

Breakthrough at last on Pairc Estate

A major breakthrough looks to have been secured over Scotland's first ever attempted landfill buy-out.

Residents on the Pairc Estate in Lewis followed a specially-convened meeting last Thursday night to agree a way forward, following a change of heart by owner Barry Lewis, who had previously seemed determined to retain an asset which has been in the family for generations.

The estate's residents, including the Lewis family, had been in a long-term dispute with the owner over the estate's future. When an initial appeal by Mr Lewis — claiming that the agreement compromised his family's rights — failed, he issued a second bid at Sweeney's Auction Centre. There, he agreed that the estate to be sold to the community for a takeover had not been properly conducted.

However, following the decision to proceed with an amicable sale, that asset which has been in the family for generations.

Of the 80 people present at last week's meeting, it was agreed that the agreement be signed immediately. "Before the agreement is signed, Pairc Trust will collect the community's views on the proposed terms through community meetings and a ballot."

It is envisaged that the proposed trust, which has been Scotland's most controversial in 2006, will be fully financed through the Scottish Land Fund.

Pairc Trust, policy director of Community Land Scotland, said the decision was a "significant step" towards the buy-out.

Western Isles MSP Aindreas Mhàin said: "I welcome what seems to be every positive development in recent times. Land transfer has been a long process."

When the property of a house was first reported, Pairc and Sweeney Energy had plans for a £400 million windfarm on the estate and had suggested lease terms with the landowner. However, a number of months ago, they announced they had abandoned the idea.

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Community buyout of Bays of Harris Estate moves a step closer

The proposed community buyout of a large area of east and south Harris has moved a step closer, following an agreement between the landowner and the local steering group which should pave the way for a ballot later in the year.

The steering group is looking forward to taking the report to the 100 residents within the estate.

"It has taken a long time to reach this point due to the complexity of the composition of the Bays of Harris Estate," said Mr Mhàin. "The steering group is looking forward to taking the report to the 100 residents within the estate."

Council to mull over Storr buy-out plan

Highland Council will decide within the next six months to make a decision on a community request to transfer ownership of land near a popular Skye beauty spot.

The trust has proposed that a fee for using the car park would be charged, and the council already plan to introduce parking charges at the Storr as part of their Highland-wide programme of parking charges.

Highland Council has six months to undertake consultation and evaluation in order to reach a decision regarding the request. Until the asset transfer request is determined, the council is prohibited from selling, leasing or otherwise disposing of the specific area of land to which the request relates.

Anyone may make representations about this asset transfer request to the council. They must be made in writing, including name and address, no later than 26th April 2007. A copy of representations will be given to the trust and posted on the council's website, in both cases with personal information redacted. Representations should be sent to Willie MacKinnon, Ward Manager, Highland Council, Tigh na Sgair, Portree, IV51 9GP or by email willie.mackinnon@highland.gov.uk.

The trust wants to construct a new car park, build public toilets, install interpretation panels and erect a welcoming structure at the site.

The request has been submitted under new community empowerment legislation, and the proposed purchase price for the one-hectare site is £1,000.

In addition to transfer of ownership, the SCT is seeking a contribution of £400,000 from the council towards the development. The remainder of the 82-hectare site would continue in the ownership of the local authority.

The council has already set aside £400,000 of development funding for car park improvements at the site, and the trust hopes that money can contribute to their own ambitious plans which are contained in a development plan.



Gallan Head trust mark a year of ownership

The newest community land in the Western Isles marked a year since they took over the land last weekend with a celebratory barbecue and beach cleanup.

The conditions could easily have been a daunting prospect during the Cold War.

Steve Allan (left) said: "We are excited to be working hard to restore the natural beauty of the island and its wildlife."

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The future of community land ownership



DR CALUM MACLEOD

"Community ownership remains essentially a marginal activity within a highly-concentrated pattern of private land ownership in Scotland that continues to survive remarkably unscathed. That is a systemic issue that demands political action."

COMMUNITY LAND OWNERSHIP has captured Scotland's political imagination to the extent of defining and dominating the debate on land reform over the last 20 years. That debate centres on whether Scotland's extraordinarily concentrated pattern of private land ownership inhibits or encourages land use that reflects wider, shared societal objectives for the common good.

Proponents of land reform argue that concentrated ownership enables the dominant exercise of economic, political and social power by large-scale private landowners that can run contrary to the wider public interest. They consequently advocate democratising property rights through coordinated application of legislative and fiscal policy measures to redistribute these rights more widely within the context of an increasingly-diverse and transparent pattern of land ownership in Scotland in support of sustainable development.

There is undeniably much to celebrate in the evolution of Scotland's community land ownership sector since the pioneering first wave of buyouts in the 1990s, notably in Assynt, Knoydart and Eigg. A total of 563,000 acres are now in community ownership. There is technical support from Highland and Islands Enterprise's community assets team, and financial support from the Scottish Land Fund. Legislation exists to give communities increasingly-extensive rights to buy land and assets. Community Land Scotland, created in 2010 to represent community landowners' interests, has 80 member organisations delivering affordable housing, local infrastructure and services, renewable energy and much else besides.

Equally undeniably — and despite that policy support — community ownership remains essentially a marginal activity within a highly-concentrated pattern of private land ownership in Scotland that continues to survive remarkably unscathed. That is a systemic issue that demands political action.

How, then, might community land ownership look in 2050? That's a speculative exercise, of course. However, it's plausible to imagine the sector representing a larger geographical share of a significantly less concentrated, more diverse and transparent system of land ownership in Scotland as a means of creating and consolidating more resilient, inclusive and sustainable communities.

Most fundamentally, it is crucial to avoid conflating community land ownership with the wider land reform agenda, the core aim of which is to apply measures to modify or change arrangements governing possession and use of land in the public interest.

Treating community ownership as a 'magic bullet' to single-handedly address that broader agenda risks obscuring the need for a coordinated programme of public policy measures for land reform that cuts across traditional policy silos and Government departments — measures which, in future, could conceivably involve changing fiscal arrangements regarding land taxation and payments; introducing a 'right to buy' for all tenants of agricultural holdings; limiting the size of land holdings that private owners may possess; and applying a public interest test to private land sales of particular scale.

Community ownership also needs to be normalised as a form of ownership for contributing to Scotland's sustainable development; one that can be applied throughout Scotland rather than being seen as the preserve of the Highlands and Islands. Recent legislative extension of the Community Right to Buy into urban as well as rural geographical locations marks an important development in terms of mainstreaming 'community' as a form of ownership. However, that alone is unlikely to accelerate the process of normalisation.

Other prerequisites include continuing political and associated institutional and technical support, both for land purchases and further development of the type that HIE in particular has provided over the last 20 years, but on a Scotland-wide basis. That support is essential to build wider awareness of the social, economic and environmental benefits that community ownership can bring and to help fully realise the development potential of purchased land and assets. However, that support must be aligned to a broader programme of land reform to have a widespread transformative effect.

Arguably, too, securing the role of community land ownership as a driver for sustainability will require further legislative changes to the Community Right to Buy land in line with the general interest, as stipulated in the European Convention on Human Rights. The point is that property rights are not absolute in nature. Rather, they are capable of being modified by the state in pursuit of the public interest, which spans the exercise of individual and collective human rights.

Normalising community ownership also requires trust in communities to develop and deliver sustainable outcomes for themselves,

whether directly or in partnership with others.

'Community empowerment' is high on governmental agendas. However, that empowerment (whether in terms of Community Right to Buy legislation or financial support through the Scottish Land Fund) is shaped from the centre of the political system. It promotes agency on the part of communities, but in a highly-structured way according to conditions of legislation and funding schemes.

A more radical approach to empowering communities would be to give them an automatic preemptive right to purchase land when there is a willing seller and fund the land purchase without the necessity of a detailed business plan being produced to support funding applications. More broadly, it is vital to reinvigorate and reimagine governmental and civic institutions in ways that devolve power to shape urban and rural geographical spaces into the hands of local communities that live in or near these spaces.

An expanded and maturing community land ownership sector also invites consideration of future ways in which it may interact with the state and other organisations in managing local services, development opportunities and public goods to better reflect local communities' needs and aspirations.

An example of that approach already exists in relation to the financing and community ownership of a new school building in Strontian in west Lochaber. It's an approach with potential for further application in both rural and urban settings to provide services such as healthcare or renewable energy supply that are more attuned to local needs and demand.

Thinking about community land ownership as both a rural and an urban issue is helpful in making it an increasingly normal way of doing things. That breadth of perspective does, however, bring to the fore underlying tensions regarding the relationship between land, assets and demand.

An upsurge in urban community demand for buying mainly built assets may have a detrimental impact on the scope for larger-scale land purchases in rural contexts whereby ownership of the land asset is a prerequisite for further asset development on that land. That has implications for the continuing evolution of community ownership in both urban and rural settings.

In the likelihood that future public resources for community buyouts remain scarce, communities will have to explore a wider range of potential funding mechanisms to support purchases such as crowd-funding

or community share offers. These underlying 'rural-urban' tensions further reinforce the need to position community land ownership as one aspect of a wider, ongoing programme of interconnected land reform policy measures.

ONE FURTHER intriguing but still largely unexplored aspect of how community land ownership could evolve in the future relates to whether it might assist in repopulating rural areas previously containing human settlements but now conceptualised and in some instances classified as 'wild' land. That possibility raises an interesting question about the potential roles that communities of interest, in particular, might play in that regard. It raises still more interesting questions about interpretations of 'sustainability', the social construction of landscapes and the appropriation of territory in the interests of 'stewardship' that have a particular and profound resonance in relation to the Highlands and Islands.

Ultimately, thinking about the role that community land ownership might play in 2050 requires some idea about the kind of society Scotland aspires to be in the mid 21st century. That means addressing some fundamental interlinked and overarching issues.

One concerns the relationship between people and the land and the balance between the public and private interest; essentially a recalibration of rights and responsibilities in relation to land ownership and use to better serve the public interest.

Another relates to the characteristics of governance structures in society and the extent to which power in decision-making is devolved to the local level to genuinely empower people; essentially an issue of democracy and civic engagement.

Still another relates to the relationship between the state and other organisations — including but not limited to community landowners — in achieving outcomes that add to rather than subtract from the sustainability of local communities, the Highlands and Islands, and Scotland as a whole.

THIS IS AN abridged version of a discussion paper on 'The Future of Community Land Ownership in Scotland' prepared for the national Strengthening Communities conference held in Aviemore on 21st and 22nd September. The full paper is available at: <http://www.hie.co.uk/community-support/community>

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