

Rural Policy Centre



Land Reform Review Group:
Response to Call for Evidence
SRUC, February 2013



Leading the way in Agriculture and Rural Research, Education and Consulting

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Introduction

SRUC (Scotland's Rural College) welcomes the opportunity to contribute to the call for evidence issued by the Land Reform Review Group (LRRG).

SRUC is an innovative, knowledge-based organisation that supports the rural sector through research, education and expert consultancy services. SRUC wishes to see, and contribute significantly to delivering, a sustainable agricultural and rural land use sector in Scotland. SRUC staff work in a broad range of areas (for more information see www.sruc.ac.uk) and our responses to the questions below reflect this broad expertise, and draw on our knowledge of existing evidence where appropriate.

This is the SRUC response which has been co-ordinated by SRUC's [Rural Policy Centre](#). The Rural Policy Centre aims to produce and disseminate impartial research and evidence to evaluate the impact of current rural policies and to inform the shape of future policies for the rural sector.

As requested, our response addresses each of the three elements of the LRRG's remit. For each objective, we have divided our comments into Existing Evidence and Changes to Consider.

1. To enable more people in rural and urban Scotland to have a stake in the ownership, governance, management and use of land, which will lead to a greater diversity of land ownership, and ownership types, in Scotland.

Existing Evidence

- Scotland has a diverse range of landowners, including private individuals, farming companies, sporting enterprises, trusts and charities, NGOs, institutions (such as the Crown Estate and Church of Scotland), the public sector (such as Scottish Water and the Forestry Commission Scotland), and communities.
- SRUC has wide-ranging experience of working in different ways with landowners of all types, including private estates, community groups and public sector organisations.
- For example, in the South East of Scotland, large estates with tenanted farms and small to medium sized family farms are the norm, and in our experience of working with both landowners and farming tenants, this system of land ownership generally works well. It is sometimes on large estates that the most positive, long-term environmental gain can be secured. There are many examples of real partnership working between local communities and landowners where substantial economic, social and environmental benefits have been secured for all parties involved.
- Recent work by the Centre for Mountain Studies at the University of the Highlands and Islands has explored the [role of private land ownership in upland Scotland](#). The research work and an associated booklet, which includes a community engagement toolkit, provide evidence regarding the role of estates in facilitating sustainable rural communities.
- At the same time, there is a substantial and growing body of evidence gathered by a range of different academics and organisations¹ that placing ownership of land (and other assets) into the hands of communities can bring varied and substantial benefits. These might be benefits for the communities themselves, and for Scotland as a whole, thus contributing to the Scottish Government's overall purpose of increasing sustainable economic growth. The benefits include: growing population and expanded housing provision, improved access to local services, new business start-ups and employment generation, increased community identity, social capital and confidence, and environmental improvements, including the generation of renewable energy and local scale food production. For many communities, owning the land is the foundation on which all other developments sit.
- It is apparent that Scottish Government support for community ownership has grown considerably in recent years. This is evident through, for example, the (2009) Community Empowerment Action Plan, the work of the (2011) Christie Commission and the Land Use Strategy (2011), which explicitly acknowledges that *'tenure arrangements which empower people and communities and help to connect them to the land around them can support our Objectives'*. This agenda is also evident in discussion of the benefits of community-led action in the Scottish Government's Regeneration Strategy (2011) and in the Scottish Government's policies on renewable energy developments.

¹ Including, for example, the Plunkett Foundation, Development Trusts Association Scotland, Carnegie UK Trust, independent evaluations of the BIG Lottery's Growing Community Assets Fund and Scottish Land Fund, Bryden and Geisler (2007), Macleod et al.'s (2010) and Slee et al.'s (2008) work on the impacts of the 2003 Land Reform (Scotland) Act.

For example, in the 2010 report on '*Securing the benefits of Scotland's next energy revolution*', it is acknowledged that to achieve '*long-term and tangible returns*' for local communities, they need to be empowered and receive advice and support at the grassroots level, although it is noted that considerable barriers exist to achieving this in terms of both onshore and offshore renewable energy developments.

- However, it is also important to recognise that there are instances where communities taking over ownership of land has proved challenging, has not brought benefits or takes considerable time to bring benefits, and indeed may have generated tensions both locally and outwith the local area. Community ownership of assets can also require considerable investment of public resource both in the buying phase and afterwards.
- A variety of circumstances exist across Scotland, for example, in terms of existing land ownership patterns, the capacity, aspirations and goals of communities to take on ownership responsibilities, and the support that is available. Rural Scotland is also hugely diverse geographically, economically, socially and culturally so the most appropriate solution for one community may not be so for another.
- Therefore, overall, SRUC believes that maintaining a wide range of ownership types is important for successfully delivering sustainable development locally and for Scotland as a whole. This might include food security, delivering against environmental and climate change challenges, or tackling the pressing demand for new jobs and new (affordable) housing in many rural areas. Flexibility is required in terms of models of ownership and management (including, for example, partnership-working, long lease, cooperative ownership).

Suggested changes

- It is important that all stakeholders maintain regular, informed dialogue to discuss the most favourable forms of land ownership and land management for all parties and interests. This can be supported by extensive programmes of education to improve knowledge and awareness amongst all actors (including those living in urban Scotland) regarding sustainable land management.
- The planning system needs to be flexible, take a broad long-term definition of sustainable development and engage all relevant stakeholders (locally, regionally and nationally) to ensure the most favourable land management regime is put in place. A proactive system which permits appropriate small-scale developments to boost local employment, housing and income levels, therefore enhancing the sustainability of rural Scotland, is important.
- Community ownership (of land and other assets) should be a choice, rather than something that is forced on communities (for example, as a result of the withdrawal of the state). Communities should enter into ownership fully informed about the considerable responsibilities that ownership brings, hence a need for full and transparent information to be available. While there are many examples of successful community landowners in the Highlands and Islands, it is not a panacea and success is never easy, requiring a great deal of sustained effort by all stakeholders.
- There are instances where close partnership working between landowners and rural communities brings significant mutual benefits, and avoids the responsibilities and costs for communities of owning the land. Sharing information on 'best practice' approaches of this kind will help to facilitate the establishment of similar close working elsewhere.

- There is a need for ongoing, objective research on the impacts and benefits of different types of land ownership. For example, SRUC researchers have recently conducted research into the links between [community land ownership and community resilience](#), and they are just beginning research work on the links between private (family) landlord's estate governance and management practices and approaches and rural community resilience. Further work will explore similar issues for the case of charity-owned land.
- It is important to investigate and address the reasons why community land ownership remains very much a 'Highlands and Islands' phenomenon, and how applicable it is to communities in other parts of rural (and indeed urban) Scotland.
- Are there lessons that can be learned from other countries (recognising the not inconsiderable differences that exist between countries with regard to land, history, etc) in respect of new or innovative models of land ownership and management?

2. To assist with the acquisition and management of land (and also land assets) by communities, to make stronger, more resilient and independent communities which have an even greater stake in their development

Existing evidence

- Alongside the change in legislation in 2003, there was the creation of an 'institutional and funding infrastructure', including the Community Land Unit in HIE, the Scottish Land Fund and Growing Community Assets Programme. Evidence suggests that this infrastructure has had a vital role to play in supporting communities in the acquisition and management of land.
- There is a large body of literature in a diverse range of subject areas and disciplines exploring the varying capacities of communities to engage in the local development process. This focuses on, for example, approaches for increasing capacity, barriers to increasing capacity, etc. Resilience is a term that is increasingly being used across a range of policy areas, although it remains inadequately defined. A thorough understanding of this literature and of the meaning of key terms will be vital to policy-makers working in areas such as community ownership of assets to ensure that appropriate support mechanisms are in place.
- The 'institutional infrastructure' mentioned above may be particularly important in supporting those communities with lower capacity. Maintaining this infrastructure in future is vital to avoid the risk of growing gaps between communities that have the resources to engage in the process and those that do not. It also helps to ensure that information, particularly on best practice examples, can be made freely available and widely shared.
- It is important to note the link between the work of the LRRG and the development of the Community Empowerment and Renewal Bill. SRUC would urge those involved in both policy areas to maintain regular dialogue to ensure a joined up approach and that evidence and information is shared for mutual benefit. One particular area of mutual interest is that of the right-to-buy of urban communities, and the potential to learn valuable lessons from reform of land ownership in a rural context. Similarly, learning lessons from rural areas for Scotland's small towns and town centres, coalfield

regeneration areas, other former industrial settlements, etc. will also be important. While it is important to recognise the differences between urban and rural communities, there are dangers in creating different systems as this may create gaps in coverage and confusion, and may lead to duplication of effort.

Suggested changes

- Where perhaps there is less support available is for communities post-purchase, and ways to enhance communities' access to the experience and skills needed for managing land and estate ownership after purchase may be an issue that the LRRG wishes to explore in more detail.
- Access to finance, both public and commercial, is essential for communities wishing to explore and take on the ownership of land. However, accessing such finance can be a significant barrier to community ownership.
- Accurate maps of land ownership need to be referenced to the Land Registration legislation.
- It is important to remember that 'community' is very hard to define. Inevitably some local people will be excluded and disenfranchised from moves towards community ownership. Defining urban communities is no less complicated, as an urban community may be large (in terms of numbers of people) and arguably more mobile and disparate than a rural community. It may be appropriate to explore workable ways in which communities can self-define (rather than using postcodes for example).

3. To generate, support, promote and deliver new relationships between land, people, economy and environment in Scotland.

Existing evidence

- Overall, evidence seems to suggest that the public access element of the 2003 Land Reform (Scotland) Act appears to be working reasonably well, and it seems there is little need to substantially change this element. Nonetheless, there are some examples of instances where lack of knowledge and information has created problems between landowners and those who wish to access the land, suggesting that further education and awareness-raising activities could be useful.
- Broadly speaking, the 2003 Land Reform (Scotland) Act could be seen as representing a welcome move to create more positive relationships between people and the land. In particular, it empowers communities and strengthens their position with regard to purchasing and owning land.
- There are also examples of positive, progressive relationships that are emerging across Scotland's diverse land ownership mix - such as increasing partnership working between private land owners and community groups - which are not being driven directly by legislation.

Suggested changes

- It is almost 10 years since the 2003 Land Reform (Scotland) Act and it may be that more frequent reviews should be undertaken to keep track of progress so that legislation and the associated 'institutional infrastructure' and funding programmes remain relevant.
- As well as joint working with those engaged in the development of the Community Empowerment and Renewal Bill, it is important that the LRRG engages with those working on related activities, such as the Woodland Expansion Advisory Group and crofting reform. The Land Use Strategy for Scotland represents the key 'lens' through which this engagement and joint working should happen, as this takes a strategic approach to achieve a more integrated approach to land use.
- The LRRG may wish to consider a range of options to promote 'better' land management in instances where evidence suggests that this is not being carried out in a favourable way, for example, in designated areas such as SSSIs. This is in support of the Government's stated role of *'exerting positive influence upon the management of land to deliver wider public benefit'* as set out in the Land Use Strategy.
- It is important that existing 'good practice' – wherever and in whatever type of ownership or relationship it occurs – should be better understood, facilitated, disseminated and its uptake by others in appropriate circumstances encouraged.
- It is important that all policy areas within the Scottish Government - including rural communities, urban regeneration, housing, transport, etc. - work together to ensure that the overarching Scottish Government purpose of increasing sustainable economic growth is achieved. Capacity-building and culture change are needed amongst all key stakeholders, and access to resources - including support, information, knowledge and understanding of sustainable land management - is critical.