

Community Empowerment in 2016 – an update



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There are currently several options for communities to acquire land and 2016 will see further changes introduced through the Land Use Strategy, the Community Empowerment (Scotland) Act 2015 and the government's target for one million acres of land in community ownership.

Over the last few years, the Scottish Government have been seeking ways to empower communities to become more involved in land use throughout Scotland. Although there are currently several options for communities to acquire land, 2016 will see further changes introduced through the Land Use Strategy, the Community Empowerment (Scotland) Act 2015 and the government's target for one million acres of land in community ownership. These changes could have a significant impact on landowners and those involved in land management in Scotland.

Land Use Strategy

Scotland has a long term Land Use Strategy Vision to 2050 for: "a Scotland where we fully recognise, understand and value the importance of our land resources, and where our plans and decisions about land use deliver improved and enduring benefits, enhancing the wellbeing of our nation"

The Climate Change (Scotland) Act 2009 requires the Land Use Strategy to be reviewed every five years. Scottish Government has published a consultation on the proposed strategy for 2016-2021 which builds on the existing land use pilot projects and wider land reform agenda. The Community Empowerment (Scotland) Act 2015 and the Land Reform Bill are elements of this wider vision. Further information on the Land Reform Bill, is available [here](#).

There are three principles which underpin the proposed 2016 – 2021 strategy:

- To deliver greater prosperity;
- To ensure fairness in the way Scotland's wealth, resources and opportunities are distributed; and
- To encourage and facilitate participation by everyone in debates and decisions.

Although non-binding, the proposed strategy demonstrates and supports Scottish Government's continuing commitment to land reform and improving all aspects of land use.

Community Right to Buy

Most of the Community Empowerment (Scotland) Act 2015 will come in to force on 15 April 2016. From that date, the existing Community Right to Buy which applies to predominantly rural areas, will be extended to the whole of Scotland bringing urban land within its ambit.

Applications made by a Community Body to register their interest in land prior to 15 April will not be affected nor will any existing registered rights (all of which still only affect rural areas). Any community who wishes to register an interest must evidence their proposed use, development and management of the property and demonstrate how their proposals support sustainable use or development of the land. If the Scottish Ministers are satisfied and register the interest, the community body will have a "pre-emptive right" which means the landowner must be undertaking steps to sell or market the land before the right can be exercised.



A Community Body's interest must be registered in the Registers of Community Interests in Land, to be effective. From April onwards, a search report in that Register will become an essential component in all property sales, to check whether the land is affected by an interest, as the sale could activate a Community Body's right of first refusal. Although the extension of the right to buy affects all areas in Scotland, and all sales where a right is registered, any community body must come up with the funds to purchase the land. Not every such body will be able to do this within the timescales required. However, the extension of the right to all areas in Scotland means that the possibility of a community interest will have to be considered in all property sales.

One Million Acres by 2020

The changes through the 2015 Act demonstrate the Scottish Government's commitment towards more land being owned and managed by community bodies, and support the Government target of having one million acres of land in community ownership by 2020. Currently around 480,000 acres of land is in community ownership: approximately 2.5% of the land mass of Scotland. A number of strategies are proposed to achieve the one million acre target through implementation of legislation, such as the 2015 Act and the Land Reform Bill, working

with the Government and other bodies to increase the availability of funding, raise awareness, and engage with and support communities. The report of the working group on strategy and proposals for achieving the target is available [here](#).

Comment

The Scottish Government is giving effect to their policy to ensure communities own more land in Scotland. There are likely to be further changes when the Land Reform Bill is enacted. 2016 is a year where we will see the Government's aims of transparency, wider land ownership and land reform taken even further. The extension of the community right to buy is a change for those working in property and must be borne in mind by all property owners.

If you have any questions on community ownership, the land use strategy or the Land Reform Bill, please do not hesitate to get in touch with Emma De Saily or Peter Misselbrook to discuss this further.

For further information or advice on any of the issues discussed in this briefing note, please get in touch with your usual Shepherd and Wedderburn contact.