



# Protocols Definitions

## Alienable

All Common Good property falls into one of two categories – alienable or inalienable. Alienable property can be sold, leased or otherwise disposed of in a permanent or semi-permanent way that reduces public use.

## Biodiversity

Biological diversity or biodiversity is the variety of life on Earth. It includes all of the living things around us – plants, animals, fungi, microorganisms – and the ecological systems they form such as forests, mountains, rivers and seas. Biodiversity includes variety within species, between species, and across ecosystems. It is essential for sustaining the ecosystems that provide us with food, fuel, water, clean air, health, wealth, and other vital services.

## Collaboration / collaborative working

When we mention collaboration or 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, management agreements and informal arrangements.

## Common Good

Common Good property is made up of assets that were granted to or acquired by former Royal burghs in Scotland for the benefit of the local community. The Common Good Act 1491 provided legal status to Common Good and created an obligation that assets be managed for the benefit of the citizens of the burgh. This obligation is still in force today and applies to all local authorities in Scotland.

## Community

When we talk about community, we mean the individuals who live in a particular place – a geographic community. This can be in an urban or rural area, and can be defined as whole towns, single streets, whole islands or peninsulas, other large geographic areas, or small villages or neighbourhoods.

In some cases, such as for Asset Transfer requests, a community of interest can make a request for ownership, use or lease of land to relevant public bodies. These are communities of people who are connected through a shared interest rather than by place.

## Community Asset Transfer

Asset Transfer Requests were introduced by the Community Empowerment Scotland (Act) 2015 as a mechanism for communities to request ownership of land or buildings from relevant authorities. Asset Transfer Requests are designed to make it easier for communities to take on ownership of assets that can help them to meet their needs and aspirations. The act sets out a clear process and timeframes, and relevant authorities should try to approve applications received unless there are very good reasons not to.

## Community benefits

Community benefits are the intentional social and economic benefits from land that are offered to the local community on a negotiated basis for their lasting well-being. Community benefits can take various forms, such as provision of land for affordable housing or crofts, supporting local businesses, offering training and education opportunities, recreational and community facilities, offering land for community use, increasing fair work opportunities, and contributing to climate change adaptation.

Community benefits should be provided with intent and in addition to the ways in which 'business as usual' brings benefits for the local community. They are long-term commitments that bring meaningful benefits for the local community and support community agency. They are more substantial than one-off activities or maintaining existing uses and access.

## Community organisation

When we refer to a community organisation, we are talking about a constituted community group that operates in a geographic area. Community organisations can be set up in different ways but are usually run by a board of directors or trustees, with membership made up of people from the local community who are interested in the organisation and its aims. Development trusts, community benefit companies and SCIOs are common forms of community organisation.

## Community wealth

Community wealth refers to the wealth and benefits, generated by jobs, services and income flows within a local economy, that are retained by and directed back into that economy. A community wealth building approach places control and benefits of assets and resources into the hands of local people. It supports democratic and collective ownership of assets and of the local economy.

## Decision-making processes

When we refer to decision-making processes we are talking about the systems and structures that organisations have in place for deciding what their priorities are and what actions to take. In some organisations, there might be boards or committees in place that have to make or review certain decisions, or there may be several levels of decision-making power that consider different kinds of decisions.

## Derelict

Derelict land is land which has been so damaged by previous development that it cannot be brought back into beneficial use without treatment, for example demolition of buildings or dealing with contamination. It includes abandoned and unoccupied buildings in an advanced state of disrepair. It excludes land which has been or is being restored for agriculture, forestry, or other open countryside use, and land damaged by previous development which is being restored for nature conservation or amenity use.

## Disposal

When we refer to a disposal of land, we mean a sale or transfer of land to another owner. In some cases, a long-term lease can be considered a disposal.

## Engagement

Engagement is the process of involving other people in decisions about land that affect them and goes beyond informing or consulting them about decisions. It is about building and maintaining positive working relationships with communities, enabling community views to be heard and shape decisions made about land. Engagement can be about a specific issue or range of issues, but it can also be a means of finding out what issues are for local people. It should be carried out in good faith and involved genuinely listening to ideas put forward by communities.

## Engagement plan

An engagement plan is a document that sets out when and how engagement will take place in relation to different decisions about land. The engagement plan should set out who should be involved, timeframes for different kinds of activity, and the type of engagement, whether formal or informal, which can vary depending on the potential impact of decisions being made. It should be developed in collaboration with the local community and reviewed regularly to make sure it is fit for purpose.

## Good stewardship

When we talk about good stewardship of land, we mean owning, managing and using land in a way that does not compromise the ability of future generations to meet their needs from the land.

## Governance

Governance is the overall structure and systems of an organisation providing direction, decision-making and accountability. It includes the organisation's structure, strategies, policies and processes, which influence behaviour and culture. Governance does not just focus on what is done, but how it is done.

## High integrity nature restoration

The Scottish Government defines high-integrity nature restoration as restoration that meets the principles set out in its Natural Capital Market Framework. This means that it should: deliver integrated land use; demonstrate engagement and collaboration; deliver public, private and community benefit; be ethical and values led; be of high environmental integrity; and support diverse and productive land ownership.

## Inalienable

All Common Good property falls into one of two categories – alienable or inalienable. Inalienable property cannot be sold, leased or otherwise disposed of in a permanent or semi-permanent way that reduces public use without a court order. Inalienable property commonly includes town halls, market squares, parks or greens, and churches – although the status of each asset needs to be individually determined and cannot be assumed.

## Interim uses

Interim uses are things that can be done with the site while plans are developed or funding or planning permission is sought. Sometimes it can take a long time for plans for land or buildings to come together, and temporary use of land can be helpful for people in the local community. It can give community organisations or businesses the chance to test out ideas, can generate social, cultural or environmental benefits for the local area, and can prevent some of the problems associated with vacant sites.

## Joint valuation

A joint valuation is one in which both the seller and buyer agree to appoint a valuer together, sometimes splitting the cost of this. Both parties get the chance to make representations to the valuer about the land or buildings and agree to use the valuation as the basis for the sale. This is sometimes used in community asset transfer processes.

## Land

We broadly talk about land, but this includes buildings and other structures, land covered with water, and any right or interest over land, whether urban or rural.

## Natural capital

Natural capital is defined by the Scottish Forum on Natural Capital as “the stocks of natural assets which include geology, soil, air, water and all living things”. Humans gain a wide range of benefits from natural capital that make our life possible.

## Off-market sale

An off-market sale is one which takes place without publicly advertising the property on the open market. They can be initiated by a buyer or a seller and are often used for reasons of control or privacy.

## Pre-emption rights

Pre-emption rights, which can also be known as first right of refusal, give someone the first chance to buy land or buildings before they are offered for sale to others or on the open market. They are often based on a contract which can set out the process to be followed and, in some instances, the price to be paid.

## **Productive use**

When we refer to productive use, we mean use or re-use of land and buildings in the broadest economic, social or environmental sense. It may include removal of barriers to use or the creation of wider benefits. In some circumstances, such as the restoration of natural habitats or long-term landscape regeneration, productive use can include non-intervention.

## **Proportionate information**

Providing proportionate information when carrying out community engagement, means providing enough details about the decisions being made and how they are being made to enable people to understand what is happening and come to an informed opinion. This can include sharing who is responsible for making which decisions, what decisions have already been made, the knowns and unknowns, and what can and can't be influenced through engagement. This recognises that some information may be sensitive or confidential.

## **Public benefit**

When we refer to public benefit this means providing wider benefits to society such as the provision of food, timber, flood mitigation, clean air, recreational opportunities, environmental management and nature conservation, and provision of land for housing, commerce, and industry.

## **Public interest**

There is not a single fixed definition of public interest but generally it refers to benefits that are felt by the community or wider society rather than an individual. Acting in the public interest means acting for the common good, in a way that is fair and accountable and addresses societal needs, such as housing, environment, or community wealth.

## **Reasonable request**

When we refer to a reasonable request being made, we mean a request that is made with genuine intention and that is proportionate to the situation. A reasonable request will be clear in what is being asked and if it sets out timescales for action or response these will be realistic, considering the urgency of the situation.

## **Right of refusal**

Giving someone a right of refusal when disposing of a property means offering them the chance to purchase before it is offered to anyone else or placed on the open market.

## **Significant land use change**

Significant land use change involves long-term or permanent changes to the way that land is owned, used or managed, that might impact on the local economy, society, culture or environment. Decisions which may alter the local population numbers or structure, including through intergenerational impact, are likely to be considered significant changes. These factors and the impact they have may vary by local area, so the significance of changes should be assessed for each decision being made.

## **Summary of land use and management**

A summary of land use and management is a short document setting out what land is owned, who owns and makes decisions about it and how to contact them, what the land is used for, and any known changes coming up. It is a useful way of letting communities know about land ownership and decision-making.

## **Sustainable (local) development**

When we talk about sustainable local development, we mean development that meets the needs of the community in the present without compromising the ability of the community to meet its needs in the future.

## **Vacant**

Vacant land is land which is not being used or managed for an identified purpose and has the potential to be an appropriate site for development without need for treatment or remediation. A vacant site may have had prior development on it or have had preparatory work undertaken in anticipation of future development. It includes buildings that are structurally sound and in a reasonable state of repair. It excludes land previously used for mineral extraction or waste disposal which is being restored for agriculture, forestry or other open countryside use.