



BRIEFING PAPER

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Community Land Trusts

By Wendy Wilson

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Contributing Authors: Alexander Bellis

Summary

Community Land Trusts (CLTs) are a form of community-led housing. The CLT acquires land through purchase (by the community) or a gift, and oversees the development of affordable housing to buy or rent. The housing remains affordable in perpetuity – the CLT is a not-for-profit group and acts as a long-term steward of the homes built.

The Labour Government included a statutory definition of CLTs in the *Housing and Regeneration Act 2008*. CLTs were viewed as a possible model for delivering affordable housing. A Government-led pilot scheme and a consultation led to the conclusion in 2009 that CLTs *did* have a future role to play, and awarded Carnegie UK £500,000 to develop the sector. This was to involve better training for practitioners, developing turnkey packages and facilitating community groups' access to finance.

Governments since 2010 have indicated their support for CLTs. The *Localism Act 2011*, passed by the Coalition Government, introduced the Community Right to Build and Community Right to Bid which were made available to CLTs. These measures allowed communities to bypass normal planning permissions, subject to a local referendum, and gave community groups the first opportunity to buy assets of value to them.

CLTs have also been given access to various sources of funding. Some of these have been specifically aimed at community-led projects, particularly to support applications under the Community Right to Bid. The £60 million Community Housing Fund was offered in areas with high levels of second home ownership and aimed to develop the local community-led housing sector.

Both the Coalition and Conservative Governments encouraged CLTs to apply for assistance under various Affordable Homes Programmes. CLTs can also apply for a loan via the Home Building Fund launched in October 2016, which is available to any private sector housing provider.

CLTs can take advantage of a Community Right to Bid scheme in Scotland which also allows, in some cases, community groups to purchase neglected land that does not have a willing seller. More information can be found on the [Scottish Government's website on Community Right to Buy](#) and on the website of [Community Land Scotland](#).

Information on the Welsh Government's support for CLTs can be found in a paper prepared by the Welsh Assembly's Research Service, [Community Land Trusts: Quick Guide](#) (2010).

CLTs are not currently a major feature of the Northern Ireland house-building market. However a [Community Asset Transfer Routemap](#) has been developed and a new process put in place from 2017 whereby all surplus central government assets are now placed into a central repository. The NI Government hopes to market these assets to local communities.

1. What is a Community Land Trust?

Community Land Trusts (CLTs) are one form of community-led housing. The CLT acquires land through purchase (by the community) or a gift, and oversees the development of affordable housing to buy or rent. The housing remains affordable in perpetuity – the CLT is a not-for-profit group and acts as a long-term steward of the homes built.

A statutory definition of a Community Land Trust was added to the *Housing and Regeneration Act 2008* during its progress through Parliament – this definition applies only in England:

A Community Land Trust is a corporate body which

1) is established for the express purpose of furthering the social, economic and environmental interests of a local community by acquiring and managing land and other assets in order -

- to provide a benefit to the local community
- to ensure that the assets are not sold or developed except in a manner which the trust's members think benefits the local community

2) is established under arrangements which are expressly designed to ensure that:

- any profits from its activities will be used to benefit the local community (otherwise than by being paid directly to members)
- individuals who live or work in the specified area have the opportunity to become members of the trust (whether or not others can also become members) the members of a trust control it.¹

The definition was added in response to representations arguing that a legal definition would assist the future development of CLTs. The subject of a definition was raised during the Lords' consideration of the Bill in Grand Committee² and during Report Stage.³ The amendment adding the definition was tabled at Third Reading in the House of Lords.⁴

The Labour Government's 2008 consultation paper on [Community Land Trusts](#) elaborated:

A Community Land Trust (CLT) is a local community-controlled organisation set up to own and manage land and other assets in perpetuity for the benefit of the community. The assets other than land may be, for example, affordable housing, workspaces, agricultural facilities, commercial outlets, or community facilities.

...CLTs were suggested as a possible model for delivering affordable housing in the Government's *Housing Green Paper, Homes for the Future: more affordable, more sustainable* (July

¹ *Housing and Regeneration Act 2008*, Part 2, Chapter 1, Section 79

² HL Deb 11 June 2008 c219

³ HL Deb 9 July 2008 c715

⁴ HL Deb 17 July 2008 c1338

2007) alongside other new forms of delivery vehicles such as Local Housing Companies and Arm's Length Management Organisations (ALMOs)⁵ (in addition to traditional providers such as local authorities and housing associations).⁶

The [National Community Land Trust Network](#) has a useful guide to the nature and role of CLTs. The Network's website has a feature on the [history of the movement](#).

The [Proof of Concept Community Land Trusts](#) (2011) by Community Finance Solutions records the development of the CLT movement and demonstrates how twelve initial communities have implemented the CLT model.

There are no national statistics on the number of Community Land Trusts. The National Community Land Trust Network states that:

There are now over 225 Community Land Trusts in England and Wales, and the sector has grown six-fold in the last six years. The largest Community Land Trusts have over 1000 members each. Community Land Trusts have developed over 700 permanently affordable homes to date and will have developed a further 3000 homes by 2020.⁷

⁵ An Arm's Length Management Organisation is a company set up by a local authority to manage and improve all or part of its housing stock.

⁶ Department for Communities and Local Government, [Community Land Trusts: a Consultation](#), October 2008

⁷ [National Community Land Trust Network](#), [accessed 18/5/17]

2. CLT Pilot Scheme and Labour Government Consultation 2008

CLT Pilot Scheme

The Housing Corporation (now the Homes and Communities Agency) ran an Innovation and Good Practice project on the National Community Land Trust Demonstration Programme carried out by the University of Salford. The Corporation published two reports in October 2008, one on urban and one on rural CLTs, which included recommendations to Government, the Homes and Communities Agency (HCA) and the National Housing Federation on how the schemes could be improved and promoted.

Labour Government Reaction to the Pilot and Consultation on CLTs

In October 2008 the then Government announced [Community Land Trusts: a Consultation](#) which asked for comment on “Government policies on the regulation of, financial support for and access to social rented and affordable housing provided with public subsidy.” The consultation covered policy in England only.

The consultation stated:

The concept of CLTs...is not new but the recent interest in developing this further has shown that there are legal, technical and practical difficulties that may need to be overcome to make CLTs more effective, particularly where planning gain or public funding, in the form of grant, is involved.⁸

The consultation paper set out the Labour Government’s view on the CLT pilot scheme, and its plans to move forward:

The Housing Corporation has supported Community Finance Solutions (CFS) of the University of Salford in a pilot study of fourteen CLTs across the country – seven in urban areas and seven in rural areas. The aim of the study was to explore what role CLTs have to play in delivering affordable housing and to identify models that are scaleable (i.e. can be used regardless of the size of CLT), deliverable and can be replicated. Currently CLTs are eligible to apply, with a Registered Social Landlord (RSL) partner, for Housing Corporation funding, through the National Affordable Housing Programme 2008-11, to deliver social rented and affordable homes. CFS recently published a report on the experiences of the seven rural pilots, and a toolkit providing helpful pointers for communities wishing to explore the potential of CLTs in urban areas.

The Government now wants to move the CLT debate forward and to consider some important questions – for instance, what the criteria for financial support might be, and how to maximise the chances of a viable and well managed sector being developed. The Government also wishes to consider the role that CLTs might play in both the urban and rural context and how perpetuity of community benefit should and may be ensured.⁹

⁸ Ibid., p8

⁹ Ibid., p11

The consultation asked for responses on the viability of CLTs and their role in urban and rural contexts; for suggestions on how they should be financed; on ensuring that the houses built are affordable in perpetuity; and on developing a framework of support and a viable CLT sector in the longer term.¹⁰ The consultation closed on 31 December 2008 and a [summary of responses](#) was published in August 2009.¹¹ A majority of the 63 respondents thought that CLTs had a role to play in a mixed economy of social and affordable housing providers in both urban and rural settings. The then Government's introduction to the summary stated:

Building on the success of the pilot study, the Government wants to expand the opportunity for communities to be directly involved in delivering more local affordable housing, creating employment and providing more local facilities. The Government response to the consultation on community land trusts is aimed at facilitating the development of the community land trust sector towards this goal. However, this is only part of the story. To truly enable local people and enable grass roots development, all stakeholders – whether from the public, private or voluntary sectors – will need to work collectively to build a framework in which community development can thrive.

In terms of supporting the way forward, the Government described the action it was taking:

The Government has awarded Carnegie UK, supported by Community Finance Solutions, £500,000, through the Empowerment Fund, to build on the successes of the earlier pilots and further develop the community land trust sector. The three year project will bring together stakeholders, including existing community land trusts, housing associations, lenders, local authorities and government agencies – with an interest in the development of the sector. It will work towards:

- the development of training and guidance packages for practitioners, local government officials and links to continuous professional development for planners
- the development of 'turnkey' packages for community land trusts covering the topics of architecture, planning, development, business planning, and long-term management and maintenance that would enable communities to set-up and run a successful community land trust and
- facilitating access to appropriate sources of finance for community development.

In addition, the Government funded the Development Trust Association with partners to establish the Asset Transfer Unit (ATU) in January 2009 to help enable community organisations to transform land and buildings into vibrant community assets. The ATU will improve access to and availability of professional and technical expertise for community asset-based organisations. The ATU will support community land trusts through its provision of information, advice, guidance and referral to expert support.

¹⁰ Ibid., p32

¹¹ Department for Communities and Local Government, [Community Land Trusts: Summary of Responses](#), August 2009

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Carnegie UK, Community Finance Solutions, and the ATU will work together to develop a support network and good practice models to assist communities in enabling more affordable housing, workspaces and community facilities to be delivered through the community land trust model.

The Government has also appointed a consortium led by the Adventure Capital Fund to deliver the £70m Community builders programme. The programme will take forward a pledge within the *Communities in control: real people, real power* white paper to support the Department's commitment to build more cohesive, empowered and active communities. It is designed to empower citizens and communities by strengthening the resilience of multi-purpose, inclusive community-led organisations. Community land trusts meeting these criteria or looking to develop them will be able to participate in the programme.¹²

An evaluation of the demonstration project 2006-08 was subsequently published in June 2009: [Lessons From the First 150 Homes](#).

¹² Ibid.

3. Government policy since 2010

The Governments since 2010 have looked to support community-led house-building projects.¹³

In December 2008 the Conservative Party launched a Community Land Trust Taskforce designed to increase the use of Community Land Trusts across the country.¹⁴ The Conservatives' Housing policy paper published in April 2009, *Strong Foundations: Building Homes and Communities*, expressed strong support for CLTs (emphasis in original):

We are strongly in favour of Community Land Trusts and last year forced the Government to insert a clause in the Housing and Regeneration Bill which created a legal definition of Community Land Trusts to make it easier for them to find funding.

Furthermore, **in December 2008 we launched our Community Land Trust Taskforce designed to increase the use of Community Land Trusts across the country.** The Taskforce is headed up by Dr Karl Dayson, the Senior Lecturer in Sociology and Community Finance Solutions at the University of Salford. It will examine the current difficulties with setting up Trusts and suggest solutions which will make the process simpler and easier, encouraging more communities to get together and build affordable housing for people in their areas.¹⁵

The development of CLTs was taken forward by the Coalition Government. [The Coalition: our programme for Government](#) contained a commitment to:

...create new trusts that will make it simpler for communities to provide homes for local people.¹⁶

On 10 June 2010 the then Housing Minister, Grant Shapps, addressed a Community Land Trust conference and confirmed that legislation to promote Local Housing Trusts would be contained in a forthcoming *Localism Bill*. The Minister also confirmed that no additional money would be available for CLTs and that they "are going to have to work within the same financial constraints as everyone else."¹⁷ An extract from his speech is reproduced below:

The core of the proposal is something you will be familiar with. We want local people to decide what happens in their community.

The main difference is that I believe that a community should be able to proceed with developing new homes - where there is strong local support - without specific planning applications.

LHTs will have to show that they have the overwhelming backing from people living in the area and they will need to meet some basic planning criteria to make their proposals sound.

¹³ See, for example, "Tories to hand power on housing to communities," *Times*, 29 October 2009

¹⁴ *Inside Housing*, "[Tories set up rival community land group](#)", 9 December 2008

¹⁵ Conservative Party, *Strong Foundations: Building Homes and Communities*, April 2009

¹⁶ p12

¹⁷ Grant Shapps' [speech](#) to the CLT conference 10 June 2010

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But essentially I want communities to have the freedom to decide on the type and quantity of housing without external restrictions imposed by a centralised planning system.

And I've no doubt that many schemes will seek to provide more affordable homes in these villages. People want to help young people to stay in their community.

Villages may also want to build some housing to sell, sheltered housing for the elderly, or even set aside plots for people to build their own homes.

It will be up to the Local Housing Trust.

They will be able to make a judgement about how best to invest in their community and meet its needs.

For instance, they might offer long-term low rent for local shops, a community hall, or a sports facility.

Once the new development has been built, Trusts will be expected to invest any financial profits back into the community.

And the land will remain in the Trust for local benefit forever - regardless of what happens to the homes built on top.

People have waited long enough for a model that is on their side rather than on the side of the bureaucrat.

I want to unlock the passion and drive of these communities.

I want to free them to realise their vision.

I can announce today that I intend to take the necessary legislation through the forthcoming Localism Bill.

I want the first LHTs to be under way as soon as possible¹⁸.

The *Localism Act 2011* introduced:

- The [Community Right to Build](#).¹⁹ This aims to make it easier for communities to deliver small scale projects such as housing and amenities. The Community Right to Build allows communities to bypass local planning processes by holding a referendum on proposed projects.
- The [Community Right to Bid](#).²⁰ This gives community groups a fairer chance to acquire community buildings, facilities and land that are important to them. A community group can register a site as an asset of community value. If listed on this register, the local community must be offered the chance to buy the site if the owner of the site wishes to sell.

The community rights introduced by the Localism Act 2011 do not just apply to housing projects.

¹⁸ Ibid.

¹⁹ In force from 6 April 2012

²⁰ In force from 21 September 2012. For more information, see the pages on [My Community](#).

4. Funding and assistance for CLTs

CLTs can find assistance via a variety of charitable, national and local associations and authorities. More information can be found on the [funding pages from the National Community Land Trust Network](#).

Government assistance for community-led projects

When the Community Right to Build was introduced in 2012 the Government created a new fund to assist community groups with the costs of using the right to build which was administered by the Homes and Communities Agency. The fund was worth £17.5 million over 3 years, and was for schemes in England excluding London where separate arrangements were in place.²¹

The creation of the [national land use database](#) was designed to provide a central database of potential local opportunities for community development.²²

DCLG, in cooperation with [Locality](#),²³ also created the website [My Community](#) which acts as a “portal for community rights information and grant programmes funded by DCLG for residents in England”.

Through the My Community portal, community-led projects such as CLTs can apply for either [Community Buildings Pre-Feasibility Grants](#) (grants between £1,000 and £10,000) and [Community Buildings Project Support Grants](#) (grants between £5,000 and £40,000).²⁴ Both funding streams are designed to help with different stages of submitting a Community Right to Build Order. Any community group is eligible:

Any Town or Parish Council, Neighbourhood Forum or qualifying community group can apply. In order to be a qualifying group, a community group must be an incorporated organisation established to further the social, economic and environmental wellbeing of people living, or wanting to live, in a particular area. The organisation must have at least 10 members living in different dwellings in the particular area. Individuals who live or work in that area must be entitled to become voting members of the community organisation and be able to exert control of the organisation through a majority of voting rights and places on the board or governing body. Any profits generated may only be used to benefit that community. Assets may not be disposed of, improved or developed except to benefit the community, and in the event of winding up the organisation, assets must be transferred to another body corporate with similar objectives.²⁵

Community Housing Fund

As part of the March 2016 Budget the Government announced an annual £60 million fund to be distributed to areas experiencing high levels of second home ownership:

²¹ [GOV.UK: 2010 to 2015 government policy on localism](#), [accessed on 28/5/2017]

²² *Inside Housing*, “[Sale of the century](#)”, 11 February 2011

²³ A national network of community led organisations.

²⁴ [My Community](#), accessed 18/05/2017

²⁵ My Community, [Guidance Notes for Community Buildings Pre-Feasibility Grants and Community Buildings Project Support Grants](#), accessed 18/05/2017

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The government will provide £60 million of the additional receipts from higher rates on additional residential properties to enable community-led housing developments, including through Community Land Trusts, in rural and coastal communities where the impact of second homes is particularly acute.²⁶

The [Community Housing Fund](#) was launched in December 2016 and is aimed specifically at the community-led housing sector. Sponsored projects must deliver results within two years:

The first year of funding will be used to build capacity within local groups such as improving technical skills, setting up support hubs to offer advice, business planning and providing staff to review local housing needs.

Funding the following year must then be used to deliver housing on the ground for local people.²⁷

Whether this fund is used for grants or loans is at the discretion of the relevant local authority.

Affordable Homes Programme funding

CLTs have been able to bid for funding under Affordable Homes Programmes established by the Coalition and 2015 Conservative Governments:

- [Affordable Homes Programme 2011 to 2015](#)
- [Affordable Homes Programme 2015 to 2018](#) (closed to applications)
- [Shared Ownership and Affordable Homes Programme 2016 to 2021](#)

The Shared Ownership and Affordable Homes Programme 2016 to 2021 is, at the time of writing, still open to applications. The scheme is operating on the basis of continuous market engagement. To apply for funding, a CLT must either be associated with a Homes and Communities Agency Investment Partner, or become one:

Any organisation that successfully qualifies for HCA Investment Partner status, on its own or as a member of a wider consortium [...] can receive funding.

Government wishes to extend the range of organisations involved in the provision of affordable home ownership. We therefore welcome bids from organisations which have not previously received funding, including house-builders and private sector developers, and which may not be providers of social housing registered with the social housing regulator.²⁸

The bidding guidance recommends that community-led projects associate themselves with existing providers to maximise their chances of accessing funding:

Joining an existing consortium is frequently the best approach for small, specialist, rural, community-led or new bidders; and such

²⁶ [HC 901, March 2016](#), para 1.127

²⁷ GOV.UK, [£60 million boost for communities affected by second homeownership](#), [accessed 18/5/17]

²⁸ Homes and Communities Agency, [Shared Ownership And Affordable Homes Programme 2016 To 2021 Prospectus](#), p9

organisations can help the existing consortium address local needs.²⁹

The Home Building Fund

In October 2016, the Government also announced the creation of a [Home Building Fund](#) administered by the HCA. This fund provides loans to any private-sector corporate entity which must prove that “without this funding the scheme would not progress as quickly, or at all”. Loans start at £250,000 and go up to £250 million.³⁰

²⁹ HCA, [Shared Ownership And Affordable Homes Programme 2016 To 2021 Prospectus](#), p10

³⁰ GOV.UK, [An introduction to the Home Building Fund](#), [accessed 18/5/17]

5. CLTs and community ownership in the devolved administrations

Information on the Welsh Government's support for CLTs can be found in a paper prepared by the Welsh Assembly's Research Service, [Community Land Trusts: Quick Guide](#) (2010).

In Scotland, the *Land Reform (Scotland) Act 2003* introduced a Community Right to Buy rural land when it was put on the market and also a Crofting Community Right to Buy regardless of whether the land was for sale. Amendments introduced by the *Community Empowerment (Scotland) Act 2015* extended the Community Right to Buy to urban areas and allowed community groups to buy abandoned, neglected or detrimental land, in certain circumstances without a willing seller. It is estimated that around 500,000 acres are in community ownership in Scotland. CLTs can take advantage of these community rights – more information can be found on the [Scottish Government's website on Community Right to Buy](#) and on the website of [Community Land Scotland](#).

CLTs are not currently a significant feature of the Northern Ireland house-building market. In 2011 the NI Housing Executive said that it was "seeking legal opinion from Senior Counsel on the feasibility of CLTs in Northern Ireland."³¹ However, a [Community Asset Transfer Routemap](#) has been developed and a new process put in place from 2017 whereby all surplus central government assets are now placed into a central repository within an Asset Management Unit at the Strategic Investment Board for disposal. It is hoped that "assets of community interest will be able to be identified and marketed to the most appropriate geographic communities for interest."³²

³¹ NI Housing Executive, [Annual Progress Report on the Implementation of the Housing Executive Rural Action Plan](#), June 2011 p7

³² [DTNI routemap](#), [accessed on 28/5/17]

6. Comment

Independent reports

A number of think tanks and housing specialists have commented on the potential of Community Land Trusts.

For example, a 2008 *Inside Housing* article argued that CLTs could help to produce and drive local enthusiasm towards creating future sustainable communities.³³

In 2016, the Smith Institute published [Local housing, community living: prospects for scaling up and scaling out community-led housing](#). In this work, a variety of community-led housing projects are considered including CLTs. The report uses experience from the sector to consider how community-led building can be encouraged in the UK. The report concludes that:

Community-led activists make an important distinction between “scaling up” activity – growing existing organisations and expanding outputs, as has happened for instance in the mainstream housing-association sector – and “scaling out”, which involves horizontal expansion through the creation of new groups while maintaining the small scale of individual groups to preserve their responsiveness and accountability to individual localities. The sector is, in the main, committed to the latter path, which inevitably favours quality of output rather than volume and which places limits on the speed and degree of expansion in order not to increase excessively the burden on volunteers. There is also evidence that the high level of commitment required can lead to burn-out among activists.

The research shows that growth in the sector is, ultimately, driven by the identified needs of individual communities rather than by externally imposed strategically conceived targets for the numbers of homes developed or renovated. Growth is, therefore, inherently likely to be organic and modest rather than exponential.³⁴

The author believes that greater collaboration within the sector, combined with greater support from national and local authorities, could unleash greater potential.³⁵

CLTs in the national media

In May 2008 a *Sunday Telegraph* article discussed a CLT established in Cornwall.³⁶ In September 2009 *Inside Housing* published an article discussing the first grant agreement between the Homes and Communities Agency and a CLT.³⁷

The story of the first CLT in London has been followed by the *Guardian* for several years. This trust managed, after an eight year campaign, to

³³ [In communities we trust](#), *Inside Housing*, 12 September 2008

³⁴ Smith Institute, [Local housing, community living: prospects for scaling up and scaling out community-led housing](#), 2016

³⁵ Smith Institute, [Local housing, community living: prospects for scaling up and scaling out community-led housing](#), 2016

³⁶ [A shock in Rock – new-build houses the locals can afford](#), *Sunday Telegraph*, 11 May 2008

³⁷ [Going it Alone](#), *Inside Housing*, 11 September 2009

get permission to build at St Clement's (an old hospital site) in east London.³⁸ The *Guardian* has also looked into how CLTs usefully remove the cost of land from the price of buying a home, using the example of an Oxford CLT.³⁹

Other CLTs that have gained media attention include a project in Lewisham,⁴⁰ Leicester,⁴¹ Toller Porcorum (Dorset),⁴² and Liverpool,⁴³ amongst others.⁴⁴

³⁸ [Community trust sparks move towards genuinely affordable housing in the capital](#), *Guardian*, 16 July 2012. [Could community land trusts offer a solution to the UK's housing crisis?](#) *Guardian*, 25 June 2014

³⁹ [How do you build affordable homes? Hold the land in trust](#), *Guardian*, 31 May 2016

⁴⁰ [The do-it-yourself answer to Britain's housing crisis](#), *Guardian*, 10 November 2015

⁴¹ [The communities taking house building into their own hands](#), *Telegraph*, 27 December 2016

⁴² [Villager's gift helps build cheap homes for families](#), *Times*, 13 February 2016

⁴³ [Architectural collective wins Turner Prize](#), *Financial Times*, 7 December 2015

⁴⁴ For instance, see [The rise of locally led affordable housing](#), *Times*, 27 November 2016

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