

Securing Land for Community Growing



Asset Transfer Rights – Public Land

The Community Empowerment Act (CEA) introduces key Community Rights to **communities of place (geographic) or interest (united by a common interest)**, and places requirements on public agencies (**Relevant Authorities**). This includes the **right to:**



Request information on any publicly owned asset that the community believes they can make better use of for community benefit.



Request the transfer of a public asset (**and it doesn't have to be surplus**).



Acquire that asset if the public body cannot offer a good reason why this shouldn't happen (ie there is a presumption in favour of transfer).



To decide on the price it wishes to offer, based on the economic, social, health or environmental benefits it will add, and the condition of the asset.



To appeal any adverse decision, first with the public body (if LA) and then with the Scottish government ministers.



South Seeds





Community Right to Buy – Private Land

Registering a pre-emptive right to buy Eligibility

- Constituted community body
- Be defined by geography
- Main purpose of the organisation consistent with furtherance of sustainable development
- Meet other requirements for governing documents as required by the Act





Community Right to Buy – Key Considerations

- Are your governing documents technically compliant with the Act?
- Geographic area defined by postcode – data zone etc?
 - Is this at realistic scale to enable you to demonstrate at least 10% community support for your initial registration?
- Is the land marketed for sale already? If so, need to justify a late application.





CRtB – Abandoned, neglected and detrimental land

Does not require a willing seller

Eligible if :

- It is **wholly or mainly abandoned or neglected** or,
- The use or management of the land is such that it **results in or causes harm**, directly or indirectly, to **the environmental wellbeing of a relevant community**
- Need to contact relevant regulator to exercise their regulatory function – to remedy or mitigate harm
- Must have tried and failed to buy land



SEE SUPPLEMENTARY PLANS
FOR THE LOCATION OF THE
PROPOSED DEVELOPMENT



Right to Buy for Sustainable Development Land Reform Act 2016

Does not require a willing seller

Eligible if:

The transfer of land is likely **to further the achievement of sustainable development** in relation to the land

The transfer of land is in the **public interest**

The transfer of land—

- I. is likely to **result in significant benefit** to the relevant community,
and
- II. is the **only practicable**, or the most practicable, way of achieving
that significant benefit

Not granting consent to the transfer of land is likely to result in harm to that community.



Meanwhile Use



Stalled
Spaces
Scotland
> Toolkit



Community Ownership Support Service
DTAS Annual Conference 2023