lack of a central point of contact in the government.

To date, the uptake of **Crofting Community Right to Buy** has been lower than that anticipated by the Financial Memorandum, as it has never been implemented in its entirety to the point where a crofting community body has used it to purchase eligible land and associated rights. Improvements that have been suggested to help enhance the uptake and impact of CCRtB include: reviewing the complex and onerous mapping requirements; improving its promotion; and improving the fit between Crofting Community Right to Buy and other recent reforms of crofting legislation and policy.

Growing Community Assets and the Scottish Land Fund

Although Growing Community Assets (GCA) and the Scottish Land Fund (SLF) are not formally part of the Land Reform Act, they are levers that can help deliver the outcomes being sought from Land Reform.

An evaluation of the SLF found that it had made a significant contribution to community development through the projects supported (SQW, 2007). However, it also identified a number of limitations, including (SQW, 2007, Skerratt, 2011):

- The limited value of the grants awarded, which was often too small to make more than a modest change to the pattern of land ownership;
- The lack of recognition regarding how the fund would help communities develop;
- The short timescales for applications, which could be unfeasible for communities; and
- The requirement for governance structures to be entirely locally sourced, which did not acknowledge the reported benefits brought by external board members, chairs and members in terms of strategic direction and connections.

The GCA replaced the SLF in 2006. Following an evaluation of the first round of the GCA fund programme, a number of improvements have been suggested (SQW, 2009; Big Lottery Fund Research, 2010; SQW, 2011). These include:

- Shortening the timescale of the approvals process;
- Making the distinction between it and other funding programmes clearer;
- Encouraging a wider range of community members to engage with funded projects;
- Providing more training and guidance on community management; and
- Putting more emphasis on succession planning, so that purchases have longer-term benefits and permanency.

General Points

There remains a ***lack of clarity over the rationale and remit of Land Reform***. The Land Reform (Scotland) Bill Policy Memorandum states that its objective is ‘*to remove land-based barriers to the sustainable development of rural communities*’ (Scottish Parliament, 2001). However, it is not clear what form this sustainable development should take, or what features should be prioritised. For example, some have proposed that the Act could focus on reversing local economic and environmental decline, whilst others have suggested it could play a role in increasing the population and economic activity of rural communities (SQW, 2007; SQW, 2009). Moreover, it is not clear whether the ‘*land based barriers to the sustainable development of rural communities*’ referred to by the Scottish Parliament primarily concern land ownership or land stewardship, as both are likely to be important in terms of sustainable development and different measures would be required for each. For example, many of the potential benefits associated with land and asset ownership may not be achievable through community ownership alone, as benefits such as increasing the financial viability of land and improving local services also depend on how these are managed.

In clarifying the rationale and remit of Land Reform, it may also be important to consider that asset-based barriers (e.g. those associated with particular buildings or facilities) can pose just as much of an issue to sustainable development as land-based ones. This is suggested by the prominence of assets (as opposed to large areas of land) amongst the purchases made using the Act’s CRtB provisions to date.

Linked to the above points, the evidence suggests that **other options** (e.g. land leasing, changes to land and asset management practises etc.) may be just as effective (if not more so) at achieving the sustainable development of rural communities in certain contexts (SQW, 2009; Big Lottery Fund Research, 2011).

The **extent to which Land Reform can deliver other benefits**, making it more of a means to an end than an end in itself, is also a key issue. For example, Land Reform has been promoted by some as a unifying strand of policy that can help deliver existing policies on community empowerment, asset transfer, regeneration, housing, local governance and finance, and renewable energy (Wightman, 2011).

Researchers have found that **monitoring and evaluating** the three parts of the Land Reform (Scotland) Act 2003 has been extremely challenging, given its flexibility and this lack of clarity regarding its rationale. Nevertheless, monitoring and evaluation will be key for assessing whether the Act is achieving what it set out to do.

Compared to economic and social improvements, the Act seems to have left a number of potential **environmental gains relatively unexplored** (Scottish Government, 2007). These include:

- linking land use to land ownership type is difficult, not least because there are many other drivers of land-use change (Munton, 2009).
- There could be potential to refocus Land Reform on the very large private estates. Yet the very large estates are the most obvious building blocks from which to deliver ecosystem services (Bryden and Geisler, 2007).

There are rapid developments taking place which support the wider policy agenda for strengthening communities, such as the Community Empowerment and Renewal Bill, together with legislative changes in areas which impinge on CRTB and CCRtB, such as changes to crofting legislation and compulsory purchase processes. There is also a need to ensure that **consideration is taken of developments elsewhere in the UK**.

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Table 1 Applications to register a community interest in land, number of approvals of these applications and approvals for CRtB applications by calendar year, 2004 to 1 May 2012 (Scottish Government, May 2012)

| Calendar Year | No. of Applications to Register a Community Interest in land | No. of Applications to Register a Community Interest in Land Approved | No. of RtB applications Approved |
|----------------------|---|--|---|
| 2004 (from 14 June) | 13 | 7 | 1 |
| 2005 | 17 | 8 | 5 |
| 2006 | 36 | 12 | 5 |
| 2007 | 16 | 29 | 6 |
| 2008 | 24 | 15 | 3 |
| 2009 | 6 | 6 | 0 |
| 2010 | 15 | 6 | 6 |
| 2011 | 12 | 11 | 4 |
| 2012 (to 1 May 2012) | 3 | 1 | 1 |
| Total | 142 | 95 | 31 |

Table 2 Applications to register a community interest in land submitted between June 2004 and 1 May 2012

| Year | No of Applications | No. that were 'late' | No. that were 'timeous' |
|-------------------|---------------------------|-----------------------------|--------------------------------|
| 14/6/04 - 13/6/05 | 20 | 16 (80%) | 4 (20%) |
| 14/6/05 - 13/6/06 | 19 | 5 (26%) | 14 (74%) |
| 14/6/06 - 13/6/07 | 35 | 4 (11%) | 31 (89%) |
| 14/6/07 - 13/6/08 | 20 | 3 (15%) | 17 (85%) |
| 14/6/08 - 13/6/09 | 13 | 0 | 13 (100%) |
| 14/6/09 - 13/6/10 | 8 | 4 (50%) | 4 (50%) |
| 14/6/10 - 13/6/11 | 16 | 4 (25%) | 12 (75%) |
| 14/6/11-1/5/12 | 11 | 2 (18%) | 9 (82%) |
| Total | 142 | 38 (27% overall) | 104 (73% overall) |

The number of timeous applications to register a community interest in land has generally been high, averaging 70% over the past seven years. It is now more than 5 years since the first registered interest was approved by Ministers, and community bodies are now able to re-register their community interest in land. A total of 10 Community Bodies with 12 applications have been able to apply to re-register their

community interest in land. Some four of them have re-registered their interest while a further three were unable to submit their applications before their registrations expired and consequently submit them as new registrations. Some five of them did not apply, and their registrations have expired. One re-registration application is currently pending a decision by Ministers.

Table 3 Areas of land purchased by each community group who were successful in purchasing land

| Community Body | Date when Right to Buy Approved by Ministers | Area of Land Purchased (ha) |
|-----------------------|---|------------------------------------|
| Crossgates | 28/02/2005 | 14.87 |
| Assynt | 18/03/2005 | 4861.8 |
| Assynt | 18/03/2005 | 41.07 |
| Assynt | 18/03/2005 | 14909.3 |
| Silverburn | 05/07/2005 | 0.08 |
| Neilston | 29/08/2006 | 0.081 |
| Comrie | 11/07/2007 | 35.78 |
| Camuscross | 26/1/2010 | 12.1 |
| Benbecula S&L | 17/3/2010 | 701.7 |
| Bute | 22/3/2010 | 1.05 |
| Catrine | 19/10/2010 | 0.2 |

In addition, there have been two cases where a community received approval for their Right to Buy from Ministers and concluded their purchase outwith the Act. These were: Newburgh - Robertson's Quay (purchased on 20/6/07) and Newburgh 3 Piers (purchased on 20/6/07).

Table 4 Rights to Buy that are currently proceeding

| Community Body | Case Number | Date when Right to Buy Approved by Ministers | Area of Land Purchased (ha) |
|-----------------------|--------------------|---|------------------------------------|
| Machrihanish | CB00112 | 17/3/11 | 409 |
| Eshiels | CB00125 | 15/9/11 | 0.15 |
| Seton Fields (East) | CB00133 | 29/3/12 | 44.32 |

Table 5 Details of the communities that have received Ministerial approval for their Right to Buy but have so far failed to make a purchase (as of 1 May 2012)

| Case Number | Community Body | Date Right to Buy Approved by Ministers | Reason for Failure to Purchase |
|--------------------|-----------------------|--|--|
| CB00001 | Boddam | 31/08/2004 | |
| CB00007 | Newtonhill | 28/02/2005 | CB withdrew. Could not raise funds. |
| CB00012 | Mundole | 09/02/2006 | CB failed to purchase. Could not raise funds. |
| CB00042 | Benbecula | 02/10/2007 | CB failed to purchase after lengthy extension to purchase date. Could not raise funds. |
| CB00044 | LCBG | 22/08/2007 | Land was valued but landowner decided to withdraw. Registration still in place. |
| CB00045 | LCBG | 22/08/2007 | Land was valued but landowner decided to withdraw. Registration still in place. |
| CB00046 | LCBG | 22/08/2007 | Land was valued but landowner decided to withdraw. Registration still in place. |
| CB00047 | LCBG | 22/08/2007 | Land was valued but landowner decided to withdraw. Registration still in place. |
| CB00073 | Willow Wood | 30/9/10 | CB withdrew. Could not raise funds |
| CB00079 | Salen | 10/01/2008 | CB failed to purchase. Could not raise funds. |
| CB00086 | Coldingham | 11/11/2008 | CB failed to purchase. Could not raise funds. |
| CB00089 | Urras Bhaile Na Cille | 12/11/2008 | CB failed to purchase. Could not raise funds. |
| CB00109 | South Lochaber | 16/2/10 | CB failed to purchase. Could not raise funds |
| CB00032 | Bridge Castle | 15/9/11 | CB failed to purchase. Could not raise funds |

Table 6 Reasons given for Ministerial rejection of applications to register a community interest in land

| Case Number | Community Body | Reason for Ministers rejecting a CB's CRtB application | Details |
|--------------------|---|---|---|
| CB00005 | Ballater | Failed basic/legislative requirement | Failed to meet section 34 criteria. |
| CB00027 | Seton Fields Community Company (no. 1) | Failed basic/legislative requirement | No reference in application to shaded part of map and only one grid reference given in application. (Ministers had no option but to reject) |
| CB00024 | Newburgh Community Trust (Robertson's Quay) | Failed basic/legislative requirement | Owner wrongly identified on application form. |
| CB00026 | Sprouston Community Trust (39(5)) | No option but to reject | Missives concluded before receipt of application. |
| CB00030 | Seton Fields Community Company (No. 3) | No option but to reject | Missives concluded before receipt of application. |
| CB00031 | Pro Market Crieff Ltd (rejection under section 39(5)) | No option but to reject | (2 owners) Missives were concluded before prohibition letter was received. |
| CB00016 | Holmehill | Not in the public interest | Reasons for being late – not in public interest - NIMBY |
| CB00019 | Park of Keir | Not in the public interest | Not in public interest - NIMBY |
| CB00021 | Houston | Not in the public interest | Not in public interest to dissect community – the land is covered by h1 policy in local plan – not good reason given for late application. |
| CB00022 | Newburgh (Midshore) | Not in the public interest | There had been ongoing negotiations for 8 months with the owner. Not considered to be in the public interest to give a further 6 months to secure funding |
| CB00035 | Killearn | Ministers have no option other than to reject. | 39(5) - option agreement in place prior to application. |

| | | | |
|---------|--------------------|---|--|
| CB00055 | Kinghorn (K8) | Failed basic/legislative requirement | Court decision to delete registered interest |
| CB00057 | Kinghorn (K9) | Failed basic/legislative requirement | Court decision to delete registered interest |
| CB00060 | Kinghorn (K12) | Failed basic/legislative requirement | Court decision to delete registered interest |
| CB00072 | Holmehill | Ministers have no option other than to reject. | 39(5) - option agreement in place prior to application. |
| CB00081 | Tarbert & Skipness | Failed basic/legislative requirement | Application fatally flawed i.e. Memo and Arts and Community support problems |
| CB00083 | Tweedsmuir | Failed basic/legislative requirement | Rejected as CB reasons for being Late were not good. CB re-applied timeously and are now registered. |
| CB00093 | Isle of Cumbrae | Ministers have no option other than to reject. | 39(5) - option agreement in place prior to application. |
| CB00101 | Edenshead | Failed basic/legislative requirement | CB indentified the wrong landowner. |
| CB00102 | Prestoungrange | Ministers have no option other than to reject. | 39(5) - option agreement in place prior to application. |
| CB00104 | Edenshead | Rejected under public interest criteria. | Division within the community |
| CB00110 | Walkerburn | Rejected as CB reasons for being Late were not good. | Application submitted Timeously but found to be Late. |
| CB00113 | Heriot | Ministers have no option other than to reject. | 39(5) - option agreement in place prior to application. |
| CB00118 | Drumoig (Area 1) | Ministers have no option but to decline to consider application | 37(11) - CB did not indicate a heritable creditor. |
| CB00119 | Drumoig (Area 2) | Ministers have no option but to decline to consider application | 37(11) - CB did not indicate a heritable creditor. |

| | | | |
|---------|------------------|---|---|
| CB00120 | Drumoig (Area 3) | Ministers have no option but to decline to consider application | 37(11) - CB did not indicate a heritable creditor. |
| CB00121 | Drumoig (Area 1) | Failed basic/legislative requirement | Rejected for no good reason for being late |
| CB00122 | Drumoig (Area 2) | Failed basic/legislative requirement | Rejected for no good reason for being late |
| CB00123 | Drumoig (Area 3) | Failed basic/legislative requirement | Rejected for no good reason for being late |
| CB00129 | Bargrennan | Failed basic/legislative requirement | Rejected under public interest criteria and division within the community |
| CB00128 | South Cowal | Failed basic/legislative requirement | Rejected for no good reason for being late |
| CB00141 | Findhorn | Failed basic/legislative requirement | CB indentified the wrong landowner. |

Table 7 Community Bodies that withdrew their applications (as of 1 May 2012)

| Case Number | Community Body | Reasons for Withdrawal of Application |
|-------------|------------------|--|
| CB00002 | Assynt | Problem with mapping. CB withdrew, re-applied and was successfully registered. |
| CB00003 | Assynt | Problem with mapping. CB withdrew, re-applied and was successfully registered. |
| CB00004 | Assynt | Problem with mapping. CB withdrew, re-applied and was successfully registered. |
| CB00013 | Braemar | Problems with company Memo and Arts. CB withdrew to avoid rejection and possible court action. Did not re-apply. |
| CB00029 | Portpatrick | Problems with company Memo and Arts. CB withdrew, re-applied and successfully registered. |
| CB00040 | Brookfield | CB identified incorrect owner. CB withdrew, re-applied successfully registered. |
| CB00068 | Langstruther | Problem with mapping and did not notify heritable creditor. CB withdrew, re-applied and successfully registered. |
| CB00069 | DCDT | Owner in receivership. CB withdrew to negotiate outwith the Act. |
| CB00084 | Bridgend | CB withdrew. No reason given. |
| CB00087 | Lairg & District | Withdrew as owner was in negotiations with third party. |

| | | |
|---------|----------------|---|
| CB00095 | Knockman (BLW) | CB identified incorrect owner. CB withdrew, re-applied and successfully registered. |
| CB00113 | Heriot | Discovered that some of the land had been compulsory purchased. CB withdrew and planned to apply for lane with plans to re-apply minus compulsory purchased area. |
| CB00130 | Walkerburn | CB did not want to have an effect on the business |

Table 8 Community Bodies that have Right to Buy application rejected / extinguished at the Right to Buy stage (as of 1 May 2012)

| Case number | Community Body | Right to Buy Rejected/Extinguished | Details |
|--------------------|-----------------------|---|---|
| CB00011 | Coigeach | 18/03/2005 | Applied for the same land as Assynt. Assynt was chosen to proceed with the right to buy. |
| CB00020 | Fairlie | 23/02/2006 | Discovered that there was an option agreement over the land. |
| CB00112 | Machrihanish | 11/08/2010 | Extinguished due to ballot. CB undertook a further ballot and successfully secured Ministerial approval for its second Right to Buy 'application' |

Table 9 Time between community bodies receiving their Section 34(4) letter and applying to register a community interest in land

| Community Body | Date 34(4) Letter Issued | Date(s) Application(s) to Register an Interest In Land Submitted |
|--|---------------------------------|---|
| Boddam Development Trust Ltd | 22/10/04 | 30/7/04* |
| Assynt Foundation | 2/10/04 | 1/9/04* |
| Ballater (RD) Ltd | 22/10/04 | 13/9/04* |
| Crossgates Community Woodland | 22/10/04 | 27/9/04* |
| Newtonhill Trust | 22/10/04 | 7/10/04* |
| Coigeach Community Company Ltd | 25/11/04 | 19/11/04* |
| Mundole Futures Ltd | 10/12/04 | 21/12/04 |
| Breamar Community Ltd | 30/12/04 | 21/12/05 |
| Eilean Glas Heritage Trust | 30/12/04 | 25/02/05 |
| Holmehill Ltd | 22/2/05 | 24/2/05; 01/3/05; 29/3/07 |
| Silverburn Community Ltd | 24/2/05 | 24/2/05 |
| Kinghorn Community Land Association 2005 | 21/3/05 | 23/3/05; 30/10/06; 28/6/10 |
| The Kipp | 23/3/05 | 05/4/05 |
| Park of Keir Friends Ltd | 28/4/05 | 10/5/05 |
| Fairlie Land Acquisition Company Ltd | 18/5/05 | 25/5/05 |
| Bridge Castle Community Woodland Company | 23/5/05 | 13/1/06 |
| Pro Market Park (Crieff) Ltd | 10/6/05 | 21/12/05 |
| Ford Community Project Ltd | 07/7/05 | 08/9/05 |
| Newburgh Community Trust | 25/7/05 | 17/8/05; 17/5/06; 21/11/07 |
| Durness Development Group Ltd | 25/7/05 | 01/11/05; 04/3/08 |
| Houston Amenity Land Ltd | 10/8/05 | 16/8/05 |
| Sprouston Community Trust | 26/10/05 | 19/10/05 |
| Seton Fields Community Company | 26/10/05 | 18/10/05; 30/12/05; 12/5/06; 27/7/11 |
| Brookfield Village Trust | 26/9/05 | 23/6/06; 09/8/06 |
| Borthwick Water Community Development Trust | 12/10/05 | 05/02/08 |
| Portpatrick Trust | 25/10/05 | 04/1/06; 07/3/06 |
| Willow Wood (West Lothian) Community Company | 29/11/05 | 24/4/07; 1/5/12 |
| Neilston Development Trust | 04/4/06 | 04/4/06 |
| Killearn Community Land Company | 04/4/06 | 03/5/06 |
| Abernyte Community Company | 03/4/06 | 27/2/07 |
| Gifford Community Land Company | 13/6/06 | 06/10/06 |
| Comrie Development Trust | 13/6/06 | 01/9/2006 |

* These applications were submitted before there was a requirement for them to have been formally approved by Ministers beforehand. As a result, they were not required to have a 34(4) letter, and were only issued with one after the process had been changed.

| | | |
|--|----------|------------------------------|
| Benbecula Golf Course Community Interest Company | 18/7/06 | 22/8/06 |
| Salen Development Community Company | 29/8/06 | 20/8/07 |
| LCBG | 07/9/06 | 12/9/06 |
| Balloch Village Trust Community Company | 12/10/06 | 19/2/07 |
| Tarbert & Skipness Community Trust | 24/10/06 | 09/11/07 |
| DCDT Enterprise Company | 23/11/06 | 07/2/07 |
| Darnick Village Trust | 04/12/06 | 29/1/07 |
| Langstruther Community Enterprise Ltd | 06/12/06 | 02/2/07; 21/5/07 |
| Benbecula Sport and Leisure Community Company | 21/12/06 | 20/7/07 |
| Heriot Community Company | 22/12/06 | 24/2/10; 24/6/10 |
| Machrie Improvements | 12/1/07 | 23/7/07 |
| Walkerburn Community Development Trust | 07/2/07 | 09/6/08; 03/9/09; 15/3/11 |
| Carty Port Community Company | 01/8/07 | 03/10/07 |
| Dunblane Development Trust | 06/9/07 | 21/11/08 |
| Evanton Wood Community Company | 05/10/07 | 11/9/08 |
| The Tweedsmuir Community Company | 07/11/07 | 14/1/08; 16/4/08 |
| Bridgend Community Centre Company | 22/11/07 | 15/1/08 |
| The Embo Trust (Urras Euraboil) | 16/11/08 | 05/11/08 |
| Coldingham Sands Community Company | 17/1/08 | 05/2/08 |
| Lairg & District Community Initiatives | 28/1/08 | 20/2/08; 15/10/08 |
| Urras Bhaile Na Cille | 04/2/08 | 25/3/08 |
| Friends of Midmar Inn Community Company | 13/2/08 | 07/5/08 |
| Isle of Cumbrae Initiative Community Company | 28/2/08 | 22/5/08 |
| Grandtully & Strathhtay Conservation Trust | 20/3/08 | 28/3/08 |
| Druids Park Community Company Limited | 02/4/08 | 13/10/10 |
| Prestoungrange Arts Festival (2006) | 16/5/08 | 24/9/08 |
| Knockman Community Company | 22/5/08 | 19/6/08; 28/7/08 |
| Glenelg & Arnisdale Development Trust | 22/5/08 | 16/6/09 |
| Grantshouse Community Company | 16/6/08 | 01/7/08 |
| Colintraive and Glendaruel Development Trust | 19/6/08 | 26/10/10 |
| Machrihanish Airbase Community Company | 21/8/08 | 22/12/09 |
| Catrine Community Trust | 26/8/08 | 08/6/10 |
| Edenshead Friends 2007 Community Company | 03/10/08 | 25/9/08; 23/10/08 |
| Camuscross Community Initiative | 12/11/08 | 06/5/09 |
| South Lochaber Community Company | 29/12/08 | 0/8/09 |

| | | |
|---|----------|------------------|
| Bute Community Land Company | 14/10/09 | 16/10/09 |
| Coigach Community Development Company | 19/2/10 | 24/3/10; 16/3/12 |
| Drumoig Community Trust | 09/6/10 | 08/7/10; 09/8/10 |
| Eshiels Community Company | 23/7/10 | 08/10/10 |
| North West Mull Community Woodland Company Limited | 12/8/10 | 20/12/10 |
| South Cowal Community Development Company | 04/11/10 | 20/1/11 |
| Bargrennan Community Trust | 08/11/10 | 24/2/11 |
| Findhorn Village Conservation Company | 17/2/11 | 08/7/11; 3/4/12 |
| Am Fasgadh Regeneration Company (Kingussie) Limited | 6/5/11 | 8/9/11 |
| Dunnichen Community Company | 2/8/11 | 13/10/11 |

Table 10 Types of projects proposed by community bodies in their applications to register a community interest in land

(cases where applications have been approved by Ministers as of 1 May 2012)

| CB Number | CB Name | Business use | Leisure | Housing | Amenity | Tourism |
|-----------|---------------------|--------------|---------|---------|---------|---------|
| CB00001 | Boddam | √ | √ | | | |
| CB00006 | Crossgates | | | | √ | |
| CB00007 | Newtonhill | √ | | | | |
| CB00008 | Assynt | | | | √ | |
| CB00009 | Assynt | | | | | √ |
| CB00010 | Assynt | | | | √ | |
| CB00011 | Coigeach | | | | √ | |
| CB00012 | Mundole | √ | | | √ | |
| CB00014 | Silverburn | | √ | | | |
| CB00015 | Eilean Glas | | | | | √ |
| CB00017 | Kinghorn | | | | √ | |
| CB00018 | The Kipp | | | | √ | √ |
| CB00020 | Fairlie | | | | √ | |
| CB00023 | Newburgh (dry) | | | | √ | |
| CB00025 | Ford | | √ | | | |
| CB00028 | Durness | | | | | √ |
| CB00032 | Bridge Castle | | | | √ | |
| CB00033 | Portpatrick | √ | | | | |
| CB00034 | Neilston | √ | | | | |
| CB00036 | Newburgh (RQ) | | | | √ | |
| CB00037 | Newburgh (3 Piers) | √ | | | √ | |
| CB00038 | Seton Fields (East) | | | | √ | |
| CB00039 | Seton Fields (West) | | | | √ | |
| CB00041 | Brookfield | | | | √ | |
| CB00042 | Benbecula | | √ | | | |

| | | | | | | |
|---------|-----------------------|---|---|---|---|---|
| CB00043 | Comrie | √ | √ | | √ | √ |
| CB00044 | LCBG | | √ | | | |
| CB00045 | LCBG | | √ | | | |
| CB00046 | LCBG | | √ | | | |
| CB00047 | LCBG | | √ | | | |
| CB00048 | Gifford | | | | √ | |
| CB00049 | Kinghorn (K2) | √ | | | √ | |
| CB00050 | Kinghorn (K4) | | | | √ | |
| CB00051 | Kinghorn (K5) | | | | √ | |
| CB00052 | Kinghorn (K6) | | | | √ | |
| CB00053 | Kinghorn (K6A) | | | | √ | |
| CB00054 | Kinghorn (K7) | | | | √ | |
| CB00056 | Kinghorn (K3) | | | | √ | |
| CB00058 | Kinghorn (K10) | √ | | | √ | √ |
| CB00059 | Kinghorn (K11) | | | | √ | |
| CB00061 | Kinghorn (K13) | √ | | | √ | 1 |
| CB00062 | Kinghorn K(14) | | | | √ | |
| CB00063 | Kinghorn K(15) | | | | √ | |
| CB00064 | Kinghorn (K16) | √ | | √ | √ | |
| CB00065 | Kinghorn (K17) | | | | √ | |
| CB00066 | Kinghorn (K18) | | | | √ | |
| CB00067 | Darnick | | | | √ | |
| CB00070 | Balloch | | √ | | √ | |
| CB00071 | Abernyte | | √ | | √ | |
| CB00073 | Willow Wood | √ | | | | |
| CB00074 | Langstruther | | | | √ | |
| CB00075 | Benbecula S&L | | √ | | | |
| CB00076 | Machrie (Golf Course) | | √ | | | √ |
| CB00077 | Machrie (V Hall) | | √ | | | √ |
| CB00078 | Machrie (Field) | | √ | | | √ |
| CB00079 | Salen | √ | | | | √ |
| CB00080 | Carty Port | | | | √ | |
| CB00082 | Newburgh (Lochmill) | | √ | | √ | |
| CB00085 | Borthwick Water | | | √ | | |
| CB00086 | Coldingham | √ | | | | √ |
| CB00088 | Durness | | | | | √ |
| CB00089 | Urras Bhaile Na Cille | | | | | √ |
| CB00090 | Strathtay | | | | √ | |
| CB00091 | Tweedsmuir | | √ | | √ | |
| CB00092 | Midmar | √ | | | | |
| CB00094 | Walkerburn | √ | √ | | | √ |
| CB00096 | Knockman (BF) | √ | | | √ | |
| CB00097 | Knockman (FH) | √ | | | √ | |
| CB00098 | Grantshouse | | √ | | √ | |
| CB00099 | Knockman (BLW) | √ | | | √ | |

| | | | | | | |
|---------|------------------------|---|---|---|---|---|
| CB00100 | Evanton Wood | | | | √ | |
| CB00103 | Lairg & District | √ | | | | √ |
| CB00105 | Embo | √ | | √ | √ | |
| CB00106 | Dunblane | | √ | | | |
| CB00107 | Camuscross | √ | | | | |
| CB00108 | Glenelg | √ | √ | | √ | √ |
| CB00109 | South Lochaber | √ | √ | | √ | √ |
| CB00111 | Bute | √ | √ | | √ | √ |
| CB00112 | Machrihanish | √ | | √ | √ | √ |
| CB00114 | Coigach | √ | | √ | | |
| CB00115 | Catrine | √ | | | √ | |
| CB00117 | Kinghorn | | | | √ | |
| CB00124 | Druids Park | | | | √ | |
| CB00125 | Eshiels | | | | √ | |
| CB00126 | Colintraive | √ | √ | √ | √ | √ |
| CB00127 | North West Mull | | | | √ | |
| CB00131 | Walkerburn | √ | | | √ | |
| CB00132 | Findhorn | √ | | | | |
| CB00133 | Seton Fields (East) | | | | √ | |
| CB00134 | Seton Fields (West) | | | | √ | |
| CB00135 | Kingussie | | | | √ | |
| CB00136 | Kingussie | √ | | | | √ |
| CB00138 | Kingussie | √ | | | √ | |
| CB00140 | Coigach | √ | | | | |
| CB00141 | Findhorn | | | | √ | √ |
| CB00142 | Willow Wood | √ | | | | |

Table 11 Proposed uses of land by community bodies registering a community interest in land

| Application Number | Name of Community Body | Existing use of Land | Proposed use of Land |
|--------------------|------------------------|-----------------------|---|
| CB00001 | Boddam | MoD base | Business units and local services |
| CB00002 | Assynt | Deer Forest | Deer Forest |
| CB00003 | Assynt | Lodge | Lodge |
| CB00004 | Assynt | Deer Forest | Deer Forest |
| CB00005 | Ballater | Arable land and trees | Community woodland/amenity |
| CB00006 | Crossgates | Wasteland | Community woodland/amenity |
| CB00007 | Newtonhill | Forestry | Forestry, amenity land business creation |
| CB00008 | Assynt | Deer Forest | Deer Forest |
| CB00009 | Assynt | Lodge | Lodge |
| CB00010 | Assynt | Deer Forest | Deer Forest |
| CB00011 | Coigeach | Deer Forest | Deer Forest |
| CB00012 | Mundole | Caravan Park | Caravan Park, social housing environmental improvements |

| | | | |
|---------|---------------------|----------------------------------|---------------------------------------|
| CB00013 | Braemar | Woodland | Bio-mass |
| CB00014 | Silverburn | Old water tank | Community hub |
| CB00015 | Eilean Glas | Lighthouse | Tourist attraction and café etc |
| CB00016 | Holmehill | Woodland | Woodland |
| CB00017 | Kinghorn | Grazing land | Amenity land, home for Ecology Centre |
| CB00018 | The Kipp | Rough grazing | Gardens, landscaping etc |
| CB00019 | Park of Keir | Farmland, grazing | Amenity land |
| CB00020 | Fairlie | Open ground | Amenity |
| CB00021 | Houston | Open ground | Play areas/amenity |
| CB00022 | Newburgh (mid) | Waterfront | Amenity |
| CB00023 | Newburgh (dry) | Waterfront | Amenity |
| CB00024 | Newburgh (RQ) | Waterfront | Waterfront/amenity |
| CB00025 | Ford | Old quarry | Community hub |
| CB00026 | Sprouston | Pasture land | Amenity, tree planting |
| CB00027 | Seton Fields | Open ground | Environmental/ amenity |
| CB00028 | Durness | Outbuildings | Café and craft areas |
| CB00029 | Portpatrick | Harbour | Harbour and business units |
| CB00030 | Seton Fields | Open ground | Environmental/ amenity |
| CB00031 | Pro Market | Park | Park |
| CB00032 | Bridge Castle | Open ground/grazing | Open ground/grazing, amenity |
| CB00033 | Portpatrick | Harbour | Harbour and business units |
| CB00034 | Neilston | Old bank | Community hub |
| CB00035 | Killearn | Tennis club | Open tennis club, meeting venue |
| CB00036 | Newburgh (RQ) | Waterfront | Waterfront/amenity |
| CB00037 | Newburgh (3 Piers) | Waterfront | Waterfront/amenity |
| CB00038 | Seton Fields (East) | open ground | Environmental/ amenity |
| CB00039 | Seton Fields (West) | Open ground | Environmental/ amenity |
| CB00040 | Brookfield | Open ground | Amenity |
| CB00041 | Brookfield | Open ground | Amenity |
| CB00042 | Benbecula | Golf course | Environmental/golf course |
| CB00043 | Comrie | PoW camp | Business units/ allotments, heritage |
| CB00044 | LCBG | Former factory site | Community hub |
| CB00045 | LCBG | Former factory site | Community hub |
| CB00046 | LCBG | Former factory site | Community hub |
| CB00047 | LCBG | Former factory site | Community hub |
| CB00048 | Gifford | Park area | Amenity |
| CB00049 | Kinghorn (K2) | Fallow land | Cemetery |
| CB00050 | Kinghorn (K4) | Old train line, trees, open land | Wildlife corridor/access |

| | | | |
|---------|-----------------------|------------------------------------|---|
| CB00051 | Kinghorn (K5) | Dense undergrowth and open land | Wildlife corridor/access |
| CB00052 | Kinghorn (K6) | Open ground trees and paths | Wildlife corridor/access |
| CB00053 | Kinghorn (K6A) | Open ground trees and paths | Wildlife corridor/access |
| CB00054 | Kinghorn (K7) | Cultivated land and grazing | Access, bunkhouse, biodiversity, Woodland, wildlife |
| CB00055 | Kinghorn (K8) | Grass field | Woodland habitat for wildlife |
| CB00056 | Kinghorn (K3) | Bone building and bare land | Bunkhouse, garden, access |
| CB00057 | Kinghorn (K9) | Grassland | Woodland habitat for wildlife |
| CB00058 | Kinghorn (K10) | Grass field | Woodland habitat for wildlife |
| CB00059 | Kinghorn (K11) | Grass field | Woodland habitat for wildlife |
| CB00060 | Kinghorn (K12) | Grass field | Bio-mass and habitat |
| CB00061 | Kinghorn (K13) | House and woodland | Respite care |
| CB00062 | Kinghorn K(14) | Wetland, woodland and loch | Lease to ecology centre, access and education |
| CB00063 | Kinghorn K(15) | Gas station | Woodland habitat for wildlife |
| CB00064 | Kinghorn (K16) | Farm and buildings | Lease to ecology centre, access and education |
| CB00065 | Kinghorn (K17) | Grass field | Woodland habitat for wildlife and possible bio-mass |
| CB00066 | Kinghorn (K18) | Reclaimed land from loch | Access and lease to Ecology Centre |
| CB00067 | Darnick | Open ground | Amenity |
| CB00068 | Langstruther | Chicken farm, open ground, grazing | Amenity, business units |
| CB00069 | DCDT | Open ground | Car park, garden housing |
| CB00070 | Balloch | Agri. field | Amenity and recreational use |
| CB00071 | Abernyte | Field | Amenity and recreational use |
| CB00072 | Holmehill | LA building | Community centre/hub |
| CB00073 | Willow Wood | Residential park | Residential park with community hub |
| CB00074 | Langstruther | Chicken farm, open ground, grazing | Amenity, business units |
| CB00075 | Benbecula S&L | Rough areas | Sports facilities |
| CB00076 | Machrie (Golf Course) | Golf course | Golf course, environmental |
| CB00077 | Machrie (V Hall) | Village hall | Community hub |
| CB00078 | Machrie (Field) | Amenity | Amenity, tourism enhancement |
| CB00079 | Salen | House and jetty | Social housing and jetty development |
| CB00080 | Carty Port | Old factory site | Environmental/ amenity |

| | | | |
|---------|-----------------------|-------------------------------------|--|
| CB00081 | Tarbert & Skipness | Boat yard | Redevelopment |
| CB00082 | Newburgh (Lochmill) | Old reservoir | Amenity, boat lake etc |
| CB00083 | Tweedsmuir | Hotel, outbuildings and land | Hotel, hub, sports facilities |
| CB00084 | Bridgend | Walled garden | Market garden |
| CB00085 | Borthwick Water | Open ground | Social housing |
| CB00086 | Coldingham | Former Youth Hostel | Tourist accomodation |
| CB00087 | Lairg & District | Former hotel site | Tourist accommodation |
| CB00088 | Durness | Visitor centre | Business units |
| CB00089 | Urras Bhaile na Cille | Former church | Community hub, tourist accommodation |
| CB00090 | Strathtay | Buildings and woodland | Improve woodland, wildlife and upgrade buildings |
| CB00091 | Tweedsmuir | Hotel, outbuildings and land | Hotel, hub, sports facilities |
| CB00092 | Midmar | Former pub | Community hub |
| CB00093 | Isle of Cumbrae | Open ground at cathedral | Gardens, landscaping etc |
| CB00094 | Walkerburn | Church | Social housing, hub |
| CB00095 | Knockman (BLW) | Forestry | Forestry, amenity |
| CB00096 | Knockman (BF) | Forestry | Forestry, amenity |
| CB00097 | Knockman (FH) | Forestry | Forestry, amenity |
| CB00098 | Grantshouse | Former school | Amenity and community hub |
| CB00099 | Knockman (BLW) | Forestry | Forestry, amenity |
| CB00100 | Evanton Wood | Forestry | Woodland habitat for wildlife |
| CB00101 | Edenshead | Former church | Recreation facilities |
| CB00102 | Prestoungrange | Former factory/office | Arts studios etc |
| CB00103 | Lairg & District | Former hotel site | Tourist accommodation |
| CB00104 | Edenshead | Former church | Recreation facilities |
| CB00105 | Embo | Woodland and arable land, buildings | Forest croft creation, business units |
| CB00106 | Dunblane | Braeport Centre | Maintenance of buildings |
| CB00107 | Camuscross | Former reservoir | Feed for hydro plant |
| CB00108 | Glenelg | Business premisis and fields | Crofting, allotments, hydro and business |
| CB00109 | South Lochaber | Former hospital | Museums, community facilities |
| CB00110 | Walkerburn | Rugby club and Pitch | Renovate rugby club, sports and fishing |
| CB00111 | Bute | Forestry | Amenity, forestry |

| | | | |
|---------|---------------------|--|---|
| CB00112 | Machrihanish | Formar airbase | Factory sites, business units, meeting facilities |
| CB00113 | Heriot | Open ground | Amenity land |
| CB00114 | Coigach | Former hydroponicum | Business units, other community services |
| CB00115 | Catrine | Former church house & hall | Community facilities, business spaces |
| CB00116 | Heriot | Open ground | Amenity land |
| CB00117 | Kinghorn | Grazing land | Amenity land, home for Ecology Centre |
| CB00118 | Drumoig (area 1) | Open Ground | Amenity |
| CB00119 | Drumoig (area 2) | Former golf practice area | Redevelopment of practice area |
| CB00120 | Drumoig (area 3) | Open ground and trees | Amenity land |
| CB00121 | Drumoig (area 1) | Open Ground | Amenity |
| CB00122 | Drumoig (area 2) | Former golf practice area | Redevelopment of practice area |
| CB00123 | Drumoig (area 3) | Open ground and trees | Amenity land |
| CB00124 | Druids Park | Open amenity area | Amenity improvements |
| CB00125 | Eshiels | Recreation hall | Community facilities |
| CB00126 | Colintraive | Hotel, outbuildings and land | Hub, tourist accomodation |
| CB00127 | North West Mull | Strip of land in woodland | Road creation |
| CB00128 | South Cowal | Former outdoor education centre | Outdoor education centre, café, tourist accommodation |
| CB00129 | Bargrennan | Former village hall | Community hub |
| CB00130 | Walkerburn | Warehouse and ground | Business units |
| CB00131 | Walkerburn | Unused building area | Redevelopment site, shop, storage etc |
| CB00132 | Findhorn | Garages | Business units/garages |
| CB00133 | Seton Fields (East) | Open ground | Environmental/ amenity |
| CB00134 | Seton Fields (West) | Open ground | Environmental/ amenity |
| CB00135 | Kingussie (allot) | Former folk museum, land, carpark and buldings | Allotments |

| | | | |
|---------|-------------------|--|---|
| CB00136 | Kingussie (amf) | Former folk museum, land, carpark and buldings | Retail space, bistro, heritage, community space |
| CB00137 | Kingussie (LC) | Former folk museum, land, carpark and buldings | Learning resource centre |
| CB00138 | Kingussie (manse) | Former folk museum, land, carpark and buldings | Craft centre and community space |
| CB00139 | Dunnichen | Former church | Heritage Centre |
| CB00140 | Coigach | Former Smokehouse | Business units |
| CB00141 | Findhorn | Drying green area and boat slip | Boat storage, repair shop, changing facilities |
| CB00142 | Willow Wood | Residential park | Residential park with community hub |

Table 12 Outcomes of the CRtB ballots undertaken between January 2005 and 1 May 2012

| CB number | CB name | Ballot date | Total number of eligible voters | Total Number that voted (inc proxy votes) | Percentage that voted | Number voted in favour (YES) | Number voted against (NO) inc spoiled | Percentage that voted in favour |
|-----------|-----------------------|-------------------|---------------------------------|---|-----------------------|------------------------------|---------------------------------------|---------------------------------|
| CB00005 | Crossgates | 31 January 2005 | 1672 | 1079 | 64.53% | 1002 | 77 | 92.86% |
| CB00007 | Newtonhill | 07 January 2005 | 91 | 84 | 92.31% | 49 | 35 | 58.33% |
| CB00008 | Assynt | 17 November 2007 | 818 | 441 | 53.91% | 276 | 165 | 62.59% |
| CB00009 | Assynt | 17 November 2007 | 818 | 441 | 53.91% | 276 | 165 | 62.59% |
| CB00010 | Assynt | 17 November 2007 | 818 | 441 | 53.91% | 276 | 165 | 62.59% |
| CB00011 | Coigeach | 28 February 2005 | 401 | 204 | 50.87% | 127 | 77 | 62.25% |
| CB00012 | Mundole | 17 January 2005 | 136 | 103 | 75.74% | 94 | 9 | 91.26% |
| CB00014 | Silverburn | 10 June 2005 | 43 | 33 | 76.74% | 32 | 1 | 96.97% |
| CB00034 | Neilston | 05 August 2006 | 4165 | 1156 | 27.76% | 1122 | 34 | 97.06% |
| CB00036 | Newburgh (RQ) | 09 October 2006 | 2011 | 1246 | 61.96% | 1190 | 53 | 95.51% |
| CB00037 | Newburgh (3 piers) | 09 October 2006 | 2011 | 1246 | 61.96% | 1190 | 53 | 95.51% |
| CB00042 | Benbecula | 06 September 2007 | 997 | 331 | 33.20% | 323 | 8 | 97.58% |
| CB00043 | Comrie | 13 May 2007 | 1946 | 1404 | 72.15% | 1362 | 42 | 97.01% |
| CB00044 | LCBG | 28 July 2007 | 2646 | 1088 | 41.12% | 991 | 97 | 91.08% |
| CB00045 | LCBG | 28 July 2007 | 2646 | 1088 | 41.12% | 991 | 97 | 91.08% |
| CB00046 | LCBG | 28 July 2007 | 2646 | 1088 | 41.12% | 991 | 97 | 91.08% |
| CB00047 | LCBG | 28 July 2007 | 2646 | 1088 | 41.12% | 991 | 97 | 91.08% |
| CB00075 | Benbecula S&L | 20 February 2010 | 976 | 492 | 50.41% | 469 | 23 | 95.33% |
| CB00079 | Salen | 15 December 2007 | 65 | 43 | 66.15% | 43 | 0 | 100.00% |
| CB00086 | Coldingham | 20 October 2008 | 790 | 433 | 54.81% | 411 | 22 | 94.92% |
| CB00089 | Urras Bhaile Na Cille | 16 October 2008 | 319 | 238 | 74.61% | 141 | 95 | 59.24% |
| CB00107 | Camuscross | 22 December 2009 | 152 | 93 | 61.18% | 89 | 4 | 95.70% |
| CB00109 | South Lochaber | 05 March 2010 | 2089 | 1182 | 56.58% | 689 | 492 | 58.29% |
| CB00111 | Bute | 11 February 2010 | 5220 | 2739 | 52.47% | 2557 | 182 | 93.36% |
| CB00112 | Machrihanish | 25 May 2010 | 5949 | 4007 | 67.36% | 3903 | 104 | 97.40% |
| CB00073 | Willow Wood | 01 September 2010 | 69 | 64 | 92.75% | 60 | 4 | 93.75% |
| CB00115 | Catrine | 22 September 2010 | 1828 | 915 | 50.05% | 793 | 122 | 86.67% |
| CB00112 | Machrihanish | 17 December 2010 | 5817 | 2789 | 47.95% | 2642 | 147 | 94.73% |
| CB00032 | Bridge Castle | 01 August 2011 | 58 | 37 | 63.79% | 37 | 0 | 100.00% |

| | | | | | | | | |
|---------|--------------|----------------|------|------|--------|------|-----|--------|
| CB00114 | Coigach | 01 August 2011 | 220 | 161 | 73.18% | 148 | 13 | 91.93% |
| CB00125 | Eshiels | 26 August 2011 | 128 | 105 | 82.03% | 99 | 6 | 94.29% |
| CB00133 | Seton Fields | 14 March 2012 | 6634 | 3747 | 56.48% | 3599 | 148 | 96.05% |

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