

Built Environment Forum Scotland (BEFS) is an umbrella body for organisations working in the built environment in Scotland. Drawing on extensive expertise in a membership-led forum, BEFS informs, debates and advocates on the strategic issues, opportunities and challenges facing Scotland's existing built environment. BEFS is a supporting member of the [Climate Heritage Network](#).

Other relevant consultation responses from BEFS can be seen below, as many issues overlap and demand associative consideration:

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- [Community Wealth Building \(Scotland\) Bill](#) (2025)
- [Building Community Wealth in Scotland](#) (2023)
- [Land Reform in a Net Zero Nation](#) (2022)
- [Community Empowerment \(Scotland\) Bill](#) (2014)

BEFS will be responding to selected questions of the consultation, as below:

Question 1: Do you think that the three existing compulsory rights should be merged? If so, given that each of the existing ones provide a different level of rights to communities, in what way should they be merged?

Yes. BEFS welcomes the Scottish Government's ongoing 2024-25 investigation of several compulsory purchase rights that comprise the Community Right to Buy. Several BEFS Members, including the Architectural Heritage Fund, Development Trusts Association Scotland and Heritage Network, work with community groups that have engaged with community ownership processes with regard to historically significant buildings in Scotland. These include groups who have made a successful acquisition and brought a vacant or derelict built asset back into productive reuse through Community Right to Buy and Asset Transfer processes, in addition to those who have been unsuccessful in an attempted acquisition, and those who have investigated the policy and funding context and decided not to pursue ownership aspirations.

While BEFS operates at a distance from direct experience with Right to Buy processes, we are aware through these network links of some general issues with regard to existing community group experience with compulsory rights. One is a desire for greater simplification and consistency, which the Scottish Government's consultation paper highlights. Despite a supportive landscape of advisory bodies and practice networks, prospective Community Right to Buy applicants report challenges in navigating the complexities of the process. As the consultation paper notes, the various compulsory rights operate differently in practice, employing separate criteria, placing disparate burdens on the applicant, and differing in expectations and obligations for existing owners, wider communities and regulators.

A merger therefore has value in improving consistency of experience, and making the provision of information, support and guidance to all parties easier via standardised requirements. There is an open question as to how they should be merged, and BEFS would like to see a holistic approach that closely considers the wider public interest and the beneficial outcomes the local community can expect from a Community Right to Buy transfer.

BEFS Member Development Trusts Association Scotland adds that a merger of rights should not in any way weaken the existing rights and protections in the existing Community Right to Buy, given that it is one of the few ways local communities can address vacant and derelict land and buildings in their areas that are in private ownership.

In BEFS area of interest, sustainably bringing significant derelict or vacant historic and existing built environment assets into reuse through community ownership mechanisms, in circumstances where other

approaches are not available or viable, presents a clear rationale for approving an appropriate application for transfer.

Question 2: Should the newly merged compulsory rights be based on the condition of the land or on the owner's use of the land? For example, the existing Part 3A rights are based on the condition of the land, whereas Part 5 rights are based on how it is being used.

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Other. With consideration to buildings in particular, BEFS wishes to see both aspects taken into consideration. As BEFS Member the Architectural Heritage Fund articulates, a vacant building that is not in regular use is almost certain to reach a state of poor condition. Use and condition are an amalgam and should be treated as interlinked in policy decision-making.

Community groups are often fundraising not only for acquisition, but for the additional resources required for repair and refurbishment, in addition to feasibility studies, technical appraisals, business plans, planning consents and ongoing maintenance. These efforts are undertaken to enable the building to reach, and stay in, a good condition in order to establish sustainable ongoing use.

It is therefore important that a building's condition and use – or lack thereof – are considered in tandem under a merged Community Right to Buy.

Question 3. Do you support the Scottish Government recommendation that the residence and voting eligibility requirement is reduced to being anything over 50% of the community? What ratio of ordinary members should be required of a community body to ensure that control of community-owned assets remains with local members of the community?

Unsure. Without commenting specifically on voting targets and residence eligibility, BEFS Members have raised two arguments with relevance to this question. One is, a well-resourced outreach effort that indicates strong community interest in the transfer of a building into community ownership, is invaluable in demonstrating demand for continued use of the building. It simultaneously highlights the building's value to local people in terms of local heritage, pride of place, and the distinctive character and identity of the locality.

A second general point is that a community group representing the interests of a small rural village, for example, may find it much easier to survey local people and recruit Members, compared to an equivalent that serves a high density and complex urban area. The latter often has contested neighbourhood boundaries, a higher and more diverse population, and multiple community groups.

There are no easy answers here, and BEFS is mindful of national targets around community ownership that have evolved over the past 20 years. These include to have one million acres in community ownership by 2020, to replicate the success of rural community land ownership projects in urban Scotland, to “normalise” community ownership of land and assets, and to change historical patterns of land ownership in Scotland. These aspirations have not yet resulted in a situation in which all parts of Scotland are seeing notable vacant buildings being taken into community ownership.

Maintaining a standard approach and consistent outcomes across urban and rural Scotland may therefore involve greater investments in community capacity building and support for community engagement, so that community bodies can grow and develop to handle substantial democratic obligations. Multiple phases of the ongoing COSLA and Scottish Government Review of Local Governance, also known as Democracy Matters, which commenced in 2017, have consistently demonstrated high demand for greater decision-making powers at the community level.

Making that transfer of power, as BEFS Member SURF – Scotland’s Regeneration Forum has pointed out, involves significant change in the distribution of resources to community bodies, in community-governmental relationships, and in enhancing democratic mechanisms at the community level. Time is another aspect that warrants consideration; a long-term approach to community empowerment, which relies on building trust and partnership links between community groups and other partner bodies, is a vital part of the mix. Improving local democracy is a key theme of SURF’s Manifesto for the 2026 Scottish Parliament election, which is in development.

Question 11. Should third party purchasers remain an option under the compulsory rights to buy?

Yes. BEFS is keen to see the productive reuse of vacant and derelict existing built and historic buildings of all typologies and all classes of ownership. The use of third party purchasers can provide another channel for reuse and should remain a continued Community Right to Buy option, especially in support of community led partnership efforts and joint working across multiple entities.

Through Development Trusts Association Scotland, BEFS understands that use of third party purchasers has not been widely used to date, but is being actively considered to support community purchase plans of historic assets in Govan, Glasgow, and in North Queensferry, Fife.

Question 17. Should the period allowed to submit an appeal be extended to allow both parties to make a more informed decision on whether to appeal?

Yes. Multiple BEFS Member organisations argue that the current 28 day period for appeal is too short for community groups, especially in circumstances where community meetings, legal advice and partner discussions are needed to develop appeals.

Extending the period for appeal would therefore be helpful in balancing the needs of the community with the purpose of Community Right to Buy and any ongoing efforts to sell the property to another buyer.

Question 19. Do you wish to make any other comments in relation to the matters raised by this consultation and which you feel have not been covered by any of the earlier questions?

BEFS has a particular interest in Scotland’s places of worship, which are facing a national emergency. The divestment of religious estates, particularly churches, have major implications for Scotland’s people and places, physically, economically, socially and environmentally. This situation has particular relevance to the consultation given trends for transferring vacant churches into community ownership.

Places of worship, both in and out of worshipful use, play important roles in the landscapes of our cities, towns, and villages as civic institutions. They are a vital part of our local, regional, and national cultural heritage, holding particular significance for communities and providing central contributions to pride of place and intergenerational connection. From streetscape to vital local service, this issue is now a national civic concern rather than religious or denominational. It’s about all our places, and their people, regardless of faith or inclination.

With many places of worship transitioning out of worshipful use, investing in the reuse and adaptation of these buildings is necessary to align with existing policies regarding heritage, wellbeing, net zero, successful places, and more. Additional investment in grant programmes, including to support maintenance and repair, acquisition and refurbishment by community owners, and other project development elements, is needed to prevent their deterioration and decline.

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The scale and urgency of the challenge for places of worship needs to be recognised in budgetary decision-making, as part of a package of additional investments in heritage funding, as well as policy and practice in community ownership. This needs to be reflected in a holistic and uncomplicated policy landscape which is accessible to community organisations, individuals, local authorities, and other partners.

As BEFS Members Development Trusts Association Scotland – which manages Community Ownership Support Service – and Scotland’s Towns Partnership have made clear, it is very difficult to make use of Community Right to Buy for vacant churches in and around larger town centres. Defining the local community, arranging community engagement and undertaking a successful ballot is a very big ask of community groups in denser urban environments, as compared to a prominent central church in a more coherent geographic community such as a rural village or city suburb.

One example highlighted by Development Trusts Association Scotland is the Kirk of St Nicholas, also known as the Mither Kirk, in central Aberdeen. There is no natural local community population for this historically significant asset. It is immediately adjacent to commercial premises and student housing, but as the original parish church for Aberdeen, holds massive significance for the entire city. Development Trusts Association Scotland argue that it is not feasible for a local community organisation to ballot the entire city.

This situation is especially true in a context where local government election voting turnout is below the response rates required for community groups to exercise Community Right to Buy, despite the resources invested in promoting and organising local elections. At the same time, balloting only the immediate neighbours of major heritage assets in our towns and cities, and disregarding any views held by wider community, is not appropriate.

BEFS would also add that there is high demand for competitive funding applications in the public and voluntary sector, but other forms of resourcing activity, such as income generation, crowd-funding and philanthropy, are difficult to make a success of in practice. This situation is exacerbated by inflation and rising repair, maintenance and insurance costs. The potential of Community Right to Buy legislation to enhance community ownership of vacant historic buildings is limited by the ability of community led bodies to overcome these practical barriers.

A final point is the potential for greater alignment between Community Right to Buy and the Community Wealth Building (Scotland) Bill. The Bill includes an obligation for local authorities and other public bodies to produce and implement Community Wealth Building action plans, which include increase inclusive ownership of local assets. Leading public sector stakeholders responsible for developing these action plans must work closely and collaboratively with prospective projects and partners in the sphere of heritage tourism and community ownership, to help ensure the highest chance of long-term success.

BEFS responses to a number of Consultations in relation to the Built Environment can be found at:
<https://www.befs.org.uk/resources/consultations/>

RESPONDENT INFORMATION

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The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference: **Publish response with name**

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise? **YES**

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