



ROADMAPPING A VIABLE COMMUNITY-LED HOUSING SECTOR FOR IRELAND

Self-organised and Community-Led Housing models (Cohousing)
and the Community Land Trust as a basis for enabling democratic and
permanently affordable housing and urban renewal in Ireland

LAND

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Executive Summary

This handbook is one of a series of five produced by SOA, the outputs from our *Roadmapping a viable Community-Led Housing sector for Ireland* research project. It is aimed at supporting Irish policymakers to develop mechanisms for the allocation of public land to Community-Led Housing initiatives.

This handbook on Land recommends improvements to policy infrastructure which will enable a broad range of approaches to Community-Led Housing, complementing and augmenting existing approaches to social and affordable housing in Ireland. In particular, recommendations are made which will facilitate people on low or irregular incomes, with low savings, or those not qualifying for commercial mortgages due to age, to adopt these approaches in developing housing that reflects their needs.

This research project was structured according to three stakeholder forums and associated bilateral processes over the course of the year. A specific roadblock identified was that there is no recognised process or basis for allocating public land for Community-Led Housing. The second Forum (on Policy) recommended the following steps to address the issue of land supply:

1. A coordinated policy response from central government is required to enable local authorities and other state agencies to develop new policy frameworks to support Community-Led Housing, especially if state land is provided in any form.
2. The CLH sector needs to position itself carefully within the existing landscape of housing provision so that it is clear that it is providing for a particular need or segment of the public and is not merely for private benefit.
3. It should be clearly understood that CLH is a partnership between government and communities for the mutual benefit of both state and citizen, where both sides derive

an advantage that would not otherwise be possible, and that local authorities see their role as nurturing that community.

In this light, recommendations on Land Policy were developed with reference to international best practice and established precedent, while taking into account current Irish legislation and policy. Proposals refer to and build on the case set out in the Policy handbook, for development of a policy base to support Community-Led Housing in Ireland. They also build on the historical precedent for state-supported self-organised cooperatives, which is described in the **Project Overview** handbook.

This handbook begins with policy recommendations for enabling Community-Led Housing with the provision of state land. Transfer is recommended where Community-Led Housing is a service of general economic interest (SGEI) in the provision of inclusive and affordable housing by communities for communities. Procedures for land transfer to private CLH groups (Cohousing) where this furthers local policy objectives are also recommended, and established precedents for all options are given in the later sections.

To facilitate establishment of the community-led sector, this report recommends a mechanism for land transfer, where demand is registered by the local authority, and the need identified in its housing strategy. This process forms the basis for a land-allocation policy and for development of assessment criteria for land disposal that are site specific, providing a transparent and streamlined process for land transfer that is easily understood by both state and local authorities, and by the public. The reasoning for this recommendation is discussed in the section **Basis for Land Transfer to Community-Led Housing**.

A further recommendation is that land is disposed in an open procedure, not according to best consideration, but according to the **Social Value concept** submitted by the developer according to the criteria above. This aspect is explored in the section **Allocating Land On The Basis Of Social Concept** which discusses the employment of this procedure in London, Berlin, Hamburg and Tübingen as part of land-use management that increasingly favours long-term leasing of land over sale.

The outlined procedure for the transfer of land will result in a Community-Led Housing group being awarded with an option on a site for a specified time period. The importance of such an option agreement in the development and viability of a Community-Led Housing project is **discussed on p.26**. The sections that deal with procedures for land transfer are closed with a summary of available modes of land transfer of both public and private land for Community-Led Housing.

An important community-led approach for the delivery of affordable and inclusive housing, and as a vehicle for urban renewal, is the Community Land Trust. The CLT was first developed in the US, but is now in widespread use in the UK and Belgium, and is the primary vehicle for providing affordable housing in France. What a Community Land Trust is, and how it is governed, are discussed in the section **The Community Land Trust, a Civic Partnership?** Preliminary legal advice suggests that new legislation or regulation is required to address potential issues regarding owner-occupied leasehold tenure. **Recognition of the Community Land Trust in**

legislation is a key recommendation of this project.

A **case study** outlines the role of a Community Land Trust in the revival of Dumfries, a small town in southern Scotland. This CLT is addressing vacancy and dereliction in the town centre using an approach based on partnership between citizens, stakeholders and local, regional and state authorities. The programme involves the regeneration of the shopping street, public space including laneways, and the provision of new affordable and inclusive housing through community redevelopment. This approach is relevant to the Irish context where many city and town centres are suffering from depopulation, vacancy and dereliction.

The Appendix contains an **interview with Hannah Emery Wright of London CLT (LCLT)**, where she discusses the reasons for LCLT's formation, its priorities, strategies for financing and allocation criteria. The handbook is completed with the **assessment criteria** of an open procedure for public land transfer in Hamburg and **similar criteria from London** for reference. The Hamburg procedure is specifically aimed at small, independent cooperatives. The London procedure is open but 80% weighted in favour of the quality of the proposal. Both procedures will award an option on land on a long-term leasehold basis (250 years in the case of London).

We hope that this handbook provides a clear and objective basis for developing a supportive policy base for the allocation of Land for Community-Led Housing in Ireland.

"The increasing demand for affordable housing, special types of housing, communal housing projects, work space for the creative industries and social projects is currently not reflected in the provision of building land. Projects aimed at the common good are in competition with project developers and investors when it comes to purchasing space. The sale of luxurious condominiums forms the basis for the prices at which building plots are traded on the market.

*With the social concept procedure, the State of Berlin is supporting a discounted allocation of state-owned land for the construction and use of projects geared to the common good... By granting heritable building rights [leasehold interest] in the concept process, the properties can be withdrawn from speculation. With this objective, concept processes also serve primarily to support sustainable and socially just urban development. Strengthening the concept process is therefore an essential urban development policy objective... it is a future-oriented instrument for an open, creative and social city."*¹

Glossary

ASSET LOCK

An asset lock is a legal clause, or other mechanism, that prevents the assets of a legal entity being used for purposes other than the stated purposes of that entity. Asset lock provisions contained within governing Articles or Rules tie-in the use of assets for a specified purpose. This is to ensure that a Community-Led Housing (CLH) entity retains those assets for the agreed purpose and that the provisions for disposal of assets or transferring assets out of the CLH entity in the event that it ceases to exist provide adequate protection.¹

For Community Land Trusts (CLT), it means that:

- Any trading profits or surplus are used solely for the benefit of its objects
- Its assets are retained by the entity and if sold, let or transferred, then only in the prescribed circumstances allowed for
- And on dissolution its assets cannot be distributed to its members but must transfer to another asset locked entity (for example, to another charity)

The asset lock will require specific wording depending on which legal form is chosen for the CLT.²

COMMUNITY-LED HOUSING

Community-Led Housing, as categorised by the stakeholder groups participating in this project, is a socially, environmentally and economically sustainable approach to housing, with the following features:

1. Meaningful community engagement and consent throughout the process. The community does not necessarily have to initiate and manage the development process, or build the homes themselves, though many do.
2. The local community group or organisation owns, manages or stewards the homes in a manner of their choosing.
3. Benefits to the local area and/or specified community are clearly defined.

(For the rationale underpinning this description, please see the accompanying **Overview** handbook, p.56.)

SERVICES OF GENERAL ECONOMIC INTEREST (SGEI)

Services within the framework of Art. 2 part a) of the decision of the Commission of December 20, 2011 on the application of Art. 106 (2) of the Treaty on the Functioning of the European Union.

Services of general interest are services that public authorities of the EU member countries classify as being of general interest and, therefore, subject to specific public service obligations.³ They can be provided either by the State or by the private sector and are exempt from state-aid rules. Examples of services of general interest include: social and affordable housing provision, public transport, postal services and healthcare.

SOCIAL VALUE (PROCEDURE ACCORDING TO SOCIAL VALUE CRITERIA)

In the UK, the Public Services (Social Value) Act 2012 requires a public authority to have regard to economic, social and environmental well-being in connection with public services contracts. It must consider how, in conducting the process of procurement, it might act with a view to securing that improvement.⁴

In the UK and Germany, the assessment criteria for procedures for disposal of public land are often determined by social or qualitative policy objectives. Consideration of the whole life cycle of the project and the social gain delivered replaces the more common interpretation of highest price tendered as the most economically advantageous outcome.⁵

Land earmarked for Community-Led Housing will be allocated in an open competitive process assessed according to social value criteria. In German, the word *Konzeptverfahren* is often used in this context.

ABBREVIATIONS

CHG	Cohousing Group
CLT	Community Land Trust
CLH	Community-Led Housing
GLA	Greater London Authority
SGEI	Services of General Economic Interest

01

Land Policy Recommendations

Recommendations

There are a number of ways that Community-Led Housing (CLH) can be supported or enabled by land policy. These can depend on the tenure type favoured by CLH groups (owner-occupied or cooperative), policy objectives with respect to long term management of state-owned land or other objectives such as urban or rural renewal.

To effect the supply of land to CLH bodies for the provision of affordable housing, we would recommend consideration of the following measures:

01 State agencies or local authorities entrust the provision of Services of General Economic Interest (SGEI) to appropriate Community-Led Housing bodies, enabling this via:

- **Leasing sites for a fixed term on a renewable leasehold** for the development of affordable and/or inclusive housing and other community facilities by or on behalf of the Community-Led Housing body (an incorporated legal entity). The state agency or local authority can allocate the site on the basis of a competitive procedure according to social value criteria and the financial viability of the proposal. A small annual charge based on a percentage of the valuation of the land might be payable by the CLH body to the state agency or local authority.
- **Selling land at a discounted or nominal consideration to a CLH body** entrusted with the provision of services of general economic interest as above and/or where urban renewal or social cohesion is a policy priority and or where there is market failure or where sites may be otherwise uneconomic or unviable to develop and where the discount would enable viability. The state agency or local authority can allocate the site on the basis of a competitive procedure according to social value criteria and the financial viability of the proposal.

- **Selling land at a discounted or nominal consideration to a Community Land Trust** charitable body entrusted with the provision of services of general economic interest as above for affordable homes and/or community infrastructure to support policy objectives for urban or rural renewal or social cohesion.

02 If a state agency or local authority wish to enable private Cohousing groups, largely composed of households in the intermediate income band, or as part of a broad urban renewal strategy, it has the option to **determine a valuation of the land** based on expert advice, reflecting location and allowable density. It may then grant **an option on the land for development on the basis of a competitive procedure according to social value criteria** and the financial viability of the proposal at a fixed price based on its determination of value.

To support long-term sustainable development of villages, towns and cities, to aid state agencies or local authorities with long-term planning, and to gauge and react to demand we recommend consideration of the following measure:

03 State agencies or local authorities are empowered to hold a **register of interest to determine demand for CLH** in an area and to act as **a basis for land disposal and allocation according to its planning and housing strategy**.



Alte Weberer District, Tübingen
Photograph © Manfred Grohe

To effect long-term management and control of state land and to enable the supply of affordable land to the most socially effective uses we recommend consideration of the following:

04 State agencies or local authorities are **empowered to adopt a policy to only dispose or allocate state-owned land by lease** to manage and maintain long-term control over its own land, and/or to only **dispose or allocate state-owned land for development on the basis of a competitive procedure according to social value criteria** and the financial viability of the tendered concept.

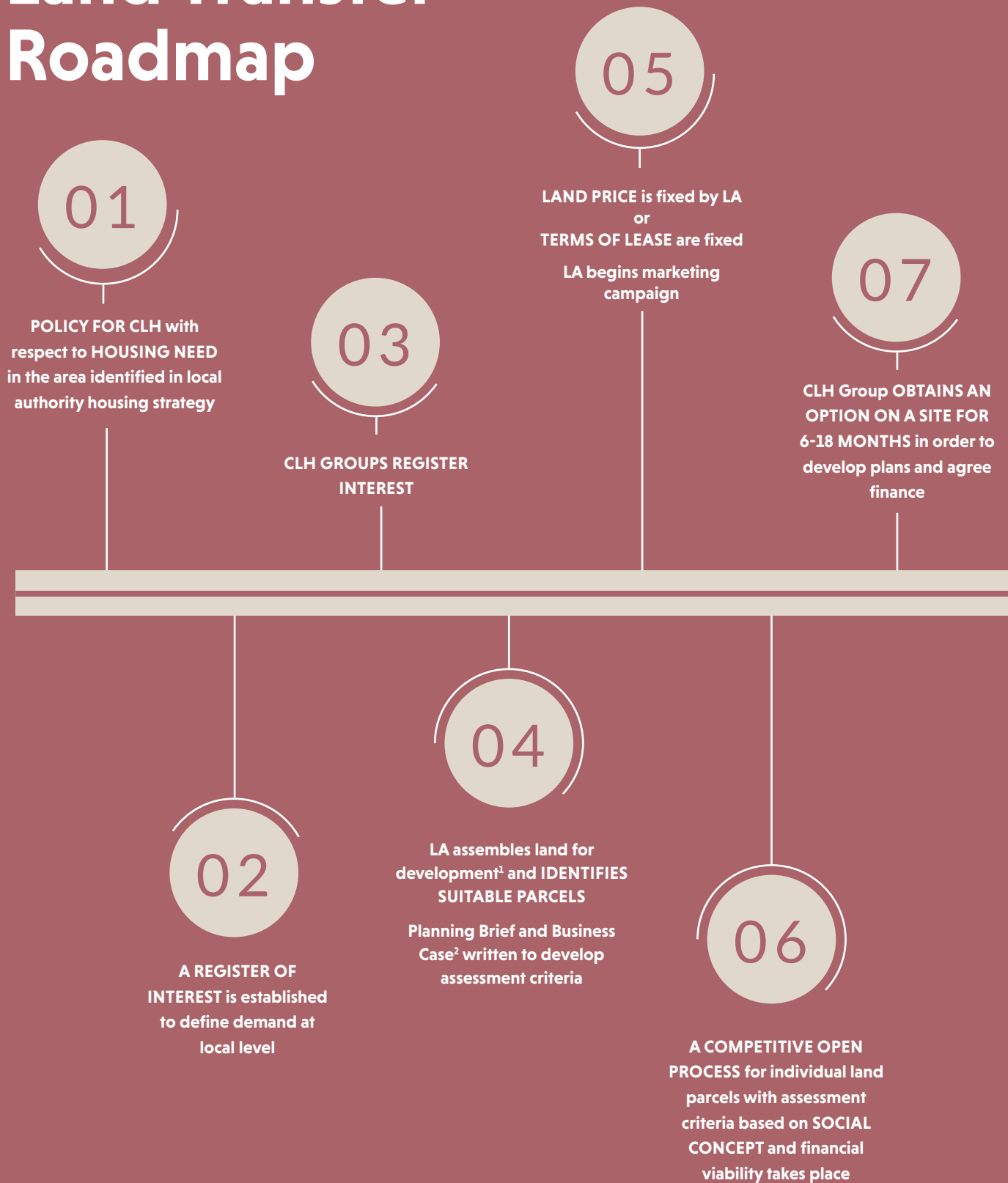
05 Local authorities are empowered as part of their development plans to indicate land in their possession; its intended use with respect to its planned target provision of Community-Led Housing, social and affordable housing, and its own housing strategy.

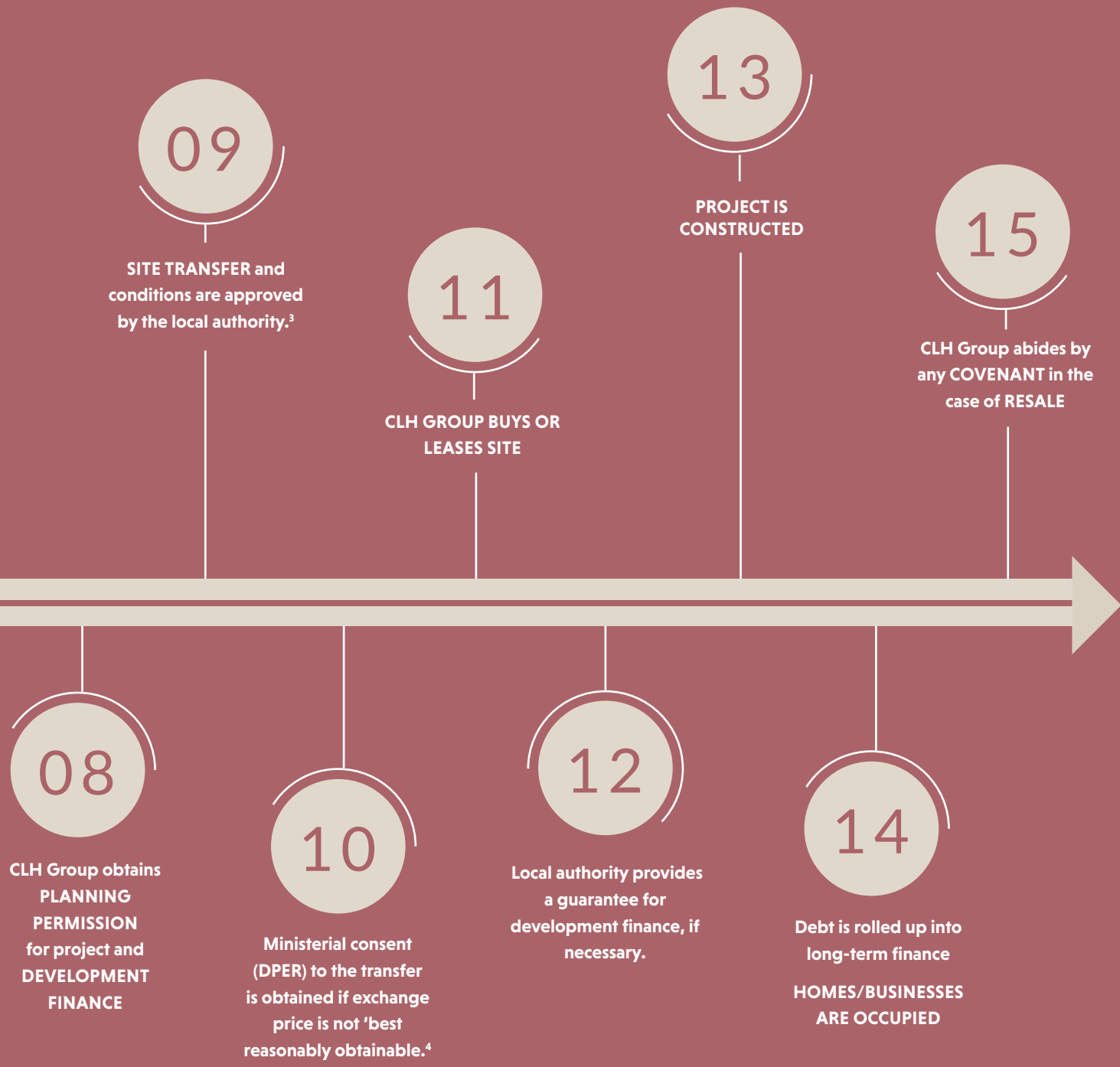
06 To provide a basis in policy and law for the Community Land Trust, that legislation or regulation is enacted as may be necessary, including **insertion of a statutory definition of the Community Land Trust** in the Housing (Regulation of Approved Housing Bodies) Act 2019.

Additional measures which might also be considered in the medium to long-term include:

- Specification by state agencies/local authorities of target minimum allocations of state-owned land to Community-led Housing in addition to social and affordable housing
- Community bodies may be allowed to register a community interest in a site, to have the first option to buy when the registered land is offered for sale

Land Transfer Roadmap





PROFESSIONAL SERVICES REQUIRED BY CLH GROUP:

- A **solicitor** for conveyance of the land/property, inputting on price negotiation and future contingency payments
- An **accountant** to ensure the transaction is structured in tax efficient way to cover VAT, stamp duty and capital gains taxes
- An **architect** to develop proposals for planning approval, tender and construction, and financial appraisal
- A **financial advisor** to develop a financing concept, and to negotiate and secure financing

02

Options for Land Transfer to Community-Led Housing

Basis for Land Transfer to Community-Led Housing

This section explores ways to allocate public land to Community-Led Housing and the reasons for developing policies to enable such transfers. It also clarifies the reasoning behind the Land Roadmap, which has been developed with existing policy objectives and legislative frameworks in mind, in order that Community-Led Housing and Development is placed at the core of a sustainable land-use management strategy for urban centres and rural towns alike.

The section begins with roadblocks in the area of policy to the supply of land for CLH, identified in the course of stakeholder forums conducted during this research project. **A definition of Community-Led Housing agreed upon by stakeholders** is then proposed. This is followed by an outline of a **mechanism for local authorities to transfer land**. The reasons for **deviating from the highest price procedure** to one assessed according to **Social Value criteria** are then explored.

This section makes frequent reference to the accompanying **Policy handbook**, in particular to sections on Irish, UK and EU policy.

ROADBLOCKS IDENTIFIED IN STAKEHOLDER FORUMS:

01 LACK OF POLICY ON CLH AND LACK OF CAPACITY AT LOCAL LEVEL

"From a strategic and policy perspective, local authorities would consider there are merits in CLH and that it is worth supporting, although there are also issues regarding definition of the sector. Participants agreed that CLH would be a useful tool in the redevelopment of town centres in particular. It is important to note however, that in the area of policy, councils are guided by the Department: Local authorities would need policies in place at national level in order to act. Therefore, high-level discussions are required within the Department, and also between key stakeholders and the Department, who would then work with officials in housing supply at the

local level, as well as the LGMA."

"Political leadership needs to come from central government. Local authorities are a conduit (of central government) in the delivery of housing. All capital programmes are controlled and 100% funded by the government."

02 VIEW THAT PUBLIC LAND CAN ONLY BE PROVIDED FOR PUBLIC HOUSING

"Political decisions - there is something of a mantra - the use of public land for public housing. There have been some mixed tenure schemes on public land, there has been a (political) reaction to these: that all public land should be providing all public housing (includes affordable). But NOT private."

03 LACK OF ROUTE TO LAND ACCESS

"Because of the lack of recognition, there are no defined and broadly understood routes or mechanisms for engaging with CLH groups or supporting CLH developments with the sale or lease of sites, technical support or finance."

04 HIGH OR UNVIALE LAND COSTS

"Problems finding a site at a price which makes it viable to provide homes at a cost that local people in housing need can afford. Wariness of landowners to engage because of a lack of knowledge and expertise in this form of development."

05 DIFFICULTY IN ACQUIRING A SITE OR AN OPTION ON A SITE HINDERS PROJECT DEVELOPMENT

"Having a site or an option on a site allows projects to develop to planning stage at which point projects have reached a point of stability and can be adequately assessed for financing."

What is Community-Led Housing and why should it qualify for public land?

COMMUNITY-LED HOUSING

Community-Led Housing, as categorised by the stakeholder groups participating in this project, is a socially, environmentally and economically sustainable approach to housing, containing the following features:

1. A requirement that meaningful community engagement and consent occurs throughout the process. The community does not necessarily have to initiate and manage the development process, or build the homes themselves, though some may do;
2. The local community group or organisation owns, manages or stewards the homes in a manner of their choosing;
3. Benefits to the local area and/or specified community must be clearly defined.

Community-Led Housing (CLH) is socially inclusive and founded on the idea of civic partnership, cooperation and mutual support. It is often a hybrid of social, affordable and community-oriented housing and is a species of public-private partnership oriented to the common good.¹ An essential characteristic is meaningful community participation and creative engagement in the design process and long-term decision-making. Residents make quality homes that fulfil their present and future needs. Generally, a balance is struck between residents benefitting from rising prices and homes remaining permanently affordable for future residents.

In the UK and in many countries in the EU, CLH is entrusted with the implementation of services within the meaning of SGEI, where the beneficiaries are clearly defined, allowing CLH groups tender for and obtain state land on lease, grant, discounted or market terms according to Social Value criteria. This is discussed in **Section 4: Allocating land on the basis of 'Social Concept'**, below.

CLH is a civic partnership between communities and local and national government to achieve results that would not be otherwise possible for the mutual benefit of both parties. This is expressed in the following policy statement by the Berlin senate:

"...the State of Berlin is supporting a discounted allocation of state-owned land for the

construction and use of projects aimed at the common good, for example with a focus on multi-generational living, social mix, art and culture or sustainability. Cooperatively organised groups, assemblies, artists, etc. in return, in their concepts, declare that they are ready to take on a part of the service of general interest for Berlin."²

This partnership is also implicitly understood in the widespread practice of awarding land according to Social Value criteria. The correspondence of CLH with Irish policy objectives in the current Programme for Government and the National Planning Framework, and issues related to state aid, are addressed in the accompanying **Policy handbook**.

LOCAL AUTHORITY HOUSING STRATEGY AS A PLANNING BASIS FOR ALLOCATING LAND TO CLH

"Mixed-tenure developments are an important policy objective in the Government's Rebuilding Ireland - Action Plan on Housing and Homelessness and uphold the principle of sustainable mixed communities where housing needs are not subject to rigid segregation based on income levels. They also provide an opportunity to see major sites developed more quickly, and integrated into existing communities and areas."³

*Deputy Eoghan Murphy,
Housing Regeneration Dáil Éireann Debate,
Tuesday, 8 May 2018*

A key policy recommendation of this report is the establishment of a register of interest for Community-Led Housing and the use of the local authority housing strategy as a basis to:

- Assess the potential for Community-Led Housing with respect to present and future housing need in the area of the local authority
- Assess suitability of local authority sites for disposal
- Generate appropriate and relevant assessment criteria for a land disposal procedure in each case

This aim of this approach is to give local authorities the ability to enable the development of Community-Led Housing in their area in response to actual demand and need and would allow for development to be driven locally. A further aim would be to assign local authorities greater control in the achievement of policy objectives in the areas of urban renewal, and sustainable and affordable development in their areas.

A local authority is required under the Planning and Development Act, 2000 and the Urban Regeneration and Housing Act 2015 to prepare a housing strategy for inclusion in its development plan. The purpose of the housing strategy is to ensure that the housing needs of the present and future population are met in the manner set out in the plan. The strategy has regard to the most recent housing assessment made under section 9 of the Housing Act 1998 and is required to specifically to take into account:

- The existing need and the likely future need for social housing
- The need to ensure that housing is available for persons who have different levels of income
- The need to ensure that a mixture of house types and sizes is developed to reasonably match the requirements of the different categories of households, as may be determined by the local authority, and including the special requirements of elderly persons and persons with disabilities
- The need to counteract undue segregation in housing between persons of different social backgrounds⁴

The housing strategy includes an estimate of:

- i *“housing for persons referred to in section 9(2) of the Housing Act, 1988, and*
- ii *affordable housing,*

required in the area of the development plan during the period of the development plan and the estimate may state the different requirements for different areas within the area of the development plan.”⁵

The strategy also provides that, as a general policy, a specified percentage of up to 20% of land zoned for residential use, or for a mixture of residential and other uses, shall be reserved for the provision of housing for both (i) social and (ii) affordable housing, as above.⁶

In assessing the need for affordable housing, the local authority considers:

- i. *“the supply of and demand for houses generally, or houses of a particular class or classes, in the whole or part of the area of the development plan*
- ii. *the price of houses generally, or houses of a particular class or classes, in the whole or*

- part of the area of the development plan;*
- iii. *the income of persons generally or of a particular class or classes of person who require houses in the area of the development plan*
- iv. *the rates of interest on mortgages for house purchase*
- v. *the relationship between the price of housing, incomes and rates of interest for the purpose of establishing the affordability of houses in the area of the development plan*
- vi. *such other matters as the planning authority considers appropriate”⁷*

The housing strategy is currently the basis for local authorities and the Department of Housing to assess the purpose and use of Part V in any particular development as well as to counteract vertical segregation in housing.⁸

MECHANISM OF LAND TRANSFER FOR CLH

Once the level of local demand for Community-Led Housing has been established, a streamlined procedure and mechanism for land transfer will enable CLH groups obtain an option on a site for a specific duration, during which time the group can complete design and financial planning, and obtain planning permission.

An envisaged mechanism for the transfer of land for CLH projects based on current legislation is sketched out in the **Land Transfer Roadmap**.

There is scope in legislation for local authorities to dispose of land in a number of ways including sale, lease and exchange. If a sale is not to the advantage of the local authority because of market underperformance, authorities can consider leasing land temporarily for community use.⁹

The Planning and Development Act 2000¹⁰ allows local authorities to dispose of land to:

- secure the best use of the land
- enable works for the proper planning and sustainable development of its functional area

The process for local authorities to resolve that a land disposal to a person will be carried for consideration, and with any covenants, conditions or agreements is outlined in Section 183 of the Local Government Act, 2001.

The consent of the Minister for Public Expenditure and Reform is required for any sale, lease or exchange of

land for less than the “best reasonably available.” The minister may by regulation provide for circumstances where ministerial approval would not be required.¹¹

BUSINESS CASE FOR DISPOSAL OF LAND FOR COMMUNITY-LED HOUSING

The business case for a land transfer for Community-Led Housing use will, together with the need identified in the Housing Strategy, form the basis for the **Social Value criteria** in the procedure for the disposal.

DPER Circular 17/2016 outlines that while disposal of surplus property should be managed in a manner consistent with optimising value for money, an appropriate Business Case should first be developed for the disposal of surplus land from the property portfolio, following an appraisal process.¹² *“The outcome of this process will be a decision in principle on what property to dispose of or not and the decision will set parameters for its implementation e.g. the expected sale price, conditions of transfer etc...An appraisal should always demonstrate that **value for money considerations** have been taken into account before a decision is taken to dispose of a property.”*

The standard appraisal steps are:

1. Define the objective or need in broad policy terms (for example “release value for the Exchequer”) for disposal of surplus land from the property portfolio.
2. Explore options (taking account of constraints). *“Consideration should be taken of:*
 - *the heritage status of assets*
 - *the listed building status*
 - **environmental issues and community related issues”**
3. Quantify the cost reductions or income from viable options. **The lifecycle costs of each different option should be used.**
4. Analyse the main options for disposal on the open market to meet the objective and with respect to (i) & (iii) in the Hierarchy of Method of Disposal.
5. Identify the risks.
6. Decide on a preferred option: *“The method used to select a preferred option from*

*the range of viable options available will depend on the scale of the project but the likelihood is that **a multi-criteria analysis** will need to be used which will give a weighting to the required attributes of the solution including **cost reduction/income from sale. Maximising the amount realised should not be the sole criterion. The impact of the decision taken on the public service and the local community must also be considered. The benefits of any decision taken must be clearly identified.”***

7. Make a recommendation to the decision-making authority.

THE UK CLH TOOLKIT MAKES THE BUSINESS CASE FOR COMMUNITY-LED HOUSING¹³ AS FOLLOWS:

- **It adds to the supply of new homes, particularly those not readily delivered by the market.**
As well as tackling larger schemes on standard sites, Community-Led Housing organisations can overcome the barriers presented by small, often complex sites that may be of little interest to mainstream developers, meeting a local need that would otherwise not be met.
- **It can provide genuinely and permanently affordable homes for people in need.**
Community-Led Housing provides a way of delivering permanently affordable rented homes, with rents linked to median incomes, capped at Local Housing Allowance rates or up to 80% of a market rent, as well as also providing different forms of low cost home ownership. Many CLH groups have developed new and locally tailored products to address particular affordability issues in their communities.
- **It can give social housing tenants a stronger voice.** Public sector tenants have an increasingly important role to play in the management of social housing. Community-Led Housing can help to ensure the safety and security of local communities, tackling familiar issues around equality and diversity, whilst giving a voice to those who are marginalised and vulnerable.
- **It diversifies the housing market and increases choice.** Many Community-Led Housing schemes involve a mix of tenures that not only enable local people to remain in their area but also maintain the viability of the community by increasing choice and diversity.

- **It can reduce the opposition to development.**

Homes targeted at local people, that are genuinely affordable by them and available to them on a long-term basis without, in many cases, a Right to Buy, can be decisive in winning local support. This applies as much in urban areas as rural ones. Community-Led Housing is also becoming an increasing feature of Neighbourhood Plans in many areas.

- **It can support urban and rural regeneration.**

In both urban and rural areas, Community-Led Housing can play a role in refurbishment as well as new provision. Working closely with local authorities and housing associations, existing community organisations, particularly those with assets already, can help to add to the available housing stock through acquisitions and conversions of unused housing, attracting new investment, rebuilding local confidence in neighbourhoods and strengthening local economies.

- **It can empower local communities, helping them to become more self-reliant and resilient.**

Encouraging communities to become more sustainable and resilient is a key feature of many Community-Led Housing schemes. Empowered communities make decisions about their areas, often leading to practical, self-generated solutions to local problems. Community-led schemes enable local people to remain in their area and help maintain the viability of their community.

- **It can enable older people and vulnerable people to live well in their own communities.**

Community-Led Housing schemes can enhance well-being and reduce dependence by enabling older people to have a role in decision-making and the chance to be part of active and self-sufficient communities that encourage mutual care and support. They can help local authorities manage demand for support services at a time of public spending pressure.

- **It can strengthen and help sustain local economies.**

Community-Led Housing schemes often make use of local labour and can re-invest surpluses in the local economy to help maintain or improve community facilities and services. In rural communities this can mean bringing pubs, post offices and shops into community ownership. In urban areas where market failure is a problem, it can increase confidence in a neighbourhood, bring stability and help attract further investment.

HIERARCHY OF METHOD OF DISPOSAL SET OUT IN DPER CIRCULAR 17/2016:

- i *Transfer or Share with another public body*
- ii *Dispose on the Open Market "in order to generate **revenue for the Exchequer**. Open Market means of disposal include **public auction, private treaty, informal tender, formal tender, sale of long leasehold interest properties, surrender, assignment of leasehold interest, disposal and leaseback, break clauses, and subletting to a third party**. Cognisance should be taken of **'special interest purchasers'** when considering disposal options.....The disposal method used should be both **transparent** and likely to achieve a **fair market-related price**."*
- iii *Hold Property or consider other uses. "If market conditions are such that the expected sale price is considered to be well below the price that might be expected in a properly functioning market, a decision may be taken not to dispose of a particular property **for the time being**. In those circumstances, property holders may consider other uses such as: a) community use under licence, or b) use of the property by start-up businesses through engagement with IDA/EI, or c) subletting to a third party. These alternatives are subject to the receipt by the property holder of an **appropriate business case** that demonstrates that the applicant has the means to insure, maintain and manage the property as well as **providing a benefit to the wider community**. The practice is recognised as a means of delivering regeneration, community empowerment and social enterprise. The property holder must ensure that arrangements are in place to guarantee the timely return of the property when the license period expires.*
- iv *The guiding principles governing any decision to allow alternative use by community groups etc. include: a) Savings to the State on maintenance, services, insurance and other costs; b) **The benefit to the broader community in terms of local services, activities or employment/training opportunities to be achieved from the use of the property**; c) Ownership remaining with the State with a re-entry clause at a time to be decided by the property holder."*

A lease of land under Section 211 (5) of the Planning and Development Act, 2000 is not subject to The Landlord and Tenants Acts, 1967 to 1994.¹⁴

REASONS TO DIVERGE FROM HIGHEST PRICE OPEN MARKET SALE:

01 SOCIAL VALUE

Delivering social value through procurement is now a key aspect of public sector service delivery in the UK and the EU. *“Working with CLH organisations can help local authorities and housing associations meet their obligations and aspirations, particularly in terms of economic, social and environmental well-being.”*

In the UK, the Public Services (Social Value) Act 2012 requires a contracting authority to consider any potential purchase it makes might improve the economic, social and environmental well-being of the area where that public body exercises its functions.

Rather than being solely an economic consideration, the Director of Building in Tübingen concludes¹⁵ that land allocation in large-scale urban renewal on the basis of social value is more likely to be successful as follows:

“At the core of the strategy is the assumption that social added value will outperform short-term gains made from selling land on the open market: that in the long-term the economy will be stronger if new city quarters are characterised by quality and diversity.”

02 LONG-TERM VALUE FOR MONEY

A report commissioned by the National CLT Network and written by Capital Economics, an independent macro-economic research consultancy, concluded that CLH delivers high value for money vis-à-vis public support in the long term:

“Using a ten-year horizon, which is common in spending appraisals, we find each pound of public support delivers 1.8 pounds of benefit, rising to 2.7 pounds when health and benefit savings, wellbeing and income distribution benefits are factored in. This places community-led housing support in the medium to high value for money categories. We believe the long-lived nature of Community-Led Housing means a longer timeframe for assessment is more appropriate. Over thirty years, each pound of public support delivers 3.1 pounds of benefit

when health and benefit savings, wellbeing and income distribution benefits are allowed for. This places Community-Led Housing further into the high value for money category.”¹⁶

03 SECTOR DIVERSIFICATION

The **Small Sites, Small Builders** programme was developed by the Mayor of London to bring forward small, often awkward, publicly-owned sites for residential-led development in a streamlined way in order to **stimulate new and emerging ‘sources of supply’** including **small developers, small housing associations and Community-Led Housing organisations.**

Sites are allocated, often at discounted market rates or for a nominal consideration, by an open procedure according to a social value concept. Successful bidders will receive:

- A long lease, subject to securing planning and finance
- Restrictive covenants limiting the use of the site to affordable and/or Community-Led Housing

According to the Mayor of London:¹⁷ *“The draft London Plan and Housing Strategy have outlined why small sites should play a much greater role in meeting housing needs to significantly increase overall housing output, with recent reports and policy documents supporting this approach. This includes the need to:*

- *Reduce the reliance on large, complex brownfield sites and volume house builders*
- *Diversify the sources, locations, type and mix of housing supply*
- *Support small and medium-sized house builders*
- *Increase housing provision in accessible parts of outer London to help address the considerable housing need in these areas*
- *Increase the range of market homes delivered across London, including increasing the number of homes that are affordable to households on a wider range of incomes*
- *Support those wishing to bring forward custom, self-build and Community-Led Housing*
- *Support suburban town centre economies”*



Older Womens Cohousing (OWCH), London
Photograph © Tim Crocker

The London Plan estimates that at least a quarter of housing capacity over the next ten years will be on smaller sites. Despite this, the number of homes built on small sites has dropped over the last ten years and the number of small builders has fallen dramatically, halving since 2007.¹⁸

Sites going through the programme are offered with comprehensive and reliable due diligence and surveys. In many cases, the principal of residential development has been established with the relevant local authorities in order to reduce uncertainty for bidders and encourage more credible proposals.

*"Small sites can be delivered relatively quickly, often without large upfront capital investment, and can therefore make a significant cumulative contribution to overall annual housing completions."*¹⁹

See [case study](#) overleaf on the Copper Lane project in Hackney, which availed of the Small Sites, Small Builders programme.

04 LAND-PRICE TRAP AND LAND BANKING

The 'land-price trap' is highlighted in the NESC Report No. 145, *Urban Development Land, Housing and Infrastructure: Fixing Ireland's Broken System*.²⁰ The biggest risk undertaken by developers is the purchase of land. The price they are willing to pay for development land depends on the price they expect to be able to charge for homes, less the projected costs of producing the homes and a profit margin. Bidding on the basis of highest price can leave developers operating on the margins of viability, reducing build quality and inflating prices to the home purchasers.

"Whoever bids most optimistically—either betting on higher house prices or lower build costs will win the site. This ratchets up the target price at which builders must sell homes to make their profit margins, forces down the quality and size of new build homes, and puts downward pressure on affordable housing obligations...development tends to be close to the margin of viability—and hence vulnerable to any shock."²¹



© Ioana Marinescu

SMALL SITES CASE STUDY

Copper Lane, Hackney

PROJECT²²

A small cohousing project for a group of six mixed households. Sharing some spaces supports community life and makes the houses more compact.

SITE AND CONTEXT

An abandoned set of buildings, the site was surrounded by the backs of terraced houses on all sides.

DEVELOPMENT PROCESS

The site was put up for sale without planning permission. The project was developed by three of the current residents who formed a non-profit company limited by guarantee with other residents.

The site and common parts are owned by the company. Individual houses are owned on 999-year leases by leaseholders who are also directors of the company. They meet once a month to discuss collective business.

LAYOUT

Four three-storey and two two-storey homes are clustered around a raised central courtyard with a communal space beneath with a shared laundry, workshop and hall.

The buildings are ringed by communal gardens, and sunk 1.2 metres into the ground, meaning they do not overshadow neighbouring homes. Buildings and placement of windows minimise overlooking while allowing passive solar heat gain.

CONSTRUCTION

High-grade timber and brick cladding were used. High levels of energy efficiency are achieved with a well-insulated structure, triple glazing, heat recovery ventilation, solar thermal water heating and airtight construction techniques. Trees on the site were kept, where possible.

DATA

Architects: Henley Halebrown

Site Area: 0.25 acres

No. of Homes: 6

Density: 60 homes/ha

Allocation of land on the basis of Social Concept

London, Berlin, Hamburg and Tübingen ¹

Allocating land on the basis of **Social Concept** is an approach to land disposal where the disposing authority wishes to prioritise particular approaches to development and land management, and where the price is typically fixed at a rate assessed to be the market value or a discounted value. The process, in some cases, also allows the bidding parties to include an offer for the land but the relative weighting of the offer is low compared with weighting of the bidder's social concept.

The social-concept procedure is also used as a basis for allocating land on a long-term leasehold basis, where the valuation of the land price and ground rent rate is fixed in advance. Successful bidders are typically awarded an option on land for 6-18 months to allow for project design and development, planning approval and financing to be put in place.

Reasons given as to why Cities adopt a Social Concept procedure

In **Berlin**, the state-owned Berliner Immobilienmanagement GmbH (BIM) has had responsibility since 2013 for the management of state-owned lands on behalf of the Berlin Senate under a regime called "Transparenten Liegenschaftspolitik", transparent land management policy.

The role of the process with respect to the strategic policy objectives of the Senate is as follows:

"The increasing demand for affordable housing, special forms of housing, communal housing projects, work spaces for the creative industries and social projects is currently not reflected in the provision of building land. Projects aimed at the common good are in competition with project developers and investors when it comes to purchasing space. The sale of luxurious condominiums forms the basis for the prices at

which building plots are traded on the market.

With the concept procedure, the State of Berlin is supporting a discounted allocation of state-owned land for the construction and use of projects aimed at the common good, for example with a focus on multi-generational living, social mix, art and culture or sustainability. Cooperatively organised groups, assemblies, artists, etc. in return, in their concepts, declare that they are ready to take on a part of the service of general interest for Berlin. By granting heritable building rights (leasehold interest) in the concept process, the properties can be withdrawn from speculation.

With this objective, concept procedures also serve primarily to support sustainable and socially just urban development. Strengthening the concept process is therefore an essential urban development policy objective that the state government has set down in its coalition agreement 2016-2021. And it is a future-oriented instrument for an open, creative and social city."²

Since 2010, state-owned land has been disposed on the basis of the quality of the proposed concept in **Hamburg**.

"As a result of the move away from the highest bid procedure, qualitative aspects are now the decisive criterion for the award of urban land. The city thus influences the mix of apartments, but also the urban, social and environmental aspects of a building project. The concept award made a major contribution to the creation of new social housing in more central areas of the city. Today it is a practiced and recognised instrument in the real estate industry. Environmental concerns are taken into account in all cases. Successful outcomes can be, for example:

- innovative dwelling typologies,
- special suitability for families,
- senior citizens or people with disabilities,
- special usage concepts,

- *innovative mobility concepts,*
- *a particularly affordable rental or the voluntary accommodation of special target groups[...]*

Long-term commitments (up to 40 years) and socio-political objectives are laid down in the concept tenders and secured through contractual instruments.”³

At the core of the strategy in **Tübingen** is the assumption that **social added value will outperform short-term gains made from selling land on the open market: that in the long-term, the economy will be stronger** if new city quarters are characterised by **quality and diversity**. Therefore, the city asserts that fixed prices **do not represent a subsidy** of the land prices as they are calculated in such a way that overall, an **economically-positive development** will take place.⁴

In **London**, the aims of the **Small Sites, Small Builders** programme is backed by £13.4m from the Greater London Authority (GLA) and the London Economic Action Partnership. It aims to encourage Community Land Trusts (CLTs) and small- and medium-sized builders to build out small, publicly-owned plots of land, and it is intended to be an **effective way to get new genuinely affordable homes built**, and to **reinvigorate small and medium-sized homebuilders** after years of over-reliance on large developers.⁵

Transport for London (TfL), councils and other public landholders bring forward small sites on a rolling basis to facilitate community-led and affordable housing and to generate revenue to reinvest into the transport network. TfL has a pipeline of 10,000 homes across 300 acres of its land, with the aim that 50% of these in total are affordable.

Process of the Procedure according to Social Concept

BERLIN

Land to be disposed in the procedure is currently only advertised as heritable building rights (leasehold interest). This gives the State the opportunity to continue to influence the use of the land at a later date and to intervene to control it, should it become necessary. The process is conducted in accordance with current procurement and competition law.

In the social value concept (Konzeptverfahren) process, the draft leasehold contract of the State of Berlin is published with the tender documents. It contains certain specifications that can no longer be changed in the course of the procedure, for example, the construction obligation, the duration of the leasehold, the purpose and scope, changes in use, value protection clauses, the encumbrance of the heritable building right with land charges and mortgages, contractual penalties and regulations concerning repossession of the land.

The social value concept procedure allows the city to couple the process of land allocation with policy objectives in partnership with Community-Led Housing groups, and with respect to broader urban development and social policy. For sites in sensitive or important areas, these broad objectives can be refined in a process of neighbourhood workshops in order to develop the assessment criteria in line with the wishes of existing residents and stakeholders prior to the launch of the process. Depending on the complexity of the site the procedure can be undertaken as a single-, two- or three-stage competition. However, in most cases, it is a single-stage procedure.

Following the evaluation of the concepts, the best bidder is awarded the property. During this so-called ‘reference’ phase, the details of the financing of the project must be finalised as must the contract with BIM. This must then be approved by the Supervisory Board, Senate and House of Representatives. In the reference phase, the best bidder is supported with consultations to obtain planning approval. At the end of this phase, the leasehold contract is notarised, which concludes the process of the Konzeptverfahren (social value concept).

HAMBURG

CLH groups have to first register with the Agentur für Baugemeinschaften (state agency for Cohousing and building cooperatives). At this point, groups only need to have a minimum of three members. They receive information on available sites as well as general guidance.

In order to participate in a transparent process to apply for a site, CLH groups will need to have first engaged an architect and a facilitator. The process involves making a proposal with respect to given weighted criteria, including a financial concept for the project.

The criteria may be altered from competition to competition to reflect challenges or priorities in different areas of the city, but typically include: financing, social concept with respect to multigenerational or inclusivity priorities, inclusion of disability groups or refugees, special environmental or ecological performance or construction with wood and/or ecological materials, concepts regarding mobility or transport, and so on. There is also an open criterion for innovation, for new concepts or ideas, as Cohousing has been shown to pioneer approaches which later become mainstream in the industry.

In addition, an interview is held between the group and the assessment panel, which is made up of representatives of the AfB and state property management company (Landesbetrieb Immobilienmanagement und Grundvermögen (LIG)). At this point, groups need to be 60-70% complete. For the AfB, it is important to know the group and know what the group's skills are.

If they are chosen, the CLH groups will, depending on the site allocated, have up to 18 months to develop their project (design/financing) during which time the site will be reserved for them.

Once planning permission is being applied for, groups must be complete.

TÜBINGEN

The social concept procedure (Konzeptverfahren) in Tübingen has eleven steps:

- **STEP 1:** Analysis of a suitable fallow area, determination of the development potential and obstacles, feasibility studies and calculations, acquisition of the site from the company, insolvency administrator or bank.
 - **STEP 2:** Acquisition, start of waste disposal and demolition, start of citizen participation through the formulation of development goals.
 - **STEP 3:** Announcement and implementation of an urban development competition (with strong integration of participation processes), with the development of an urban design from the competition winner. Already here, the topic "*parcelability / suitability for Cohousing communities*" is very strongly integrated into the programme.
 - **STEP 4:** Planning re-designation with a formal and informal public participation process.
 - **STEP 5:** Once the draft plan has been approved, marketing begins with a large public event at which the urban planning concept, the land prices and the award procedure are presented.
 - **STEP 6:** Individual property owners, groups or property developers use the questionnaire to apply for land. Here they present their concepts with plan sketches, texts and relevant information and also name the specific interested parties.
- Individual interested parties who want to participate in a Cohousing project use the same form to register their interests and to find a suitable community to join.
- **STEP 7:** Discussions are held with everyone who is interested in the land, in order to get to know the projects and, if necessary, to advise them on the concept, location, size and other factors. There is still no concrete draft for this step.
 - **STEP 8:** An Options Commission of circa 15 members meets for the awarding of options. This is made up of one member from each political party in the municipal council as well as representatives from the city administration and the district in which the project is being developed. On the basis of previously agreed criteria and profiles submitted by applicants, all options for the redevelopment are decided in one day and successful projects receive a precise property offer.
- In order to assign the right plot of land to the projects at this point without further consultation and to put together the 'puzzle' of the entire district in a meaningful manner, information about the plot priorities and the minimum and maximum area is used.

- **STEP 9:** Immediately after the Options Commission meeting, the selected projects receive a six-month property option that relates to a precisely-defined property and its concept. Only then does the actual building design begin, since the plots are only then fixed. In the six months granted to successful applicants, three main tasks have to be accomplished: completion of membership of the future community (if not already done), preparation of the planning application, and drafting of the contracts and financing. The land is usually sold when planning permission is obtained. The fastest projects reach this point about seven months after the options are granted; more complex projects can also take a year from the options to be purchased.
- **STEP 10:** After sites have been purchased by the now fully formed Cohousing communities, the biggest challenge is construction logistics, since numerous smaller projects usually have to be coordinated in a very tight space. The final planning for the public space also takes place in this phase, the basic concept of which has already emerged from the urban design and the planning law procedure. Now that the option-takers and thus also the future residents have been largely determined, a meaningful participative procedure is possible.
- **STEP 11:** During the building-construction phase, but sometimes only after most residents and businesses have moved in, the final construction of the public space begins (the basic development work and remediation of contaminated sites start in earlier phases). About five to six years after the first analysis of the brownfield site, the neighbourhood is completed and the occupants move in.

LONDON

Sites are marketed on www.london.gov.uk/small/sites. All of the information held about the site will be available online. Unless a site is advertised unconditionally, successful bidders will enter into an agreement to lease 'subject to planning and finance'.

Bidders will seek planning permission and secure development finance within the contractual terms and the agreed timescales. Once the conditions of the agreement to lease have been satisfied, bidders will be granted a long lease of the site.

Assessment Criteria

BERLIN

- **Design and Architectural Concept, Urban Design and Contribution to Public Open Space**
Architectural quality, urban and spatial quality, noise protection, integration in the neighbourhood.
- **Ecological Concept, Contribution to Sustainability**
Transport and mobility concept, energy-efficiency concept, climate concept, ecological building materials and methods.
- **Use**
Social housing provision, rent price and security of tenure, affordable construction, concepts for social inclusion, target groups or organisations for inclusion, orientation to community, integration of art and culture groups
- **Leasehold Interest**
Bid for leasehold interest rate (This criterion is weighted at 10% only).

HAMBURG

A translation of a typical application form with **assessment criteria** for a social value procedure is located in **Appendix C** of this handbook.

TÜBINGEN

Options on sites are assigned based on the following, unweighted criteria:

- **Social aspects**
Diversity of living concepts, good neighbourhood social mix
Creation of subsidised or privately financed rental apartments
- **Building aspects**
Energy concept, architecture, parcelling feasibility
- **Viability**
- **Consideration of private applicants and Cohousing communities**
- **Consideration of residents** already living in the area
- **Consideration of professionals** currently having to commute to Tübingen
- For properties with a commercial element, the quality of the **commercial concept**, its probability of realisation and the number of jobs created are additional criteria.



Alte Weberei District, Tübingen
Photograph © Peter Jammernegg

Cohousing groups generally have priority over private property developers because they have a strong positive impact on neighbourhoods. As a rule, commercial property developers only have a real chance if they, as anchor users, can either solve the 'underground car park' task in a particularly meaningful way or if they offer larger parts of social housing.

Since it is very difficult to implement small-scale usage mixes, applications with realistic commercial or concepts for living/working generally have an advantage. Projects that, due to their composition or conception, contribute to the social mix of the neighbourhood or to community building are very interesting for the city (for example, communal living in old age, cross-generational concepts, building communities with a migration background, a combination of social housing and Cohousing etc.)

Special architectural concepts such as timber construction, narrow parcels or self-construction are also interesting, although only the concept (not the architectural quality) is assessed by the Options Commission.

LONDON

Bid scoring criteria are divided into cost and quality criteria. A typical application form with **assessment criteria** for a social value procedure is located in **Appendix B** of this handbook.

In the assessment criteria for a procedure, cost criteria amount to 20% of the total and quality criteria, 80%. The latter include:

- experience
- community-engagement strategy
- governance and management
- allocations policy (in this case, alignment with programme ambitions of 100% affordable homes for Croydon residents in housing need)
- scheme overview (design vision)
- programme plan
- social value
- equalities and inclusion

Public Land: De-risking for CLH Groups, Local and State Authorities and Lenders

An option agreement allows a CLG group the option to call on the authority to sell or lease a plot of land to it. In the UK and EU, public land is typically optioned for 6-12 months, usually with the possibility to extend to 18 months.

Following an open procedure, the granting of an option agreement on a public site can help to de-risk the project in two ways:

- **FOR CLH GROUPS**

It allows CLH groups certainty and time to develop proposals, obtain planning permission, negotiate with lenders and to complete the enrollment of members. Once planning approval has been obtained and due diligence done, the financial viability of the project can be accurately assessed.

- **FOR THE GRANTING AUTHORITY**

It allows the local or state authority to monitor progress and the group's compliance to grant conditions, including that financing is in place and that the group has fulfilled its programmatic commitments prior to handover of the land. The handover itself will contain covenants to ensure compliance post completion.

Private Sites

A CLH group (developer) can enter into an Option Agreement to buy a plot of land from a landowner, often in return for paying an option sum. The developer can then apply for planning permission, knowing that if the planning application is unsuccessful, they are not obliged to buy the plot of land.

If planning permission is granted and produces a viable scheme, the CLH group will have the ability to acquire the land on known terms (usually at an agreed sum or at a negotiated market price less pre-agreed deductions). The most common form of Option Agreement (known as a 'call option') allows a developer to assess the viability of a potential

development by undertaking feasibility studies, and subsequently design studies, so that an accurate assessment can be made of the financial viability of the proposal and its acceptability to lenders. The granting of planning approval is the removal of another major risk element. The cost of the option is the 'developer's option sum' which does not form part of the purchase price.

An Option Agreement can be registered by way of 'Cautions on Registered Land' with the Land Registry. A caution is a restriction on disposition by the registered owner without notice to a person who claims "any right in, to or over registered land or a registered charge" (section 97 (1)). Section 3 (1) of the Registration of Title Act, 1964, defines "right" as including "any estate, interest, equity or power" over lands.¹

THE ROLE OF AN OPTION AGREEMENT ON A SITE

An Option Agreement is an agreement made between a landowner and a potential purchaser (developer). When the parties enter into the agreement, in a sale of private land, a payment is made to the landowner and in exchange, the purchaser is granted a contractually-binding first option to purchase the property. The option may be exercised once planning permission or grant of funding has been obtained, according to the contract agreed between the parties.

The CLH developer makes a decision on whether to take up the option, or the option falls away at the end of the option period. The agreement is personal to the developer, but the owner may assign the benefit of the 'owner's option' to successors in title to the property.

If the option is taken up then either an agreed sum is paid or else the agreement will contain a mechanism to calculate the value for the land payable.

Locating sites for development

THE REBUILDING IRELAND HOUSING LAND MAP²

The Rebuilding Ireland housing land map provides details of residentially-zoned lands, local-authority-owned and land-aggregation-scheme sites, publicly-owned sites with potential for housing development.

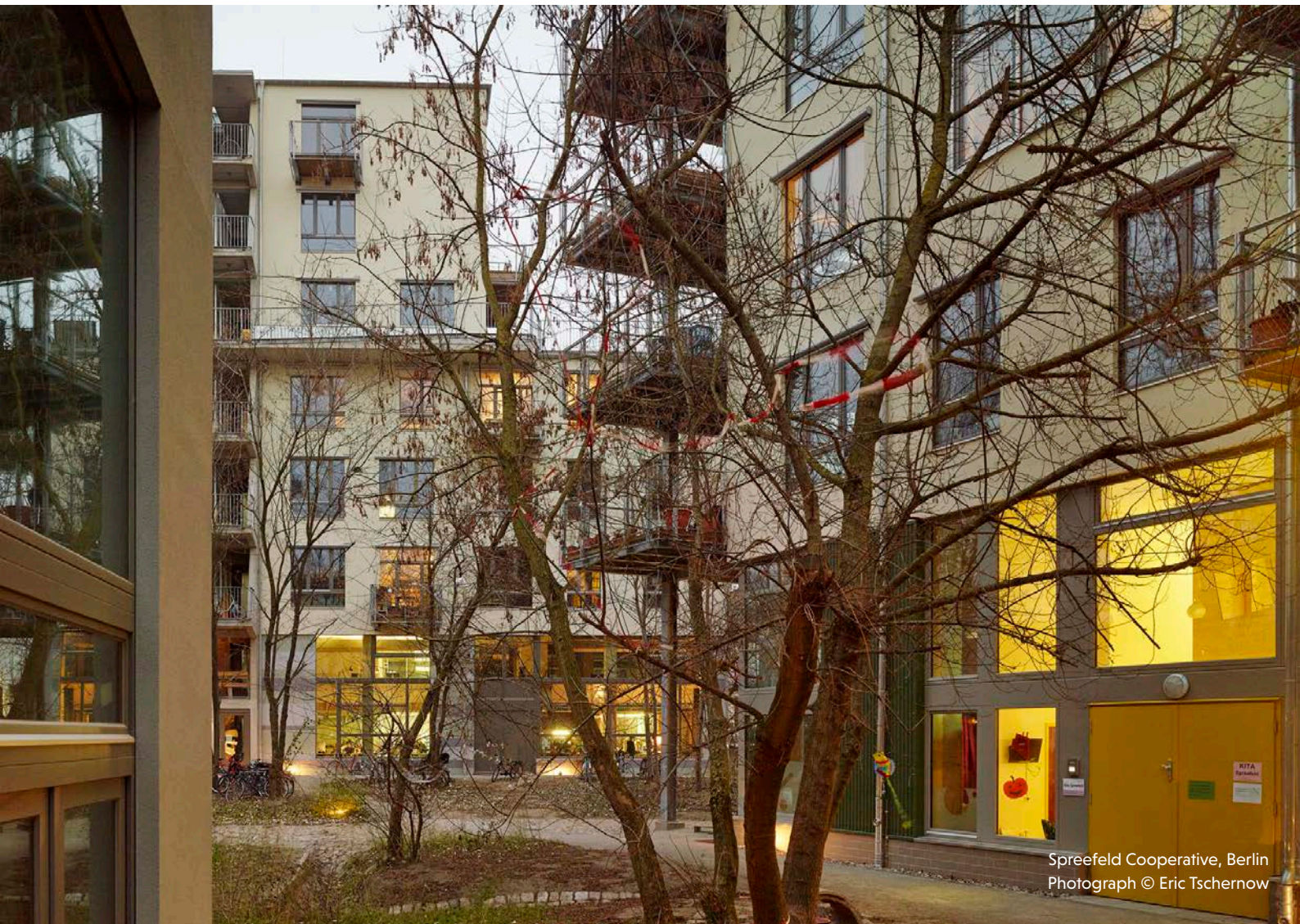
DERELICT AND VACANT SITES REGISTER

Each local authority must keep a register of all derelict sites in its area, containing the location of each derelict site, the name and address of the owner, and details of any action the local authority has taken regarding the site. If the property is owned or occupied by a local authority itself, the register must contain details of what it is being used for and what the local authority intends to do with it.

The register must give details of the current market value of every site listed on it. This valuation is done by the local authority, which can authorise any qualified person to act on its behalf. The local authority enters details of the valuation into the register and serves a notice on the site's owner.

STATE PROPERTY PORTFOLIO

A register of state property was established in accordance with the Public Service Reform Plan 2011 and Circular 11/15 Protocols on the Transfer and Sharing of State Property Assets. Access is restricted to public service bodies.



Land Transfer Options

Public Land: Three modes of land disposal for Community-Led Housing immediately available

01 SALE AT MARKET VALUE OR DISCOUNTED MARKET SALE

In this approach, land is offered openly at a fixed price in a competitive process determined by the quality of the social and environmental concept, where financial viability or affordability are qualifying criteria. The process is weighted towards community-led development due to the nature of the assessment criteria, but doesn't exclude developer-led approaches.

Land or structures may be offered at a discounted market sale if the site or development conditions are such that a viable affordable development would otherwise be impossible to achieve by the CLH group.

A variant on discounted market sale has been developed for small cooperatives¹, where land is offered at a fixed discounted price together with long-term affordable financing on the condition that cooperatives fulfil minimum prescribed income grouping requirements and undertake not to demutualise for a specified period (40-60 years).

02 LONG-TERM LEASE

Leasing land on a long-term basis allows cities to maintain long-term control over their own land, to influence development to meet a broader range of policy goals and to intervene to control it, should it become necessary.²

For Community-Led Housing groups, leasing land removes the cost of land from development costs and allows for a correspondingly more affordable development. Construction costs are recouped through the sale of owner-occupied or cooperative homes on practical completion.

Land is leased to community developers following a competitive process determined by quality of social and environmental concept where financial viability

and affordability are qualifying criteria.³ Owner-occupiers or cooperative owner-renter residents have a leasehold on the built structures and the state or local authority maintains the freehold, guaranteeing innovative, stable and long-term affordable housing. A low ground-rent or service charge, as a percentage of the market or discounted market valuation, is sometimes chargeable.

03 CONVEYANCE TO COMMUNITY LAND TRUST

The UK National CLT Network describe The Community Land Trust as an organisation run by people to develop and manage affordable homes and other assets important to that community, like community enterprises, food growing or workspaces. Community Land Trusts act as long-term stewards of housing, ensuring that it remains genuinely affordable in perpetuity.

To provide affordable homes to local people, or to provide a vehicle for urban or rural renewal, small-medium brownfield sites are made available to Community Land Trusts, who develop the land to provide affordable Community-Led Housing and community infrastructure. (The Community Land Trust is described further in the following section).

Land is offered in a competitive process determined by quality of social or environmental concept where financial viability and affordability are qualifying criteria. Land is often transferred to the Community Land Trust for free or for a nominal consideration.

Land is cooperatively managed by the community and the local authority (which has a presence on the board of the Community Land Trust). The Community Land Trust maintains a freehold interest on the land and owner-occupier residents or cooperative owner-renter residents have an ownership leasehold (up to 999 years) on the built structures.

Structuring development in this way results in an 'asset-lock' guaranteeing that resale of homes remains affordable to new residents in perpetuity, but that outgoing residents can benefit from an uplift in value, which is often indexed to local wage inflation.

Private Land: Three modes of land disposal immediately available

01 PART V / COOPERATION WITH A DEVELOPER

As part of a larger development, a Community Land Trust works in cooperation with a developer. The Community Land Trust will fulfil part or all of the Part V requirement for affordable housing where it meets the local authority identified need for Community-Led Housing rather than social rental housing in its housing strategy. This will be the case where the local authority takes into account:

- the existing need and the likely future need for social housing
- the need to ensure that housing is available for persons who have different levels of income
- the need to ensure that a mixture of house types and sizes is developed to reasonably match the requirements of the different categories of households, as may be determined by the local authority, and including the special requirements of elderly persons and persons with disabilities
- the need to counteract undue segregation in housing between persons of different social backgrounds⁴

In this scenario, and at the time of writing, the Community Land Trust is likely to be an AHB with charitable status. The developer might develop the homes or might offer a site for development in accordance with Part V of the Planning and Development Act, 2000, as amended by the Urban Regeneration and Housing Act, 2015. The local authority will purchase the completed homes or site and sell or lease on to the Community Land Trust at an agreed price, with homes being funded ultimately by sale of leaseholds to residents.

02 COMMUNITY-LED HOUSING GROUP IN COOPERATION WITH A DEVELOPER

In this scenario, a Community-Led Housing Group (CHG) negotiates with a developer to develop homes on behalf of the group as part of a larger development or as a self-contained development. The developer acquires a site, builds homes and is responsible for raising development finance. On completion, homes are sold: either directly to owner-occupiers or to a cooperative for a pre-agreed price.

This strategy has the advantage of giving surety to the CHG and reducing overall risk. It allows the CHG to benefit from the expertise and know-how of the developer. It gives a level of reassurance to lenders based on the track record of the developer and the typicality of the procurement route.

A possible challenge in this scenario is the end-affordability of homes if developer margins and market land costs are factors. Cooperation with a social developer operating with low margins, such as Ó Cualann Cohousing Alliance, would address these issues.

03 PRIVATE PURCHASE

The remaining option is for a private purchase at market or discounted rate. In the UK, CLTs are sometimes offered land from sympathetic landowners at lower prices (or agricultural land from farmers that is then rezoned). This is often to allow local people to develop homes in areas where they can no longer afford to live. In Ireland, groups might look for an urban 'sliver' site, that would not be attractive or viable for a commercial developer.

An alternative approach for groups looking outside of the Greater Dublin Area, is to find a 'brownfield' site in a town rather than compete for more expensive 'greenfield' development land. Sites in towns often offer groups the opportunity to bring existing vacant structures back to life and to develop new structures in vacant plots. The advantage of this approach is that it is more likely than a rural application to get planning approval where the group does not have a connection to the area but is making a positive contribution to renewal of a town's built and social fabric.

03

The Community Land Trust

A Civic Partnership?

“Our present property arrangements are not working well enough. It makes sense to look for alternative approaches that are based on respect for the legitimate interests of both individuals and communities and that provide an effective means of balancing these interests. The Community Land Trust is one such approach.”

On Common Ground, International Perspectives on the Community Land Trust, 2020¹

What is a Community Land Trust?

A Community Land Trust (CLT) is a not-for-profit community-controlled organisation that owns, develops and manages local assets, usually affordable homes, for the benefit of the local community. Its objective is to acquire land and property, and hold it in trust for the benefit of a defined locality or community in perpetuity.

A CLT separates the value of the land from the buildings that stand on it and can be used in a wide range of circumstances to preserve the value of any public and private investment, as well as planning gain and land appreciation for community benefit. Crucially, local residents and businesses are actively involved in planning and delivery of affordable local housing, workspace or community facilities.

CLTs use a variety of legal structures and carry out a wide range of activities to meet local needs. Typically there is a strong emphasis on local community empowerment and the democratic stewardship of the assets.²

International Recognition

In the UK, statutory definition of CLTs in England was included in the Housing and Regeneration Act, 2008 as follows:

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
- 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.³

A UK Government-led pilot scheme and a consultation confirmed in 2009 that CLTs had a future role to play and UK governments since 2010 have indicated their support for CLTs. **The Localism Act 2011** 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.⁴

In the US, a definition of the Community Land Trust was inserted into the federal **Housing and Community Development Act 1992** in order to permit the making of loans for the purchase of dwellings located on land owned by a Community Land Trust (rural housing), and to provide education and organisational support assistance to Community Land Trusts.⁵

France and Belgium have introduced legislation to enable the foundation and operation of CLTs. For more information, refer to the relevant sections in the Policy handbook. See also the **Brussels CLT** case study in the Overview handbook.

The **New Urban Agenda** Resolution adopted in December 2016 by the **UN General Assembly** recognised Community-Led Housing and the Community Land Trust as models that *“that promote access to a wide range of affordable, sustainable housing options.”*⁶

European Commission *“funds are being used to showcase a community-focused model for land and affordable housing solutions in four cities across Belgium, France and the UK. Currently in development, these pilot sites will be studied to assess how sustainable and inclusive communities can be launched elsewhere in Europe. The project aims to make information and expertise accessible to people hoping to launch their own initiatives.”*⁷

The Community Land Trust as a vehicle for improving the housing situation and the quality of life of specific vulnerable groups is also being piloted by the EU Urban Innovative Actions program.⁸

“...Community Land Trusts create cohesive neighbourhoods through community and resident involvement.”

*Caroline Lucats,
Housing Department Director,
Ville de Lille⁹*

Governance Structure

1. COMMUNITY

CLTs have an open democratic structure: people who live and work in the defined local community, including occupiers of the homes on CLT land, can become members of the CLT. Typically, CLTs are representatively governed: One third of the board represents homeowners, one third the surrounding community and one third is made up of public officials.¹⁰

One of Europe’s most successful CLTs is **CLT Brussels**. It is comprised of a **non-profit association** and a **Foundation of Public Utility**.¹¹ The non-profit association **Community Land Trust - Brussels**¹² is in charge of the daily management of the hereditament (property) owned by the Foundation. It also hires staff responsible for the development and running of the housing projects as well as support for householders. CLTB is committed to ensuring that the interests of all of its development actors are represented within its board of directors. Therefore, it is **equally comprised of residents, locals and civil society as well as the representatives of public authorities** (15 members).

The Foundation of Public Utility, Community Land Trust - Brussels (FUP CLTB), purchases plots of land to build its housing projects. It always has ownership of its plots of land and delegates the management of its property to the non-profit association CLTB. The CLTB Board of Directors is also **comprised, in equal parts, of residents, locals and civil society as well as the representatives of public authorities** (9 members). The co-opting of the members of the FUP CLTB Board of Directors is carried out based on a list of candidates drawn up by the CLTB’s General Assembly (except for the representatives of the regional public authorities who are designated by the regional government).

2. LAND

John Emmeus Davies explains the typical relations of ownership of CLT land as follows: *“The typical CLT is a non-profit organisation that removes land permanently from the marketplace, managing it on behalf of a place-based community while making it available for long-term use by individuals and organisations. Title to the buildings on a CLTs land, either those existing when the CLT acquired the land or those constructed later on, is held individually by any number of parties - homeowners, cooperatives, businesses, gardeners, farmers, etc. The underlying land is leased from the CLT by the buildings’ owners.*



L'Espoir Housing, a pilot Cohousing project whose success led to the founding of Community Land Trust Brussels (CLTB)
Photograph © Gilles Vaille

Although a CLT's lands are frequently and fairly characterised as 'community owned' or...as 'common ground'; these landholdings are neither collectively nor cooperatively owned by the people living on them or around them. Title is held exclusively by the CLT. A Community Land Trust is ownership for the common good, not ownership in common.¹³

TRUST

"Although 'trust' is part of their given name, CLTs have rarely been established as real estate trusts. Most are NGOs - private, non-profit corporations, with a charitable purpose of meeting the needs of populations who are regularly underserved by both the market and the state. 'Trust' refers not to how a CLT is organised, but to how it is operated. 'Trust' is what a CLT does in overseeing the lands and buildings under its care and in performing the duties of stewardship. Foremost among these duties is the preservation of affordability, ensuring long-term access to land and housing for people of modest means and preventing their displacement due to gentrification and other pressures."¹⁴

"Community land trusts are set up and run by ordinary people to develop and manage homes as well as other assets important to that community, like community enterprises, food growing or workspaces. Community land trusts act as long-term stewards of housing, ensuring that it remains genuinely affordable, based on what people actually earn in their area, not just for now but for every future occupier."

UK National CLT Network¹⁵

Legal questions for CLTs in the Irish context¹⁶

LEGAL FORM

The Irish Companies Act 2014 provides for incorporation of Designated Activity Companies (DAC) which may be limited by guarantee. Alternatively, a CLT has the option to form as a Company Limited By Guarantee (CLG) with charitable status.

ASSET LOCK

This is a provision within the CLT's constitution to ensure that a CLT's assets are only used for the benefit of the community, and to ensure that homes remain permanently affordable. Specifically, it means that:

- any trading profits or surplus are used solely for the benefit of its objects
- its assets are retained by the entity and if sold/let/transferred, then only in the prescribed circumstances allowed for
- on dissolution, its assets cannot be distributed to its members but must transfer to another asset-locked entity (for example, to another charity)

ASSET LOCK FOR A COMPANY LIMITED BY GUARANTEE (CLG)

A **non-charitable CLG's** asset lock would be vulnerable to being voted out by the members. A local authority presence on the board would in this case act as custodian of the CLG's constitution and veto any change that affect the asset lock.

A **Charity** would have an effective asset lock through the irreversible step of becoming a charity, with its attendant 'public benefit' requirement and charity law on dispositions (sale, lease and transfer of assets) combined with the legal constitution of the charity. Section 92 of the Charities Act 2009 provides that **disposal of land by a registered charity**, or distribution of proceeds of sale of land owned by a registered charity, cannot be done following dissolution of the charity without the consent of the Charities Regulatory Authority.

The **Charities Act 2009**¹⁷ recognises as a permissible charitable purpose, the "**Advancement of community development, including rural or urban regeneration**", which suggests that a CLT could be registered as a charity within the meaning of the Act and thereby benefit from charitable status.

A **DAC Limited by Guarantee** may not change its constitution by special resolution, save in respect of any

part of its constitution that could have been included in Articles of Association (Sections 976 – 978). In the fifth edition of Keane on Company Law, the authors note that the memorandum itself may contain a provision which cannot be altered subsequently. It would seem possible in principle, therefore, for a CLT to be incorporated as a DAC Limited by Guarantee and to incorporate an asset lock into the Memorandum of Association.

RESTRICTIVE COVENANTS

Preliminary advice suggests that with respect to restrictive covenants on land:

- *“Until the enactment of the Law and Conveyancing Law Reform Act 2009 (LCLRA 2009), the rule in Tulk v Moxhay prohibited the creation of restrictive covenants in transfers of land; it was for this reason that the leasehold structure was adopted for modern apartment developments, in order to allow both management companies and other apartment owners to enforce house rules and leasehold covenants against one another.*
- *It is no longer essential to use a leasehold structure for development and use of apartment blocks, as the 2009 Act abolished the restriction on freehold covenants at common law (defined as covenants featuring a servient tenement, where the covenant benefits the dominant tenement). There appears to be no legal bar, therefore, to creating freehold interests that are subject to restrictive covenants and similar obligations, where there is dominant land that is benefited by the covenant affecting the servient land.*
- *It is notable that section 49 of the LCLRA 2009 allows a freehold covenant to be enforced against current and former owners of land to which the covenant relates (i.e. owners of ‘servient’ lands), which should create an incentive for owners to observe the terms of restrictive covenants. Otherwise, they could be liable in respect of breach of the covenant even after they have sold the property. This could arise, for example, if a person who has acquired a home sells or transfers it to someone who is not eligible to acquire a home or is not a member of the CLT. Note that Section 50 of the LCLRA 2009 allows an owner of ‘servient’ land to apply to discharge the covenant in certain circumstances.*
- *In theory this would not arise in the case of houses acquired by members of a CLT, as they will not be freehold owners. It could arise, in principle, if the freehold owner of the CLT land wished to vary the*

terms of the ‘asset lock’ in the trust’s constitution, and if the lands were subject to a freehold covenant when transferred to the CLT (whatever its legal form).

- *There is some complexity to this area but the point to note is that an ‘asset lock’ in the CLT’s constitution may not be sufficient to ensure that the lands remain subject to the conditions of the CLT in perpetuity (e.g. as to eligibility criteria, clawback, etc.) as there appears to be an independent route via s.50 of the LCLRA 2009 by which the CLT itself could, in its capacity as registered freehold owner of the CLT lands, apply to discharge a restrictive covenant in the original transfer of lands to it.”*

GROUND RENTS

The Landlord and Tenant (Ground Rents) Act, 1967 provides for categories of persons who may acquire the fee simple in land that they hold under lease or sublease, as follows:

“3.-(1) A person who, as respects any land, is a person to whom this section applies, shall, subject to the provisions of this Act, have the right as incident to his existing interest in the land to enlarge that interest into a fee simple, and for that purpose to acquire by purchase the fee simple in the land and any intermediate interests therein.”

Advice here states that:

“While it seems that there is scope within the interaction of the 1967 and 1978 Act to construct lawful long leases where they do not involve the tenant constructing buildings, the safest and broadest measure would be to include a provision in legislation exempting a particular class of DAC from the provisions, as the Commissioners for Irish Lights and harbour authorities are exempted in s. 3(3) of the 1967 Act. Preferable would be a new Act in the area.”¹⁸

CONCLUDING REMARKS ON LEGAL QUESTIONS

We recommend the recognition in Ireland of the Community Land Trust by the **insertion of a statutory definition of the Community Land Trust in the Housing (Regulation of Approved Housing Bodies) Act, 2019.**

The aim of this is to provide clarity as to the purpose and oversight of CLTs to local and state authorities, lenders and communities. This action should be supported by a study of associated necessary legislative amendments required to address issues discussed here such as the lessees’ right to acquire fee simple as currently outlined in The Landlord and Tenant (Ground Rents) Act, 1967.



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COMMUNITY LAND TRUST CASE STUDY

Urban Renewal in a Scottish Town: The Midsteeples Quarter, Dumfries

PROJECT CONTEXT¹⁹

"The current economics of the town centre presents a unique opportunity to gather prominent High Street properties into community ownership and position the community to drive a localised economic model locking inclusive prosperity into Dumfries as the regional capital, for generations. This will enhance the town's performance at a local, regional and national level."

Midsteeples Quarter Vision

The Midsteeples Quarter Project (MSQ) evolved from a consensus amongst local people, businesses, groups and agencies that a more diverse town centre is a priority for a 'future Dumfries'. The town centre should be a vibrant district with a growing population and a mix of new businesses, shops, culture, leisure and services.

The project was initiated in 2018 by the Stove Network (an artist-led community-development trust) and aims to entirely revitalise the urban centre through community ownership. Its strategy is based on the acquisition and redevelopment of all properties within an urban neighbourhood according to a master plan to provide mixed-use community facilities, business space and housing.

The project seeks to reverse decline and vacancy. *"Over a period of several decades, mainstream market retail and related commercial property market dynamics have led to vacant ground floor units and unused upper floors. There have been some obvious negative impacts on the town centre through empty shop units and declining buildings, many of which were significantly decayed as a result of neglect by absentee owners."*²⁰

Over this same period, private sector funding has not been attracted to invest in Dumfries town centre housing. Dumfries has one of the lowest levels of residential living of any high street in Scotland.

"The Midsteeples Quarter Project will see the local community take control of a group of underused and neglected High Street buildings and refurbish these as a contemporary living, working, socialising, learning and enterprising quarter - a new beating heart for a more diverse town centre and a catalyst for a thriving and resilient future Dumfries."²¹

THE COMMUNITY LAND TRUST

The Community Land Trust is composed of a Community Benefit Society (Dumfries High Street Limited, DHSL) and a subsidiary Company Limited by Guarantee (Dumfries High Street Property Limited), which is being formed to acquire the properties. Its population target will focus on families, young professionals and working people (demand groups identified by housing survey). It also aims to promote intergenerational living. Membership of DHSL is open to the whole town of Dumfries and currently stands at 400 members.

GOVERNMENT, REGIONAL AND LOCAL AUTHORITY PARTNERSHIP

Wider partnership is critical to successful delivery, and MSQ has worked with the support of D&G Council (regional authority), Scottish Government, South of Scotland Enterprise and Community Land Scotland.

Dumfries and Galloway Council Local Development Plan states:

"The Midsteeples Quarter project supports the regeneration of Dumfries Town Centre and seeks to develop new business uses and housing within derelict and underused buildings within the town centre. The redevelopment, adaptation and appropriate alternative use of buildings will be supported in principle where they are supported by other plan policies and have regard to the town centre's built heritage and wider conservation area.....Development will be expected to contribute to the vibrancy, vitality and viability of the town centre throughout the day and evening."²²

DEVELOPMENT

The Oven is the first property that will be comprehensively redeveloped as Phase One of the MSQ Masterplan. It is a former bakery and shop cafe formerly in the ownership of D&G Council. The property passed into the ownership of MSQ in 2019 by a process of asset transfer (for £1) under the powers of the Community Empowerment (Scotland) Act, 2015.

The redevelopment of The Oven is intended to establish a landmark design, marking the ambition of the wider project. The project will incorporate mixed-use development of seven apartments (one of which linked to a light-industrial artist workspace), workspaces oriented towards the creative industries and co-working office space.

The housing units will be retained in the ownership of MSQ for affordable intermediary tenure rents (mid-market rent, aligned to Local Housing Allowance). The envisaged time-frame for the development is anticipated to be 15 years at a cost of £25.4m. It will include 66 Homes and 49 commercial units.

Wider priorities are the reopening of lanes and the creation of green and open spaces within the blocks.

Commencement was scheduled for April 2020.

FINANCING

A £2.8m capital package has been secured for the delivery of The Oven, including a successful application to the Scottish Government's Regeneration Capital Grant Fund, a grant from South of Scotland Enterprise, and capital from the Holywood Trust, a local charitable funder. Project development was supported by the Town Centre Living Fund, a D&G Council housing fund formed of ring-fenced income from Council Tax on second homes.

RESOURCES

There are 400 resident, community and stakeholder members in the Community Land Trust. Staff include a part-time Project Director, Project Administrator, Communications manager and fulltime Project Manager.

Appendices

Appendix A

Interview with Hannah Emery-Wright

Hannah Emery-Wright is the Communities Manager at London Community Land Trust, London's first CLT. Her role involves supporting CLT residents through managing the allocations and handover process for their homes, and working with local stakeholders to develop community spaces and resident-led management structures on CLT sites. SOA interviewed Hannah in March 2020 about London CLT's mission and role in developing Community Land Trust projects in the city.

QUESTION 1

Could you briefly describe London CLT and your mission?

London CLT exists to provide affordable housing in perpetuity for Londoners. The aim is to prevent Londoners being forced out of the boroughs that they call home because of rising house prices. There's obviously an issue that what the government states is affordable isn't genuinely affordable based on what people earn. So the homes that we build or campaign for, and build and sell, are linked to the median income in each borough. So in Tower Hamlets the median is about £30,000, and our homes reflect that. On that project we're about one third of the market rate. Also, obviously affordable homes in many cases can be sold off, so we want to protect that affordability in perpetuity and so if residents want to sell their homes in future they have to sell it on at the same retail price - a covenant is linked to incomes again.

Our mission is communities creating permanently affordable homes and transforming neighbourhoods. So everything we do throughout the process from identifying land, to allocations, to them supporting communities to thrive is resident and community-led. And we're a membership organisation, we were set up by volunteer members and since then we've grown.

Historically, the idea started around 2005 when Citizens UK, the community-organising membership organisation were asked to support the Olympic bid in London. And they agreed to support it on the basis that a number of their asks were met - one of these being to see CLT homes on the Olympic site. This hadn't really been done before in London so it was agreed on the basis that Citizens UK improved the model. So in 2007, London CLT was set up by Citizens

UK to pursue that. St Clements was identified as a site around 2005-2006. It had to be put out to competitive tender, because it was GLA land, and LCLT put a bid in with Igloo Regeneration who are an ethical developer. We were out-bid by Linden Homes, but because of all of the political organising, and the support we had from Ken Livingstone and then Boris Johnson as Mayor, it meant that there was quite a lot of people power behind us. So the developers were asked if they would work with us, and they said yes. So we came into it after the development had been agreed. That site has 252 homes in total, 23 three of them are CLT homes. Around 50 of them are social rent with Peabody as well. Planning was passed in about 2014, and worked alongside the architects prior to that on the design.

We were brought in under the Section 106 provisions. Section 106 is the government provision for affordable housing on sites - it's meant to be about 30%.

So in terms of median income of £30,000, do you have a ratio from that income level to what the actual cost of the home is at the end of the process when it's sold?

It depends on the size of the home as to what income you need. So one-beds sold for £130,000, two-beds were £182,000 and three-beds were £230,000. And the band from one- three income eligibility was about £26,000 up to £70,000 in household income.

QUESTION 2

What criteria must groups and individuals comply with to access support and you have an established process for the introduction of new members?

Anyone can join up to be a member, it's a £1 nominal fee, and it's one member, one share. At the moment we've got about 3,000 members, and being a member means you can vote our AGM, stand for our board etc. And then with residents applying for homes we have our own allocations policy which has five criteria areas:

- local connection to the area
- housing need
- financial eligibility
- involvement in the area (which is the depth of your relationships in volunteering etc.)
- and your commitment to CLT values

So with connection you need to have lived or worked in the borough for at least five years. And the more

connections you have, and are able to show, the more points you will get. Housing need - we need to see either that where you live is unaffordable, temporary or unsuitable in some way. And this could be a range, it could be one thing or it could be a multitude of things. I think the people that demonstrate more housing need often have multiple severe issues.

Finance - We want see your income and savings and that you can afford to pay a CLT mortgage, but you also don't have market rate options. So it's quite a broad middle income bracket - if you don't earn enough you're not eligible, if you earn too much you're not eligible. Involvement in the area - if you volunteer or support your neighbours in some way. So we assess people under those criteria and the people that score highest are housed.

The first step before filling out the full eligibility form is that you do an eligibility test, which is a simpler version. So then if you're not eligible you don't have to go through the whole rigmarole. You have to have signed up as a member to be eligible. Which is quite a simple, straightforward online form. Once you're shortlisted, then you'll be invited to an independent allocations panel. It's not intended to be an interview it's just meant to verify the person is who they say they are.

QUESTION 3

I was under the impression that the difference between Brussels CLT and London CLT is that London was a bit more open to a broader range of income backgrounds. But I suppose there is quite a limited number of homes available so there has to be some cutoff point. But in principle maybe the question would be - if you had a lot more homes, then would income be an issue?

When it was campaigned for in Tower Hamlets initially to see what the local need was, "housing" came up but it was particularly home-ownership that came up. The idea was that in theory the people on the lowest incomes should already be catered for by social housing. The most urgent needs will have social housing, and we're coming in a little bit above that ,maybe for people that have been on the social housing list for a while but aren't a priority. Or for people that aren't on the social housing list but are still...stuck.

Income will always be important in the sense that you have to meet our criteria, but how we allocate homes is a mixture of those five things and I think at the moment housing need is weighted slightly more.

There's an interesting question overall about how inclusivity might work in both directions. At the LILAC project there's an element of cross-subsidisation because everybody pays the same percentage of their income, so it's good in that respect to have a mix, but also just from a social point of view to have a mix of different incomes living together, while not subsidising the better-off with affordable housing.

That missing middle is so broad, within that we already do have quite a spread of demographics, socially, economically, culturally. It's a bit different in St Clements because the social mix is enforced. Because obviously we don't provide the social housing (that's Peabody) and then there's a bunch of private residents - so there is that mix. We have several sites in the pipeline as a result of the success of St Clements. In Lewisham, we've got an 11-home (former garage) site which we hope to start construction on this summer. And then we've got two Transport for London sites which were awarded to us by the GLA. They'll be about 40 and 30 [homes] and those will be all CLT homes. We have had a discussion about whether we would want to sell a few market units to make it work cash-flow wise, but I think we're very conscious of mission slip, and at the moment we can say our homes are 100% affordable in perpetuity. And it doesn't have the same ring to say 80% of the homes are affordable.

QUESTION 4

How do you get sites? The Lewisham site is very interesting because that's something that a lot of people are trying to look at - try and find a sliver of public land here or there that that might be useful, and build on that.

I think we're a strange case because we came out of Citizens UK and we work very closely with them and their whole approach is about building power through building relationships and networks of people, to bring to situations. With Lewisham and with most sites we'll work with a range of community institutions. We'll identify what the need is, and they'll sort of map out the power networks in the area. So you think about the local councillors, the officers, the GLA officers, the landowners, and identify who you need to build relationships with, and then depending on their level try and set up a meeting with them. But if it's a political decision maker you might run an action, and invite them to a hall of a thousand people or 500 people, and ask them to stand up and publicly commit to things. But it's all about a dialogue over time to build those relationships that are appropriate to that person in that situation. And because there are so many people campaigning, there's a lot more clout behind it.

So with Lewisham, the local Citizens UK members walked around the area and identified a number of sites, and then took those sites to the council, and said "here are some options". And then the council discarded those ones but came back with another option, so I guess another element is doing as much of the work, and preparation, and making the case in advance. Since securing the site there have been a whole load of issues - maybe I mentioned before - but there was a pipe running through it and there were issues with blocking it off and it being a thoroughfare, and being next to a school. And then it's been delayed by at least a year, maybe two years, because the council weren't giving us the right information and we hadn't done it before, so we maybe didn't take the right advice as well...It's a learning curve!

QUESTION 5

Now you've got certain level of recognition with local authorities across London, a certain level of experience and achievement, do you think there's scope for upscaling?

I think we're the best-known name and I think we're the only CLT that has residents in London at the moment, although you know RUSS has been working alongside. The main drawback that we're working through now is how to harness funding and at what point that funding needs to come in. So with the Transport for London sites we've applied for grant funding and will be getting that through in stages, but obviously staff-wise we can't necessarily afford to take the risk before we know that we're going to get the money in.

And so when we're thinking about developing projects we'll need to make it known that there's a certain amount of overheads that are built into that. We bid for a site in Croydon and were unsuccessful, because we said in order to make this work you need to give us money, whereas the people that were successful said they would buy it for a pound. I think we were realistic actually, in that we need the money to come from somewhere. So we're planning on running a share offer [to raise] £650,000 for Lewisham. In 2016 we raised about £490,000, which has gone to the pre-development costs in hiring the architect and submitting planning and finding a contractor and things like that. But then for the next stage, for getting the construction finance, we can hopefully use money from the GLA that's coming in for other projects initially, but we're also looking at harnessing construction finance from Big Issue Invest, and maybe CAF Venturesome and Ecology Building Society. So there are a small number of ethical lenders that we've

got a relationship with, that might invest larger sums.

There seems to be two issues there. So you can find a site but then you need a lot of money to develop technically until planning permission. Once that's done, maybe once you go to tender, then you need to access capital funding for the project itself. So once the project is finished, then at that point income comes back into the CLT. So there is a challenge there: even if you have a site, if you have people to move into the homes already, [there are] challenges to raise financing. So is that London Community Housing Fund money which comes in at that point?

We put the CLH Hub grant towards early-stage campaigning because at the moment they are just giving quite small grants of £15,000, so that's more towards running early stage. We're talking to them about unlocking larger sums.

QUESTION 6

Do you receive any grant funding or any assistance from state or local government, even in terms of advice and support?

It's on a project-by-project basis. In St Clements, we're developing a community space, or trying to secure a community space, and we've worked with the GLA and the council to unlock £1.2 million towards purchasing that. And then we'll be looking at getting small feasibility grants through independent grant givers. We get the income from the homes we sell at St. Clements, we [raise] quite a lot through share offers, we've got GLA grant funding which is coming through on the TfL sites, and then there are things like [Power to Change](#) and the [Joseph Roundtree Foundation](#).

How does the share offer work? And who buys shares?

You can invest a minimum of £100, and I'm not sure what the maximum is. In the last issue we had a 5% interest rate, we're hoping if we do another one to have the same amount of interest. So the people that invest might be local residents in the area or who are linked to the campaign. They're likely to give smaller amounts, and then there's a middle group of people that are interested in investing - maybe they have a retirement fund or are socially minded and they might invest a couple of thousand. So there is the £100 to £500 pounds band of local residents, there is the wealthy individuals which is like £2000-£10,000 and then there's institutional donors which is maybe £10,000-£50,000.

QUESTION 7**How do you decide on the actual mix of units, how a project is configured?**

That's discussed with the local steering group, based on the need in the area. So the site on Cable St in Tower Hamlets is going to be a mix of one, two, three and four bed, and that's because in Tower Hamlets you have a lot of multi-generational households who often live together. I think in Lewisham, the 11-unit site, it's going to be one and two bed because we are constrained by the site and maybe we're looking at older folks. St Clements is a mix of one, two, and three bedroom. We only had five three-bed and then six 1-bed and then the rest were two-bed. What we find is that often the people in the high occupancy houses have higher need because of issues related to overcrowding. And depending on the site it's not always possible to build bigger units.

So there's a process there where at the beginning of every project you can get a sense of what's actually needed in the area, and then tailor projects as far as possible to that need?

We basically just decide with the local residents, and we might look at local datasets as well, but it's generally a discussion with the steering committee.

QUESTION 8**Could you describe the governance structure of London CLT?**

We've had different iterations over last few years but at the moment we have a core board of about 15 people. Our board has always being traditional triumvirate. A third community, a third residents and a third stakeholders. We meet quarterly, but we also have four subcommittees. We've got a Finance & Risk subcommittee, a Social Impact subcommittee, Human Resources, and Development. So that gives a chance for subcommittees to make meatier decisions and then feed back, so they'll meet once between each board meeting as well. We have strategic advisors to the board, and a treasurer who we pay a stipend to. She comes in once a week. Our board are selected annually at our AGM.

So the board is renewed every year?

Yes. Although we had our first competitive election at our AGM last year because usually we're approaching people and asking them to stand, it is seldom that people stand of their own volition.

In Ireland this is quite new and people ask questions like OK, if the board is electable, what's to stop the board in 20-years' time saying we should just privatise everything, and put everything back on the***market. What stops that actually happening?***

That's a good question. I would need to check in the company rules. I imagine that a stipulation of being a board member is that you protect the aims of the Society, and the aims of the Society are affordable housing in perpetuity.

I think ethically we are very aware of that, of how housing associations are essentially like developers now. I think that was through the SHICC funding, why we really wanted to focus on impact measurement. So setting a mission statement, which we did three years ago, and then having that mission statement measurable through specific impact targets, means that we could say "OK are we actually housing the right people? Are we doing what we say we're doing?" And then we can report to the board on that and if we're not then we can address it. So practically we do have an approach to that but I need to check legally what the restrictions are.

Can I ask Hannah, did you say earlier that there's one third local authority representation on the Board?

No, no, we don't have local authority members on the board. We've got stakeholders on the Board, we've got a representative from Big Issue Invest, someone from the development sector, it's usually people that have professional knowledge that's useful to us.

And how many staff members do you have?

So we just had our campaigns manager leave, so now we're down to five. We've got myself, Communities Manager, I'm on five days a week. The CEO works four days a week. We have a finance manager who is on three days a week. We've got an HR office support, part-time. We have someone who works two days a week on the SHICC project. So, I guess that amounts to around 3.5 FT members of staff.

How is that financed, is it through sale of houses?

Any income we get will be funding our operations. The residents have to pay £50 ground rent a year which goes towards funding the Ricardo Community Foundation. They also pay £15 a month admin fee to us just for general expenses - a nominal fee really and it was just put in place to note if anyone is struggling financially. If they're not paying it there's kind of a red flag.

QUESTION 9**What potential do you see in London for both challenging the culture of speculation, and also for involving people in the process of regeneration?**

Part of our mission, in addition to the three points

I mentioned earlier, our impact is also looking at measuring innovation and influence. And for us we're part of a broader conversation about affordability, and what it means to build affordable housing. So we're demonstrating an example where it's about homes and not houses, and it's about affordability being linked to people's incomes, not the market, and that people have a right to have the affordability of their home - or homes in the area - protected. And I think that's fairly novel, but the more we join conversations the more we hope to be part of a mainstream discussion. I think we've been, not criticised, but maybe people in the CLH sector are nervous because we are more professionalised, or we work with developers to do that, because in our eyes in London that's how we're going to make the change. In terms of the *transforming neighbourhoods* discussion, we're starting to look at how people's lives can be improved, maybe things like loneliness can be addressed by having sense of place, and how that sense of place can be developed, and how we can implement that in the leadership development and community development that we do.

In Lewisham, will you be working with a developer or is that a self-developed project?

We are the developer but we've hired a contractor called Roof, and the contractor was chosen by the local steering group as well, who will be helping us to determine how they are managed.

We had a site in Southwark that unfortunately fell through, but we were primed to work on a council development, and so it was going to be the council that gave us the units. But in that case they were saying that their service charges were going to be £3,000 a year, and we can't make it affordable if that's what the service charge is. So they're looking for a different site for us.

So do London CLT residents pay any service charge?

They do, on St Clements our residents pay service charges between £1,200 and £2,000, depending on where the flat is.

That's just to pay for maintenance and sinking funds for future repairs?

Yes. And I think in Lewisham it will be less because it's a small site that's not going to require so much upkeep. And it might be that the residents organise cleaning and do some of the work themselves.

QUESTION 10

How do you envisage policy further supporting CLTs?

We've campaigned with Citizens UK to the GLA in

order to release those Transport for London sites. Unfortunately those sites were quite difficult but I think if we can work with local government to identify sites that they ring-fence for CLH groups, then that's a massive part of it. And having regular funds, and acknowledging this as part of the housing sector and supporting it through funding and expertise is key. We've seen with the TfL sites that it is possible, and hopefully once we've done these two sites they'll understand how it works, it will iron out some of the wrinkles and it'll be easier for people coming next.

QUESTION 11

How do you pitch London CLT to new organisations, or what would be the primary selling point if you're going to local authority?

I think that there's a consciousness that the councils have targets to meet and are unable to house enough people. So I guess this is an opportunity for councils to diversify the housing portfolio, and by devolving it to smaller community-led organisations, I guess it takes things off their hands, which might be an attractive option for them. And also, it depends who's in the partnership but in some cases if we're able to get land for free and then bring certain expertise, then it makes us more attractive partners. So that's a cynical perspective, but I mean if we're introducing the CLT for the first time, generally I guess it would be that we provide genuinely affordable housing in perpetuity for Londoners.

I think also we are more capable and more interested in taking these small sites. Whereas working with a developer might be more expensive or might yield less affordable housing, we'll do more for less.

You also have a scale that you can innovate at a little but that's probably difficult for a large-scale developer in terms of the process of design or in terms of the actual outcome of the project?

Yes, from my understanding most consultations with community are just a formality, rather than actually taking onboard what the community wants, and for us it's not ready community-led unless you're prepared not to get your own way. So if you take something to the steering committee and we plan to do it a certain way and they disagree, then you have to take it and that's what being community-led is about.

Appendix B

'The Lawns' Bid Scoring Criteria

Bid Scoring Criteria

Application for Croydon Community-Led Housing Sites

This document explains how the Council and Brick by Brick will assess bids from community groups. The winning bid will be the one that best meets the criteria set out below:

Marking Scheme

5	Excellent	The bidder has provided a response that is robust and supported by suitable and relevant evidence of experience and technical and professional ability which exceeds the Council's and Brick by Brick's expectations.
4	Good	The bidder has provided a response that is robust and supported by suitable and relevant evidence of experience and technical and professional ability.
3	Satisfactory	The response is compliant and the bidder has provided responses that demonstrate they meet the minimum requirements.
2	Fair	The response is superficial and generic. The bidder has provided insufficient response or the response given demonstrates limited experience and limited technical and professional ability to meet the Council's and Brick by Brick's requirements
1	Poor	The bidder has provided wholly insufficient responses or the responses given demonstrates very limited experience and insufficient technical and professional ability to meet the Council's and Brick by Brick's requirements. Should any potential bidder be allocated with this score, its bid submission may be rejected.
0	Unacceptable	The bidder has not answered the question, has omitted information or has provided information that is not relevant and the Council and Brick by Brick are unable to determine whether the bidder possesses sufficient technical and professional ability. Should any potential bidder be allocated with this score, its bid submission may be rejected.

Application

Criteria	Section	Method of Evaluation	Guidance	Top mark answer will include:	Weighting
Cost	1	Financial Offer	Please indicate your best financial offer for the site conditional on obtaining planning permission and development funding and subject to the contractual terms proposed for the site. £X.XX (excl. VAT)	N/A	20%
	2	Financial Model	0-5 Croydon Council and Brick by Brick wish to run this programme as an 'open book' process. Please demonstrate the financial model used in your scheme. Indicate: 1. The number and mixture of affordable units 2. Detailed breakdown of costs and expected revenues 3. Financial Assumptions (including letters of support/intent to lend from lender) 4. Sweat equity valuations (sweat equity is a term used by the community-led housing sector to mean an interest in a property earned by the community in return for labour towards upkeep or restoration, e.g. self-build/self-finish (painting the walls themselves). 5. Show how viability relates to scheme overview in section	'Open book' approach. Please complete the viability proforma included. Guidance notes to help complete this spreadsheet are also provided.	

Quality	3	Experience	0-5	Please indicate the relevant experience of your group in delivering projects of this type. Please include past projects delivered (if applicable) and the experience of members of your group and professional expertise that you've co-opted in to help you submit your bid and work with you on the project.	Experience between the core team and co-opted experts that range across finance; housing delivery; large scale community-led projects (preferably housing); legal; architecture/design; planning and community-engagement. Detailed and verifiable achievements will act as evidence base.	80%
	4	Community Engagement Strategy	0-5	Please indicate your group's approach to community engagement throughout the design and building of the homes, as well as when they are built and people are living in them. Groups should explain how they will engage with the neighbouring communities who live in proximity to the site, as well as their process for ensuring the engagement is inclusive/engages all community groups and incorporates community feedback in their decision making.	<ol style="list-style-type: none"> 1. A well thought out strategic approach to community engagement. 2. Explanation of intended methods of community engagement, forums; VCS, door-knocking, working with a consultant. 3. Applying lessons learnt from previous experience of community-engagement. 4. Programming dates and times for opportunities to engage with the community; links to programme plan. 	
	5	Governance and Management	0-5	Please describe the incorporation type of community-led housing organisation that applies to your group. Describe your governance structures and processes for this group, both in the design and construction period and during the ongoing management of the homes once built. Please describe your project management processes.	<ol style="list-style-type: none"> 1. Clear and deliverable governance structure. 2. Evidence of processes that ensure that governance is robust but also is guided by the overarching will of the community the group is constituted for – i.e. democratically organised. 3. Evidence that governance structures are correctly aligned to the type of organisation set up (e.g. CLT or co-op, etc.) – communication with experts (e.g. London CLH Hub) on this matter will be marked well. 4. Clear distinction of governance if organisations are seeking to partner with other organisations (e.g. Housing Association). 5. Clear explanation of how homes will be managed once built. 6. Internal project management processes/systems. 	
	6	Allocations	0-5	Please describe your group's intended allocation policy once the homes have been completed, and indicate when in the process your group will decide on allocations, both at the outset of the project and for future resales/letting. Please note that Croydon Council would prefer these homes to be limited to Croydon residents, or Croydon key workers as far as is acceptable to financial lenders. (Key workers are defined as those professions set out in this guidance note)	<ol style="list-style-type: none"> 1. Clear allocations policy that aligns with programme ambitions of 100% affordable homes housing Croydon residents in Housing Need. 2. Consideration of ongoing allocations after initial sale/rent 3. Consideration of duty to co-operate 4. Note that homes and allocations need to be in accordance with the definition of "affordable housing" set out in 3.10 of the London Plan. 	
	7	Scheme Overview	0-5	Please explain your proposed scheme including: <ul style="list-style-type: none"> • Design vision – approach to sustainability, public realm, materials and quality • Area schedule – including number, type and tenure of homes • Outline design – including floor plans of proposal, including shared spaces (e.g. laundry, guest room, common house, etc.) • Response to technical pack – indicate how you have considered the content of document and how your scheme and design will address the site constraints • Design and construction standards to be incorporated – for instance, lifetime homes, Passivhaus, on-site energy generation, modular construction, etc. • Risks considered 	<ol style="list-style-type: none"> 1. Strong design concept, mindful of site considerations and group vision 2. Strategic approach to site and technical information 3. Outline architectural design that begins to address site issues 4. Thoughtful consideration of the technical pack 	
	8	Programme Plan	0-5	Croydon has listed a number of key milestone dates that we would like all prospective groups to comply with in their project planning. Please complete the programme plan to demonstrate how you will conform to these milestone dates and fit these dates around the various tasks required to complete the project. Please illustrate how the group plans to engage and work constructively with Brick by Brick and Common Ground Architecture through to the planning approval stage.	<ol style="list-style-type: none"> 1. Clear programme plan – which engages critically with the milestone dates and maps out how the various activities required will be fitted around these dates. 2. Building contingency time into the plan in case of unforeseen circumstances 3. Linking to time-specific actions that have been stated in this application (e.g. allocations decisions). 4. Clear and thoughtful response to engagement and ongoing work with Brick by Brick 5. Questioning of assumptions is permitted 	
	9	Social Value	0-5	Generating social value from council activities is a key priority for Croydon. Describe how your group will generate social value for borough. Groups are encouraged to think about both the pre- and post-site completion stage. Please find Croydon's Social Value Framework here . Croydon has a range of social value priorities but for the community-led housing programme we encourage groups to focus particularly on the following three areas: <ol style="list-style-type: none"> 1. Supporting a Cleaner and Safer Borough – e.g. reduced carbon, sustainable materials, energy generation, electric cars 2. Supporting Local Communities and Initiatives – e.g. volunteering opportunities, sweat equity 3. Supporting Local Business Growth – e.g. ambition to use local designers, contractors, suppliers etc and local employment and training opportunities arising for the development 	<ol style="list-style-type: none"> 1. Clearly linked states and actions with tangible and evidenced routes of achievement. 2. Measuring processes that link to stated Key Performance Indicators 3. Innovative approaches to delivering social value 	
	10	Equalities and Inclusion	0-5	Croydon Council is committed equality and ensuring Croydon is a place of opportunity and fairness where no community is held back. Please find Croydon Council's Equality Objectives here . For the community-led housing programme we encourage groups to think about both the pre- and post-site completion stage. With a focus particularly on the following areas: <ol style="list-style-type: none"> 1. Support local communities across protected groups 2. Support local initiatives that contribute towards the Council's equality objectives such as increasing employment rates for disabled people, young people, over 50s and lone parents who are furthest away from the job market, reduce social isolation among disabled people and older people and improving the proportion of people from different backgrounds who get on well together 	<ol style="list-style-type: none"> 1. Clearly linked states and actions with tangible and evidenced routes of achievement. 2. Innovative approaches to commitment to equality and inclusion 	
11	Legal Agreement	Not scored	Please use this section to note your response to the proposed legal agreement.		0%	
Total Weighting Value						100%

Appendix C

Mesterkamp (Hamburg) Selection Criteria

For the selection of Cohousing groups for the urban property in Mesterkamp construction field 9a and 9b in Barmbek-Süd

The Cohousing group is a legal association of those willing to build who want to create living space together. The members of the Cohousing group use the built or acquired apartments themselves. They do not build any apartments for rent or sale to third parties. The allocation of a plot of land reserved for building communities should not be given to developers or a group of developers whose members do not build the apartments for their own use.

At the beginning of the tender period, the agency for building associations will hold an information event for interested groups and interested parties. The Cohousing groups then have the opportunity to express their non-binding interest in the purchase of a property and then to submit an application within the deadline. After a pre-selection of the applications, the top-rated applicant groups are invited to a personal selection interview. In this conversation, applicants have the opportunity to present their group and the concept. On the other hand, the administration can clarify open questions about the application.

Based on the evaluation of the applications (based on the evaluation criteria shown below) and the explanations in the selection interview, building communities / Cohousing groups are selected for one or both building sites.

Cohousing groups that do not provide an economically viable financing concept with the application or are not registered with the building agency at the time of application will not be admitted to the selection process.

Assessment A - E	max. Punkte	Total
A Group and partners	max. 15 Points	
B Planning, building and the environment	max. 10 Points	
C Unique Aspects	max. 10 Points	
D Energy, ecology and mobility	max. 10 Points	
E Financing and corporate form	max. 20 Points	
Total Points	max. 65 Points	

A Group and partners	Weighting
<ul style="list-style-type: none"> • Minimum number of members (approx. 60% of the apartments must be occupied by households) • Building association (s) must be registered with the agency for building associations • Designation or preliminary contract with an external construction supervisor 	0 points = insufficient 5 points = very good Essential Requirement
Community / stability for example: • Is the group sufficiently stable and resilient? • Is the group large enough? • How long has the group been in existence? • How is the collaboration within the group?	0-5 Points
Engagement for example: • Are the group members engaged? • Are the group members able to work in a team? • Has the group dealt with the topic of building in a BG? • Is the group open and able to compromise?	0-5 Points
Innovation • Innovative, new and original approaches in the relationship between the group, partners and in the context of processes	0-5 Points
Total A (max. 15 Points)	

B Planning, building and the environment	Weighting
<ul style="list-style-type: none"> • Realization of exclusively rental apartment construction • Realization of at least 50% of publicly funded rental apartment construction • Designation of a planning architectural office and submission of at least three reference projects from that office • Compliance with the development plan draft Barmbek-Süd 2 • Compliance with the design manual 	0 points = insufficient 5 points = very good Essential Requirement
Accessibility for example: • Will the building be accessible? • How many of the apartments are barrier-free or reduced (analogous to IFB funding)? • Are there any spaces for rollators or wheelchairs? • Are there any guidance systems in the building (e.g. for the visually impaired) or other supporting facilities?	0-5 Points
Construction concept for example: • How is the planned housing offer (apartment mix) to be assessed? • How should the originality of the building concept be assessed? • What are ideas / approaches for open space design to rate? • Is there a promise for space-saving building (e.g. apartment sizes, communal areas)?	0-5 Points
Total B (max. 10 Points)	

C Unique Aspects	Weighting
	0 points = insufficient 5 points = very good
<p><i>Inclusion / Social / Cultural</i></p> <p>for example:</p> <ul style="list-style-type: none"> • Is there an offer for WA-linked apartments? • Does the group offer the integration of social facilities? • Does the group offer individual apartments for the accommodation of groups of needs? 	0-5 Points
<p><i>Innovation</i></p> <p>or example:</p> <ul style="list-style-type: none"> • Is there a social contribution for the Mesterkamp district? • Are there any ideas to liven up the neighborhood or the square in the neighborhood? • Are there any other ideas? 	0-5 Points
Total C (max. 10 Points)	

D Energy, ecology and mobility	Weighting
	0 points = insufficient 5 points = very good
<p>Compliance with the requirements of the Energy Saving Ordinance (EnEV) or the future Building Energy Act (GEG) and the Hamburg Climate Protection Ordinance (HmbKliSchVO)</p>	Essential Requirement
<p>Ökologie Ecology</p> <p>for example:</p> <ul style="list-style-type: none"> • What is the energy standard of the building? • Is there a special energetic concept? • Is there an ecological concept? • Are there concepts for the economical use of resources (renewable / recycling)? • Is wood used in the building construction? • Should other aspects of sustainable construction be implemented? 	0-5 Points
<p>Mobility</p> <p>or example:</p> <ul style="list-style-type: none"> • What is the number of planned bicycle parking spaces? • Are the bicycle parking spaces accessible? • Are further offers planned such as pedelecs / loads / transport bicycles? • Is there a willingness to participate in the implementation of the mobility concept? • Are there innovative approaches to the mobility concept? 	0-5 Points
Total D (max. 10 Points)	

E Financing and corporate form	Weighting
	0 points = insufficient 10 points = very good
<ul style="list-style-type: none"> • Submit an economically viable financing concept • Declaration of self-use by the individual group members 	Essential Requirement
<p>Financial Concept</p> <p>for example:</p> <ul style="list-style-type: none"> • How sustainable is the financing concept? • Are the cost estimates plausible? • Is the feasibility and financial feasibility understandable? • Has the proof of equity been provided? 	0-10 Points
<p>Corporate Form</p> <p>Corporate form</p> <p>for example:</p> <ul style="list-style-type: none"> • Does the group want to run the project as a small cooperative? • What is the proportion of subsidized apartments? • Has the group offered a longer fixed rental price? • Is there a voluntary commitment to limit resale? • How are new members dealt with? 	0-10 Points
Total B (max. 20 Points)	

Endnotes

EXECUTIVE SUMMARY

- 1 https://www.bim-berlin.de/fileadmin/Bilder_BIM_Website/3_Immobilien/Verkauf/Konzeptverfahren/BIM_Broschuere_Konzeptverfahren_low_Doppelseiten.pdf, p.2

GLOSSARY

- 1 <https://clhtoolkit.org/legal/choosing-legal-structure-asset-transfers>
- 2 <http://www.communitylandtrusts.org.uk/other-support/jargon-buster>
- 3 https://ec.europa.eu/info/topics/single-market/services-general-interest_en
- 4 <https://www.legislation.gov.uk/ukpga/2012/3/enacted>
- 5 See also Directive 2014/24/EU <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014L0024>

LAND TRANSFER ROADMAP

- 1 Section 212 of the Planning and Development Act, 2000
- 2 Circular 17/2016: Policy for Property Acquisition and for Disposal of Surplus Property.
- 3 Section 183 of the Local Government Act, 2001 and Section 211 of the Planning and Development Act, 2000
- 4 Section 211(2) of the Planning and Development Act, 2000

BASIS FOR LAND TRANSFER TO COMMUNITY-LED HOUSING

- 1 Schaller, S. F., *Public-private synergies: Reconceiving urban redevelopment in Tübingen, Germany*, Journal of Urban Affairs, 2018, DOI: 10.1080/07352166.2018.1465345
- 2 https://www.bim-berlin.de/fileadmin/Bilder_BIM_Website/3_Immobilien/Verkauf/Konzeptverfahren/BIM_Broschuere_Konzeptverfahren_low_Doppelseiten.pdf, p.2
- 3 Deputy Eoghan Murphy, Housing Regeneration Dáil Éireann Debate, Tuesday, 8 May 2018. <https://www.oireachtas.ie/en/debates/question/2018-05-08/37/>
- 4 Pt.V Section 94 (3), Planning and Development Act, 2000
- 5 Pt.V Section 94 (4)(a), Planning and Development Act, 2000
- 6 Pt.V Section 94 (4)(c), Planning and Development Act, 2000
- 7 Pt.V Section 94 (5)(a), Planning and Development Act, 2000
- 8 Department of Housing, Planning, Community and Local Government, *Guidelines issued by the Minister for Housing, Planning, Community and Local Government under section 28 of the Planning and Development Act 2000*. January 2017
- 9 Pt.XIV Section 211 (5)(a), Planning and Development Act, 2000 and DPER Circular 17/2016: Policy for Property Acquisition and Disposal of Surplus Property. p.11

- 10 Pt.XIV Section 211 (1)(a) and (b), Planning and Development Act, 2000
- 11 Pt.XIV Section 211(2) and (3), Planning and Development Act, 2000
- 12 DPER Circular 17/2016: Policy for Property Acquisition and Disposal of Surplus Property, pp.8–10.
- 13 <https://clhtoolkit.org/introduction-clh/business-case-community-led-housing>
- 14 Pt.XIV Section 211(5)(b), Planning and Development Act, 2000
- 15 Soehlke, C., in *Grundstücksvergabe für gemeinschaftliches Wohnen, Konzeptverfahren zur Förderung des sozialen Zusammenhalts, bezahlbaren Wohnraums und lebendiger Quartiere*, FORUM Gemeinschaftliches Wohnen e. V. Bundesvereinigung, Hannover 2016, pp. 4-18. www.fgw-ev.de
- 16 Colquhoun, G., *Housing by the community, for the community. An assessment of the value for money of community led housing in England*. Capital Economics, September 2020 p.7. <https://www.communityledhomes.org.uk/sites/default/files/resources/files/2020-09/final-report-capital-economics-housing-community-sept-2020.pdf>
- 17 https://www.london.gov.uk/sites/default/files/mayor_of_london_-_m20_small_sites.pdf
- 18 Mayor of London, Prospectus for Boroughs and Public Landowners. p.5-6 <https://www.london.gov.uk/sites/default/files/smallsites-prospectus200421.pdf>
- 19 https://www.london.gov.uk/sites/default/files/mayor_of_london_-_m20_small_sites.pdf
- 20 NES, *Urban Development Land, Housing and Infrastructure: Fixing Ireland's Broken System*. No. 145 April 2018
- 21 The in quote in NES is from Jefferys, P., Lloyd, T., Argyle, A., Sarling, J., Crosby, J. & Bibby, J. (2014), *Building the Homes We Need: A Programme for the 2015 Government*, London: KPMG and Shelter.
- 22 Text based on report at <https://www.london.gov.uk/what-we-do/housing-and-land/land-and-development/small-sites/copper-lane-stoke-newington>

ALLOCATION OF LAND ON BASIS OF SOCIAL CONCEPT

- 1 The policy handbook includes detailed examples of this approach in London, Tübingen, Hamburg and Berlin.
- 2 https://www.bim-berlin.de/fileadmin/Bilder_BIM_Website/3_Immobilien/Verkauf/Konzeptverfahren/BIM_Broschuere_Konzeptverfahren_low_Doppelseiten.pdf, p.2
- 3 https://www.buergerschaft-hh.de/parldok/dokument/68224/haushaltsabschluss_2019_2020_einzelplan_9_1_finanzbehoerde_nachbewilligung_nach_35_landeshaushaltsordnung_fuer_die_haushaltsjahre_2019_2020_sozial_ger.pdf
- 4 The following is a translated summary of Soehlke, C., (Director of Building, Baubürgermeister Universitätsstadt Tübingen), in Grundstücksvergabe für

gemeinschaftliches Wohnen, Konzeptverfahren zur Förderung des sozialen Zusammenhalts, bezahlbaren Wohnraums und lebendiger Quartiere, FORUM Gemeinschaftliches Wohnen e. V. Bundesvereinigung, Hannover 2016, pp. 4-18. www.fgw-ev.de

- 5 James Murray, GLA Deputy Mayor of Housing and Residential Development. 05.March 2019. <https://www.insidehousing.co.uk/news/news/mayors-first-small-sites-scheme-gets-planning-green-light-60465>

THE ROLE OF AN OPTION AGREEMENT ON A SITE

- 1 <https://www.prai.ie/cautions-and-inhibitions/>
- 2 <https://housing.gov.ie/maps/arcgis.com/apps/webappviewer/index.html?id=f975f1b5e28f4203a269bdf0e6141b50>

LAND TRANSFER OPTIONS

- 1 See for example the description of the Munich Model in the Policy handbook.
- 2 See the description of Berlin's Land Management Policy in the Policy handbook.
- 3 See for example the Small Sites Small Builders programme operated by the Mayor of London/GLA <https://www.london.gov.uk/what-we-do/housing-and-land/land-and-development/small-sites>
- 4 Guidelines issued by the Minister for Housing, Planning, Community and Local Government under section 28 of the Planning and Development Act 2000 January 2017. p.4 <https://www.opr.ie/wp-content/uploads/2019/08/2017-Part-V-of-PD-Act-1.pdf>

THE COMMUNITY LAND TRUST, A CIVIC PARTNERSHIP?

- 1 Algoed, L., Davis, JE., Hernández-Torralles, ME. Eds., *On Common Ground International Perspectives on the Community Land Trust*, Terra Nostra Press 2020, p.5
- 2 This description is from Building and Social Housing Foundation, *Redefining the Commons. Locking in Value through Community Land Trusts*, Consultation at St George's House, Windsor Castle 21st -23rd June 2005 <https://world-habitat.org/wp-content/uploads/2016/03/redefining-the-commons.pdf>
- 3 Housing and Regeneration Act 2008, Part 2, Chapter 1, Section 79
- 4 Wilson, W., Community Land Trusts, House of Commons Library Briefing Paper, No. 4903, June 2017, p.3 <https://commonslibrary.parliament.uk/research-briefings/sn04903/>
- 5 <https://www.congress.gov/bill/102nd-congress/house-bill/5334> ('community housing development organisations not sponsored by a for-profit organisation that acquires land and transfers ownership of any improvements on it to the long-term ground-lessees')

- 6 Section 107: "We will encourage the development of policies, tools, mechanisms and financing models that promote access to a wide range of affordable, sustainable housing options, including rental and other tenure options, as well as cooperative solutions such as co-housing, community land trusts and other forms of collective tenure that would address the evolving needs of persons and communities, in order to improve the supply of housing (especially for low-income groups), prevent segregation and arbitrary forced evictions and displacements and provide dignified and adequate reallocation. This will include support to incremental housing and self-build schemes, with special attention to programmes for upgrading slums and informal settlements." https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_71_256.pdf
- 7 https://ec.europa.eu/regional_policy/en/projects/europe/community-managed-land-and-affordable-housing-trialled-in-four-cities-in-north-west-europe SHICC was set up with support from the Interreg North-West Europe programme, within the framework of the European Regional Development Fund (ERDF).
- 8 <https://www.uia-initiative.eu/en/uia-cities/brussels-capital-region>
- 9 Algoed et al, *Op Cit.* p.5
- 10 Taken from: <https://cltb.be/en/the-model/>
- 11 A Foundation of Public Utility is a Belgian legal form for a not-for-profit foundation. See <https://www.issuelab.org/resources/16027/16027.pdf> p.16ff.
- 12 Taken from: <https://cltb.be/en/board-of-directors/>
- 13 Algoed et al, *Op Cit.* pp. 24-25
- 14 Algoed et al, *Op Cit.* p. 25
- 15 <http://www.communitylandtrusts.org.uk/what-is-a-clt/about-clts>
- 16 We are very grateful for preliminary guidance provided by Deirdre Ní Fhloinn BL and Roderick Maguire BL
- 17 Charities Act 2009, Section 3 (11)(b)
- 18 Provided by Deirdre Ní Fhloinn BL and Roderick Maguire BL
- 19 Summarised from SHICC/FMDV, *Urban Community Land Trust in Europe*, Brussels 2020. pp. 24-25 https://www.nweurope.eu/media/11838/shicc_eu-clt-guide_2020_en.pdf
- 20 *ibid.*
- 21 *Midsteple Quarter, A Blueprint for the Heart of Dumfries* https://static1.squarespace.com/static/5ee-a3071d39d763da060720c/t/5f130b9274141a786963447e/1595083708571/MSQ_Blueprint_2020_PRINT1.pdf
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