

Opportunities for more diverse ownership, management and use of land

ROUTE MAP FOR LANDOWNERS

This route map sets out practical steps that owners of land can take to achieve a more diverse pattern of land ownership, management and use. It focuses on how landowners can create opportunities for local businesses, residents or community organisations through purchases, leases and other collaborative working arrangements. This route map supports the Land Rights and Responsibilities Protocols on [Diversification of Ownership and Tenure](#) and [Negotiating Transfer of Land to Communities](#).

DEFINITIONS

When we talk about **communities**, we mean the individuals who live in a particular place. This can be whole towns, single streets, whole islands or peninsulas, other large geographic areas, or small villages or neighbourhoods. The focus of this guidance is on those **who live locally and may wish to own, manage or use land in the local area**.

Land includes buildings and other structures, land covered with water, and any right or interest in or over land. It can be in either an urban or a rural context.

When we talk about **collaborative working**, we mean any arrangement between two or more parties that

facilitates the sharing and/or use of resources. Collaborative working can include tenancies, short-term leases, partnership arrangements and management agreements.

STEP 1 – STARTING OUT

? Are you considering how your land and buildings could be used to bring greater benefit and support sustainable development?

YES, I WOULD LIKE TO BE PROACTIVE

YES, I HAVE BEEN APPROACHED

? Have you reviewed your landholdings?

We recommend that self-assessment of landholdings is part of regular business planning and review, if it is not already.

What should I consider when I am assessing my land and buildings?

- Are they being maintained and used productively in a way that supports sustainable development?
- Are they managed in a way that contributes to governance and management objectives?
- Are there opportunities to work with others to make more productive use of land or buildings?

FAQs for further guidance

? From a Community Organisation

If you are a public landowner:

Relevant Authorities should follow internal processes for disposal or guidance set out under the Asset Transfer process.

Asset Transfer Guidance

If you are a private landowner:

You should be open and transparent in your decision-making processes.

What to expect

Community organisations should share information about their aspirations for the land.

We recommend that you respond within six weeks.

? From a Local Business or Resident

If you are a public or private landowner:

You should be open and transparent in your decision-making processes.

We recommend that you respond within six weeks.

? Are you happy to proceed?

NO

Consider if there are other options that you could pursue. You should provide clear reasons for your decisions.

YES

STEP 3

? Have you identified land or buildings that could be sold, leased or used by another party?

YES

STEP 2

STEP 2 – CREATING OPPORTUNITIES

Who should I engage with?

You should let people in your **local community** know about your plans.

FAQs for guidance on identifying who to speak to

How should I engage?

You should let people know of your plans through different channels, e.g. social media, websites, local newsletters or papers. For significant land sales you should consider more formal engagement. Feedback should be provided to the community following any engagement.

For further guidance on community engagement

What should the timescale be?

This can vary depending on how significant the sale is. You should allow enough time for people to consider their views and to enable groups to consult with their members. Where public meetings are being held, enough notice should be given to enable people to arrange attendance.

STEP 3 – MAKING A DECISION

Making a decision

Consider wider benefits which could impact the local economy, society, and the environment. Remember that long-term benefits that could outweigh the value of short-term gains.

Unable to sell?

When a change in ownership is not feasible or appropriate, you should consider what opportunities there are for leasing, partnership working, or other collaborative working arrangements.

What to take into account when selling

- Those with existing pre-emption rights should be approached first
- You should then consider offering sitting tenants a right of refusal
- If the parties above do not wish to purchase, what opportunities are there for community ownership?
- If considering a sale that will take place off the open market, you should make the local community aware that this is the case, where commercial confidentiality allows.

How do I deal with competing notes of interest?

If you receive competing interests, you can encourage the interested parties to explore solutions and look at options for collaboration. Dialogue can help all parties to understand each other's aims and lead to better outcomes and stronger relationships.

You may want to consider social, environmental, cultural and economic factors, and how proposals align with local needs and priorities. You should be clear with all parties about what you have considered when making your decision.

FAQs for further guidance

? Wish to proceed with a sale?

YES

STEP 5

? No interest identified?

If no interest is identified through the engagement process move to wider advertising.

? Not proceeding despite local interest?

You should provide clear reasons for your decision to interested parties.

? Wish to proceed with a lease or other collaborative arrangement?

YES

STEP 6

STEP 5 – NEGOTIATED SALE

With a Community Organisation

Follow the Community Land Scotland and Scottish Land and Estates protocol for negotiated sales.

CLS and SLE protocol

With a Local Business or Resident

You may wish to seek further guidance from land agents, solicitors, lawyers, other professional advisors or membership organisations (e.g. Scottish Land and Estates, Scottish Property Federation).

STEP 6 – LEASES AND COLLABORATIVE WORKING ARRANGEMENTS

You may wish to seek further guidance from land agents, solicitors, lawyers, other professional advisors or membership organisations.

Community organisations may be able to get support from sector organisations or enterprise agencies.

Things to consider

Community organisations will need time to consult with their community over a proposed purchase. They may also need time to secure funding to cover professional advice, business planning, legal fees and purchase cost.

If your timescale for selling land is restricted for any reason, then you should be honest and open about this.

Subject to the agreement of both parties, you should consider the different options for valuation, including using a joint valuation process.

Title conditions and clawback arrangements, where used, should be appropriate and proportionate. You should be mindful of the likely impact on the viability or long-term sustainability of businesses, community projects or other activities on the land.

Things to consider

Community organisations may need time to consult with their community over a proposed lease or arrangement. They may also need time to secure funding to cover professional advice, business planning, and legal fees.

If plans are on a temporary basis (such as a fixed-term lease or interim arrangement), it should be agreed at the outset what each party will be responsible for and what will happen at the end of the agreement. This will help to avoid disagreements further down the line.

A range of tools and information can be found at:
landcommission.gov.scot
www.gov.scot/policies/land-reform

