

Land Reform Review Group

Interim Report

10th May 2013

This report has been prepared by Alison Elliot and Sarah Skerratt, members of the Land Reform Review Group, drawing on the Group's work from August 2012 to April 2013, during which time James Hunter was also part of the Group.

Executive Summary

1. In July 2012, the First Minister, Alex Salmond MSP, announced the formation of an independent **Land Reform Review Group** (LRRG), whose remit is to:
 - a. 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;
 - b. 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;
 - c. Generate, support, promote and deliver new relationships between land, people, economy and environment in Scotland.

2. The Review Group's **timetable** runs from August 2012 through to April 2014, and has three Phases:
 - a. **Phase 1:** August 2012 to April 2013: visits, meetings and Call for Evidence, enabling the breadth of land reform issues to emerge from stakeholders. [Interim Report]
 - b. **Phase 2:** May 2013 to December 2013: more targeted and focused review based on emerging themes from Phase 1. [Draft final report]
 - c. **Phase 3:** January to April 2014: refining the recommendations from the draft final report. [Final Report]

3. The **May 2013 interim report** represents the thinking and position of the LRRG thus far, based on evidence received through visits, meetings and the Call for Evidence (October 2012-January 2013). It also outlines indicative next steps in terms of themes which are likely to be the focus of investigation in Phase 2 of the Review.

4. **Section 1: Introduction to our Review - an Outcomes-based approach**
 - a. Anticipated outcomes form the basis of our Review. These include wider outcomes: a fairer society; a more democratic society; and respect for human rights.
 - b. Taking this approach means that land reform sits within complexities of empowerment rather than solely reflecting concerns about land use.

5. **Section 2: Our Remit, and design of the Review process:**
 - a. The broad Review Remit entails a review of the legislation of 2003 as well as the task of considering how the benefits of community ownership could be extended to more communities through the exploration of new relationships between land, people, economy and environment in Scotland.

- b. The Review Group comprises Dr Alison Elliot (Chair), Dr Sarah Skerratt (Vice-Chair), and Ian Cooke (Vice-Chair) who succeeded Prof Jim Hunter in April 2013.
- c. The Review's 12 Advisers input and guide the Review Group. Their expertise covers urban and rural land use, planning, governance, community land ownership and management, crofting, private estate ownership and management, access legislation, rural housing, forestry, and community-led regeneration.
- d. The work of the Group is supported by the Review Secretariat.
- e. Alterations to timescale:
 - i. There was a substantial response (approximately 500 submissions) to the Call for Evidence;
 - ii. We received a Freedom of Information inquiry;
 - iii. Due to Right to Buy being explored in the Community Empowerment and Renewal Bill, we spent time reviewing the extent of potential alignment with this legislation;
 - iv. establishing media support;
 - v. Professor Jim Hunter's resignation from the Review Group in April 2013.

6. Section 3: Approaches and Activities

- a. Our strategy from the outset has been deliberately to cast the net wide in the approach to evidence-gathering, in order not to constrain people's definitions of "land reform".
- b. Call for Evidence process was initiated in October 2012 with a deadline of 11th January. The Group see these important submissions as one source of evidence to inform the Review.
- c. Other sources of evidence are events, visits and meetings, which we undertook from August 2012 through to April 2013.

7. Section 4: Where have we reached at this interim reporting stage?

- a. **Enabling more people in rural and urban Scotland to have a stake...**
 - i. This section of the remit points the review in three directions: towards parts of rural Scotland that have not embraced community ownership as enthusiastically as its heartland in the North West of the country; towards urban Scotland, which was not covered by the Land Reform (Scotland) Act 2003; and towards forms of engagement that give people a stake in the land without going as far as ownership.
 - ii. Given the evidence from Phase 1, we plan to assess these elements further in terms of spread of community interest and land ownership across Scotland, and specifically encompassing urban experiences and evidence.
 - iii. We also plan to examine examples of shared governance, management and use of land, to inform better practice. We hope that it will be possible to explore both estate-led and community-led examples.

b. Assist with the acquisition... of land... by communities...

- i. We will propose ways of simplifying the LRSA process of Community Right to Buy and explore its application to an urban context. We will also consider the creation of a Land Agency as a space for mediated negotiation of land purchases as well as other mutually-beneficial shared arrangements for management and governance of land.
- ii. We will explore the existing network of support agencies and consider the potential role of an Agency for enhancing the support communities have for dealing with external challenges, such as State Aid, the sale of public assets and the involvement of communities in early stages of the planning process.
- iii. We would also seek to examine processes and safeguards which could be put in place for communities, in order to ensure that their resilience and strength are enhanced through community land ownership.

c. Generate, support, promote and deliver new relationships...

- i. We aim to explore the examples identified in the Review of positive relationships and partnerships, and consider minimum engagement standards and landlord accreditation for active engagement, as well as the possibility of sanctions where engagement is evidently (and repeatedly) not forthcoming.
- ii. Affordable housing, community growing and the provision of small business units offer constructive opportunities for working towards shared outcomes.
- iii. Relationships between rural and urban communities will be considered in the context of community energy.

d. Further tasks

- i. We will be exploring the themes, as outlined above (a-d), for the three parts of our Remit. Further:
- ii. **A Land Agency:** we set out the potential (conflicting) roles for a Land Agency, including a neutral positive space for dialogue, a negotiation space for amicable purchase, a function to determine what is in the public interest, and enforcing minimum standards of engagement and sanctioning where appropriate. The Review Group fully appreciates the distinctions between these functions and thus plans to explore these in Phase 2.
- iii. **Tenant farmers:** through the submissions and visits, we are aware of the complexities of farming tenancies. This aspect of rural Scotland is clearly problematic and requires sensitive and expert attention. For the LRRG to address these issues would be to interfere with the work of the TFF and to stray considerably away from our remit which focuses on communities rather than relationships between individuals. We urge the TFF to respond constructively to the tenants' concerns and proposals. Having spent time on the issue during the first phase of the review we would be interested in

sharing perspectives with the TFF through our advisers as appropriate but we do not intend to report further on this matter, except where it can be addressed within the context of community ownership.

- iv. **Access:** we received a significant number of responses on this matter, and issues arose through visits. General agreement is that there is little appetite for legislative change. However, there were concerns surrounding implementation, with the view that most of these concerns could be resolved by better implementation of the Access Code. This is the core business of the National Access Forum. We therefore propose to share the evidence from the LRRG with the NAF and invite them to review it and report back to the LRRG.
 - v. **Issues outstanding:** The Crown Estate, common good land, taxation and succession have not featured in Phase 1 but may be addressed if they can throw light on topics that are part of Phase 2.
8. **Appendices:** We have set out in our Appendices details concerning processes and evidence submitted to the Review, Specifically:
- a. **Appendix A:** Visits, Events and Meetings
 - b. **Appendix B:** Private Estates submissions
 - c. **Appendix C:** Land Reform (Scotland) Act 2003 Community Right to Buy
 - d. **Appendix D:** List of Land Reform Review Advisers

Acknowledgements and Disclaimer

The authors of this Report, Dr Alison Elliot and Dr Sarah Skerratt, would like to acknowledge the previous vice-Chair, Professor Jim Hunter, for his contribution to the first nine months of the Review. Further, we would like to acknowledge the specialist input and feedback from the 12 Review Advisers. However, we would also like to note that the views represented in this Report are those of the authors, based on a thorough review of the evidence presented to them thus far through the Review process. They do not, therefore, necessarily represent the views of our Advisers or former vice-Chair.

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Section 1 Introduction to our Review: An Outcomes-based approach

Land reform is generally characterised by the outcomes that it seeks to achieve.

- The Land Reform Policy Group characterised the objective of land reform as that of removing the land-based barriers to the sustainable development of rural communities¹
- Andy Wightman links land reform to a process of redistributing power over land by means of redistribution, land tenure and taxation policy.² He sees the land reform struggle as a struggle to reform, to change, the legal and economic framework that today still constrains too many people from realising their potential.
- Scottish Land & Estates³ quote a paper by Warren and McKee (2011) which states that land reform is about finding a mix of rights and responsibilities which will facilitate the development of a healthy society and a healthy environment.

It is clear even from these quotations that land reform is not only, or even mainly, about outcomes for the land itself, in terms of agricultural productivity or landscape values or other goods, but rather that it focuses on the way in which land, its use and ownership contribute to outcomes for society and communities.

The new idea in the Land Reform (Scotland) Act of 2003 (LRSA) was that of establishing a procedure and committing resources to enable communities to buy land. The purpose of doing this was not simply to create a more diverse pattern of ownership (although this was one of its goals) but also to release, through the challenges and the fruits of ownership, skills and confidence that had been inhibited in these communities. The wider provisions of the Act recognised the fragility of some communities and so the need, not just for solutions that play out in the law courts and the Parliament, but also for supportive mechanisms, in funding and capacity building, that allow the laws to take root successfully.

The present Land Reform Review Group (LRRG) can draw on what has been achieved and what difficulties have been encountered in the area of community ownership in the ten years since the legislation came into force. The Review also takes place in the context of a wider concern for community empowerment, which can in some cases be facilitated through ownership of land and assets, but which can also be enhanced by other relationships between land and community, such as leasing or partnership or other models.

The remit of the Review Group⁴ sees land reform as contributing to the success of Scotland for future generations. It identifies outcomes which the Scottish Government anticipates that land

¹ Land Reform Policy Group *Recommendations for Action* January, 1999, The Scottish Office, p4

² Wightman Andy, *The Poor had no Lawyers* 2010, Birlinn

³ Scottish Land & Estates, *Response to the Scottish Government's Land Reform Review Group* February, 2013

⁴ <http://www.scotland.gov.uk/About/Review/land-reform/Remit>

reform can achieve, namely, a greater diversity of land ownership, stronger, more resilient and independent communities and new relationships between land, people, economy and environment in Scotland.

These outcomes are valuable and important. Yet even more ambitious outcomes can be identified for land reform.

A fairer society

Many people see land reform through the lens of the distribution of landownership. Scotland has significantly large private landholdings and the discretions of ownership allow a few people to make decisions about large parts of the country's land resource and also in some cases about the options available to people who live their lives on it. While many of these will be good decisions, it is an expression of the material inequality in the country that this situation obtains. Making land ownership available to a greater number of people and a variety of owners is therefore seen as a way of contributing to a fairer and more just society.

A more democratic society

Land is predominantly owned privately, whether by individuals or by companies or trusts, but it is also owned by the state, by the Crown, by public bodies, by non-governmental organisations and by communities. Given that land is a precious resource for a society, the transparency of how decisions about it are made is an important consideration for a democratic country. Clearly, there is increasing regulation covering the process of land management, directly and indirectly through conditions on acquiring public funds which goes some way to addressing concerns that this resource should be managed responsibly, but the discretions of private ownership still leave much unscrutinised.

Respect for human rights

A free society also has to respect the rights of an individual with regard to his or her property. The European Convention on Human Rights, at Article 1, Protocol 1,⁵ states

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a state to enforce such laws as it seems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

Central, therefore, to a consideration of land ownership lies the concept of the public interest and the tension between it and individual human rights.

The UK Government has a responsibility, however, not only to uphold the ECHR but also to respect the UN Covenant on Economic, Social and Cultural Rights,⁶ which, at Article 11, recognises the right

⁵ <http://www.hri.org/docs/ECHR50.html#P1.Preamble>

⁶ <http://www.hrweb.org/legal/escr.html>, ratified by the UK in 1976

of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing and to the continuous improvement of living conditions. Realising these rights puts demands on how land is used; satisfying the need for affordable housing, or healthy food, or opportunities for employment requires access to land and so improving that access can enhance the possibility of achieving better human rights in the country.

Looking at land reform through the lens of the outcomes set for it, such as those articulated above, opens up a range of aspirations and new possibilities that have the power to connect with communities throughout the country. Recognising this complexity and welcoming it has informed the approach the Review Group has taken to its task.

Section 2: Our Remit, and design of the Review process

2.1. Land Reform Review Remit

The group was given a wide-ranging remit⁷ which entailed a review of the legislation of 2003 as well as the task of considering how the benefits of community ownership could be extended to more communities through the exploration of new relationships between land, people, economy and environment in Scotland. The core of the remit is that the group should identify how land reform will

- 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
- 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
- Generate, support, promote and deliver new relationships between land, people, economy and environment in Scotland.

The remit therefore seeks to extend the effects of the legislation to more communities, in particular urban ones, to facilitate the process of acquisition and to address wider questions of relationships that can be mediated by land.

2.2. Membership of the Group

Dr Alison Elliot was appointed Chair of the Group. Dr Sarah Skerratt and Professor James Hunter were appointed as Vice-Chairs. In April, Professor Hunter resigned for personal reasons and Ian Cooke was appointed in his place.

2.3. Advisers

An important resource for the Review Group is the advisers appointed by the Government to the LRRG⁸. Each brings expertise that is critical for the review and serves in an individual capacity. There are periodic meetings where the whole group of advisers come together (three so far) but there are also various opportunities for advisers to assist the group on an *ad hoc* basis outwith the formal meetings. Occasionally advisers accompany the group on visits and this has helped to build strong relationships between the group and their advisers. Looking ahead, it is likely that sub-groups of advisers will be formed to address particular questions. Advisers have also commented on working papers and this has provided invaluable feedback and guidance to the thinking of the Review Group.

2.4. Secretariat

The LRRG has the support of Scottish Government staff. Dave Thomson was appointed in October, 2012, as Head of the Secretariat and Pamela Blyth joined him in January, 2013. The

⁷ <http://www.scotland.gov.uk/About/Review/land-reform/Remit>

⁸ <http://www.scotland.gov.uk/About/Review/land-reform/Advisors>

group are grateful for the support they give and anticipate that their role will become even more important in the following stages of the review. Dave and Pam sit beside the Community Right to Buy Branch of the Food, Drink and Rural Communities Division in Saughton House and the group wish to record their thanks also to Heather Holmes and her team for the support they have given.

2.5. Alterations to timescale

The review has come up against some hurdles that were not expected and that have made it difficult to achieve the goals set for Phase 1.

- The extent of the response to the Call for Evidence was far greater than expected. If there had been around a hundred submissions, it would have been possible to analyse them by the end of January and begin more focused consideration of what was to be covered in the interim report. However, there were up to 500 responses received. While this was welcome as an indication of the significance of the topic, it did create difficulties as members of the group had to scrutinise more documents than they had expected. Scottish Government Social Research put out an Invitation to Tender for a descriptive analysis of the submissions and the report by ODS (Offering Different Solutions) is now available. While that analysis is valuable, it does not cover all the detail or some of the more idiosyncratic proposals in the submissions, so members of the group are continuing to read the submissions in detail.
- Immediately after the deadline for submissions in January, a Freedom of Information request was received that the full set of submissions should be made public. This request was dealt with by the Secretariat but it did have an impact on how the group approached analysis of the submissions. Uncertainty over whether confidential responses would be made public worried some respondents and did nothing to enhance the trust some people felt towards the group or the process.
- In September, 2012, submissions closed for the consultation on the Community Empowerment and Renewal Bill (CERB). One of the consultation questions asked whether there should be a community right to buy for urban communities, along the same model as that for rural communities in the LRSA. Review of these rural provisions was, of course, part of the agenda for the LRRG. The timescales for the LRRG and the CERB were not ideally aligned but the two teams have shared their perspectives on issues common to the two.
- Media support for the Group took a long time to be established. It was only in February that Stripe Communications was appointed as media advisers. This meant that some five months were lost in terms of systematically publicising the existence and work of the review
- In mid-April, Jim Hunter made the difficult decision to stand down from the LRRG for personal reasons. He had made an incomparable contribution to its work, drawing on his detailed knowledge of crofting and Highland communities past and present and offering advice from his experience of the features of public Commissions and other bodies. He left detailed working papers for the group but this report has suffered from his departure.

Section3: Approaches and Activities

3.1. Review Strategy – casting the net wide

For the first phase of the review, the strategy was deliberately to cast the net wide in the approach to evidence-gathering. The LRRG set itself in listening mode, to be receptive to the issues and concerns that people defined as being land reform issues. In the autumn, several invitations were received to attend conferences or seminars or to visit projects and estates and the group did its best to accept these invitations as a way to collect information about the wider aspects of the subject.

Although the LRRG could see the potential of land reform for addressing issues right across the country, in urban as well as in rural areas, they were aware that the subject was generally seen as one which applied principally to estates and communities in the Highlands. They therefore planned a series of events during this first phase to look at land reform with different audiences. Issues of urban land reform were raised at a meeting and visit to Greenock; the experience of implementing parts 2 and 3 of the 2003 Act was the topic of meetings and visits to the Western Isles and Fort William; the question of why community ownership is not often found in the South of Scotland, despite its sharing difficulties with many Highland communities, was the theme of an invited and an open meeting in Dumfries; and the relation between land reform and human rights was the title of a debate at The Gathering, the Third Sector fair at the SECC in Glasgow.

3.2. Call for Evidence

In accordance with the approach of keeping the review wide at the start, the group issued a call for evidence⁹ which allowed the respondent to identify the issues most important to them, to outline a vision in that connection, specify the barriers to achieving that vision and indicate any suggestions for how these barriers might be removed. This call was emailed to some 1,000 stakeholders on a list kept by the Food, Drink and Rural Communities Division of the Scottish Government.

As a way of emphasising that the group were interested in a range of aspects of land reform, the call included a list of topics which could be covered by such a remit, while making the point *that these examples are listed here to indicate the potential scope of our enquiries (and to encourage submissions under these and other headings) rather than as pointers to our thinking.* (Call for Evidence p.3). Several submissions took this as an invitation to make comment on the topics in the list, rather than proposing other issues which the review might cover. As an attempt to broaden the agenda for the group by eliciting suggestions from the respondents, therefore, this strategy was less successful than had been hoped.

In particular, there was very little response from individuals or organisations in an urban context. The respondents generally saw land reform as a rural issue, although urban questions were included in some responses from national, voluntary representative or other organisations. It may be that this was the result of ‘consultation fatigue’¹⁰ on the part of urban

⁹ <http://www.scotland.gov.uk/About/Review/land-reform/CallforEvidence>

¹⁰

<http://basedrones.wordpress.com/2013/04/15/consultation-consultation-consultation-on-land-use-and-allotments/>

organisations who had just completed the Community Empowerment and Renewal Bill consultation. The LRRG does have access to these responses so expects to be able to use these as an element of its exploration of urban issues.

The Call was issued on 4th October, 2012, with a deadline of 11th January, 2013 (extended to 18th January). By that deadline, 475 submissions had been received and the group commissioned a research organisation to carry out a descriptive summary of the responses¹¹. At the time of writing, submissions are still coming in.

Submissions ranged in length from a couple of paragraphs in an email to the submission by Scottish Land & Estates, which ran to 266 pages, including reports of research the organisation had commissioned. The LRRG is grateful to all those who submitted a response. However, they are conscious of the fact that this is only part of the material that will be relevant to the review. The respondents were self-selected, so do not cover all the views available. In this case, there was also an apparent cultural divide between those comfortable with making a submission to a Government consultation and those who were unused to this process or suspicious of it. One example of this was from some tenants who indicated that they were fearful of speaking at open meetings, or even of putting their concerns on paper, because of possible recriminations should their landlord hear they were expressing these views in public.

The submissions from respondents are therefore an important source of information for the group and in some cases offer ideas and perspectives that would not have been elicited in other ways. However, they take their place alongside other sources of information for the review, such as material gleaned from the events, visits and meetings that the group held as well as their background reading and research, input from the advisers and from the Community Right to Buy Branch of the Food, Drink and Rural Communities Division of the Scottish Government.

3.3. Events, visits and meetings

From the start, the LRRG was keen to hear directly from people who had experience in the various areas that land reform covers and so embarked on an extensive programme¹² of visits and events. In the early months of the review, most of the visits were in response to invitations received by the group and later the group initiated visits themselves. Many of the visits were to private estates or to community trusts, where members of the group spent a day seeing some of the activities undertaken by the organisation and meeting a range of people who worked there. Sometimes the group met the office bearers or key officials of an organisation in its office premises. On occasion, an organisation would prepare a presentation for the group or lay on a seminar outlining its work or its submission to the Call for Evidence. The LRRG also attended conferences and seminars that were of relevance to its work.

In September, before the Call for Evidence was issued, the group set up meetings with people and organisations whose views were expected to have a strong influence on the evidence collected during the review – Andy Wightman, Scottish Land & Estates, Community Land Scotland and

¹¹ Offering Different Solutions

¹² See Appendix A

Development Trusts Association Scotland. These meetings were useful in introducing the group to key stakeholders and allowed the group to hear their perspectives directly from them. In the course of the review, the group has continued to meet most of the people involved in these initial meetings on several occasions.

Section 4: Where have we reached at this interim reporting stage?

Introduction: implications of evidence and learning for the Review

This section of our interim report now turns to examine how the evidence outlined above and in our appendices, and the learning from the visits and meetings, feed into the 3-part Remit of the Review, and guide the next steps of our Review process. It is also important at this point to identify themes that are pertinent to the Review which have not yet featured strongly in the evidence gathered.

As outlined earlier in our report, the core of the remit is that the Review Group should identify how land reform will:

1. 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;
2. 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;
3. Generate, support, promote and deliver new relationships between land, people, economy and environment in Scotland.

We now briefly explore these in turn, setting out key themes and likely next steps for Phase 2.

4.1. Enabling more people in rural and urban Scotland to have a stake...

This section of the remit points the review in three directions: towards parts of rural Scotland that have not embraced community ownership as enthusiastically as its heartland in the North West of the country; towards urban Scotland, which was not covered by the LRSA; and towards forms of engagement that give people a stake in the land without going as far as ownership.

4.1.1 At the end of Phase 1 of our Review, there is an unknown which persists: how and why the pattern and type of community ownership differs across the country. Some understanding of these differences would be valuable in identifying how more communities could share the benefits which are claimed by communities that have taken ownership or whether other models of land-based empowerment might be appropriate for different geographical areas.

An initial survey of programmes that support and strengthen rural communities would offer a starting point for this tranche of Phase 2. Growing Community Assets and LEADER programmes will indicate what kinds of projects have been proposed for different communities, what outcomes they are seeking, whether land ownership is part of that and what aspirations and motivations drive these initiatives. Systemic features associated with the success of these projects, such as access to funding, planning issues, capacity or governance arrangements will be identified and their

significance for land-based models of empowerment explored. Characteristics of different types of owners – private, public bodies, NGO owners - will be noted in particular.

4.1.2 Of equal importance in Phase 2 is that we will increase our focus on urban Scotland. With the exception of a small number of visits (see Appendix A) and a few submissions to the Call for Evidence, our review work has been primarily rural, so we will be pursuing urban initiatives more systematically in Phase 2.

To start this part of Phase 2, a similar survey of funded projects and support organisations will be carried out, and the features of successful regeneration projects will be identified. It is expected that the urban context will raise different challenges in terms of the complexity of ownership patterns, the greater role of local authorities and the nature of the asset that is the focus of the community's ambitions. The work in this area will be informed by the development of the Community Empowerment and Renewal Bill.

4.1.3 This part of the Review Remit also extends to enabling more people to have a stake in the governance, management and use of land. We therefore aim to explore a range of initiatives already in place which support these particular goals.

In our visits, various programmes of shared activity between communities and estates were demonstrated and Appendix B identifies examples from LRRG submissions where private estates have taken the initiative in enhancing shared governance and decision-making over land use. Identifying good practice and also experiences of what does not work well will be explored.

In addition to these estate-led initiatives, it is important to identify land-based examples of partnerships and grass-roots initiatives that are community-led.

4.2 Assist with the acquisition... of land... by communities...

For a community to acquire and sustain land (or a land-based asset) is a serious business that presents considerable intrinsic challenges of capacity, leadership, energy and economic resources. The LRSA was meant to facilitate the process of acquisition but there is a commonly held view that that process is more complex than is necessary and that it could be simplified. Beyond this, there are external challenges that any landowners face in this situation such as planning restrictions, financial controls, participation in wider partnerships and governance bodies, where appropriate support could be offered. There are also challenges ahead that are unknown, (because the model of community ownership is still in its infancy) but anticipated, such as the impact of ownership on wider community dynamics, the (creative) tension between running a business and enabling community participation in it, sustaining momentum and succession planning.

4.2.1 Not all communities that acquire land or assets use the processes of Part 2 of the LRSA to do so, but some do. Appendix C summarises some of the points that are frequently made to argue that one of the reasons for the modest take-up of the Community Right to Buy (CRtB) is the complexity of the process, and it outlines proposals that have been made for its simplification. The LRRG believe that this route, of registering and exercising a right to buy property when it is offered for sale, is one which communities will find valuable in a simplified form. They also see no reason why this

opportunity should not be given to urban communities as well. They therefore recommend that a short-life working group of people who have experience of using and administering this process should be convened to produce a process that is acceptable to stakeholders and legally appropriate, and that membership of this group should include representatives of the Scottish Government's Community Empowerment Unit .

Appendix C also introduces the idea, proposed by Community Land Scotland (CLS), that there should be a Land Agency to facilitate the mediated negotiation of the sale of land to communities. In extreme cases where agreement cannot be reached, they propose that a sale should be imposed, if it is in the public interest. The CLS proposal was limited to negotiating between a single landowner and a single community body, but it would be worth exploring its potential for facilitating ownership by partnerships, such as those between a community and a charity. Indeed the value of such an agency may be broader than supporting land purchase by communities and it could have the potential to become a neutral space for parties to meet and identify mutually-beneficial shared arrangements for management and governance of land, one of which may be ownership (See 4.4.1 below).

Key to the viability of the Agency is a robust understanding of what counts as being in the public interest in this case. If land reform is going to make progress, it is important to address this question and so this will be a key investigation for Phase 2.

4.2.2 Challenges arising from the external environment of government agencies have been identified in the LRRG submissions and we expect that exploring these challenges will be an important part of Phase 2. Several organisations and agencies already give support to communities in this situation – HIE, the Lottery, DTAS, COSS and so on give a valuable service already. There is appetite in the submissions for spaces beyond these, where a wider engagement might take place, particularly between private estates and local stakeholders. Part of Phase 2 will involve exploring whether a single Agency can encompass these various functions, identifying what gaps there are in the opportunities for engagement and seeing how they might be filled.

There are suggestions that communities should be much more active in the early stages of the planning process and should have a greater say in local development plans. There are also well known difficulties with the implementation of State Aid rules and confusion over whether and in what circumstances public bodies should be able to sell assets at less than market value. The LRRG provides an opportunity to clarify and promote some of these issues.

4.2.3 Challenges surrounding the dynamics within communities that take ownership of assets are important, if difficult to address. The remit requires the LRRG to assist with land and asset acquisition with a view to making *stronger, more resilient and independent* communities. It should also be recognised that ownership can present significant challenges and can place additional pressures on communities. While it is in the nature of empowerment that communities should be in charge of their own future, whatever the dynamics within them, there may be safeguards that could be put in place to support them through the developments that they have taken on.

4.3. Generate, support, promote and deliver new relationships...

Land reform is a means for achieving particular outcomes for people and communities. Insofar as it is successful in engendering stronger, more resilient and independent communities, that is going to change the kinds of relationships that exist between owners and communities throughout the country. We have been concerned at finding communities that are fearful of expressing their views in public in case of recriminations against them, as well as landowners who are hesitant to approach community bodies for fear of rebuff. We have a long way to go in Scotland before we have established a modern relationship between landowner and community based on recognition of people's human rights as well as their economic, social and cultural rights.

Two approaches can be taken to facilitate changes to the 'engagement landscape' in addition to empowering communities through their involvement with the land. More opportunities for engagement can be provided as well as incentives for pursuing it and common outcomes can be identified which call on the energies and commitment of the whole community and around which people can gather. Also under the rubric of new relationships comes the relation between urban and rural Scotland, which has come under the spotlight as a result of the access provisions of the LRSA.

4.3.1 Engagement is best when undertaken voluntarily and naturally and we have discovered good examples that already exist of positive relationships and partnerships, some of which are recorded in Appendices A and B. However, these practices are not universal and so it is worth exploring, with representatives of landowners and of communities, whether minimum engagement standards might be established and whether an accreditation system for active engagement by landlords could be considered, with possible sanctions where such engagement is evidently (and repeatedly) not forthcoming.

Partnerships and space for engagement between multiple stakeholders (such as local authorities, third sector bodies, government agencies, planning authorities) may be a more common feature of less rural parts of the country and it will be a task for Phase 2 to monitor the progress on place-based regeneration decisions involving land in urban and peri-urban communities to see what practice might be extended to other parts of the country.

4.3.2 Coming together round a particular project is often easier than having an open agenda. In looking at land reform through the lens of outcomes, it has been useful to consider some of the particular practical outcomes that communities have when they buy land. Affordable housing and space for community growing are prominent among these outcomes, as well as a demand for small business units. There are indications that many owners are keen to provide land for these activities, whether for sale or for leasing, but on occasion there are planning restrictions which complicate the position. As practical case studies of positive engagement, these issues would be worth pursuing.

4.3.3 The relationship between urban and rural Scotland is a huge topic. The LRRG noted that discussion round access revealed that many urban dwellers are unfamiliar with how to treat the countryside responsibly and the idea of twinning urban and rural communities was raised in the submissions. A practical area where both have an interest is in the development of community energy. Many communities are discovering the benefits of the development of renewables and the opportunities that this presents for facilitating ownership of land and assets. There is, however, a

concern that the benefits of community energy could be better distributed round the country to enable more communities to become strong, resilient and independent and so the LRRG are keen to keep this matter on its agenda.

4.4. Further tasks

4.4.1. A Land Agency.

It is important to have clarity over the possible roles of a Land Agency. The Review Group would need to explore, and differentiate, between (for example) the following features, each of which has been proposed in discussion for such an agency:

1. A neutral, positive space for dialogue between different stakeholder interests to reach agreement over land management, potential leasing, and governance for particular pieces of land of varying size and scale;
2. A negotiation space to enable the amicable purchase of land by a community from a private owner;
3. A function to determine what is in the public interest and powers to enforce this where negotiation (repeatedly) fails;
4. A role of setting out, and enforcing, minimum standards of engagement, and for sanctioning where appropriate.

The Review Group fully appreciates the distinctions between these functions, and the potential conflict between them, such as being a “neutral positive space for dialogue” and also a “negotiation space for purchase of land by communities”; or being a “neutral positive space for dialogue” alongside having a sanctioning role. Given this, in Phase 2, the Group would seek to clarify the potential delivery of these components either by a (single) Land Agency, and/or through working together with other agencies and bodies, some of which may already deliver elements of this wide (potential) remit. Given the public sector financing constraints, the Group would also seek to examine options for sharing the costs of such a Land Agency, by working with/alongside other existing agencies, bodies and initiatives.

4.4.2. Tenant Farmers

We received many written submissions about the circumstances surrounding farming tenancies, and saw first-hand through a range of visits and meetings how complex these could be. We met some tenant farmers who were satisfied with their situation and others who were deeply frustrated by their circumstances, in which they believed their enterprise was being thwarted. Several of the latter expressed a strong wish for an absolute right to buy their farm. However, we were also alerted to the breadth of issues which such an absolute right would raise, both for estates and for the tenancy sector as a whole and we noted that the Scottish Tenant Farmers Association does not recommend such a course of action.

Agricultural tenancies are complex and the Tenant Farming Forum (TFF) already provides space for informed discussion and advocacy on tenancy matters. Currently on their agenda are issues which were causing distress to the farmers we met – the conduct of rent reviews, recognition of investments made in the farm, and opportunities for diversification – as well as some of the measures proposed as ways of alleviating some of the concerns – consideration of succession and the assignation of tenancies. We urge the TFF to respond constructively to the tenants’ concerns and proposals.

Landowners also expressed anxieties with regard to their relations with their tenant farmers in connection with the difficulty of intervening when a tenant was not farming the land appropriately and productively, and of ageing farmers choosing to remain on their farms whilst becoming less and less active.

This aspect of rural Scotland is clearly problematic and requires sensitive and expert attention. For the LRRG to address these issues would be to interfere with the work of the TFF and to stray considerably away from our remit which focuses on communities rather than relationships between individuals. Having spent time on the issue during the first phase of the review we would be interested in sharing perspectives with the TFF through our advisers as appropriate but we do not intend to report further on this matter, except where it can be addressed within the context of community ownership.

4.4.3. Access

Part 1 of the LRSA introduced a general right of access across the country for recreational and educational purposes, supported by the development of the Scottish Outdoor Access Code (SOAC), devised and promoted by Scottish Natural Heritage and approved by Ministers. Local authorities were required to develop a plan of core paths for their area so that the public would have reasonable access through the area. The local authority was to ensure that the paths were maintained and kept free from obstruction and a local access forum had to be appointed in each local authority area to provide advice as necessary on access rights and core paths.

There was a significant number (120 responses, or 25%) of submissions to the LRRG on this matter¹³ and issues of access arose in several of the visits made by the Group. In general, there was agreement with the view of the *Overview of Evidence on Land Reform in Scotland* that ‘there is little appetite amongst access stakeholders for significant changes to the provisions of Part 1 of the Act.’¹⁴ However, there were concerns that its implementation was not as successful as it might be. Blocked access, dog fouling and dogs not under control, tension between anglers and canoeists, damage by mountain bikes and horses, and difficulties surrounding wild camping were some of the issues raised. Members of the Group were given a presentation by the Loch Lomond and Trossachs National Park which graphically highlighted their concerns. The Park made some specific proposals, including a Norwegian model that combined provision of camping sites with restriction of camping near to the roadside, and the proposal of fixed penalty notices for behaviour that broke the SOAC.

¹³ *The Land Reform Review Group: analysis of call for evidence responses*, ODS Consulting, 2013

¹⁴ *Overview of Evidence on Land Reform in Scotland*, RESAS, 2012, p.3

However, the general view is that most of the complaints about access will be resolved by better implementation of the Access Code and better visitor management rather than by modifying the legislation. This is the core business of the National Access Forum (NAF). We therefore propose to share the evidence from the LRRG submissions with the NAF, invite them to review it and to report back to the Group through our advisers.

4.4.4 Issues outstanding

The perspective taken on land reform in this report is primarily social or political, but there are some more technical issues that are frequently raised in discussions of land reform – the position of the Crown Estates, common good land, taxation and succession. The LRRG has not had the opportunity to consider these matters but may do so if they are likely to throw light on the other topics on the Phase 2 agenda.

Appendix A: Visits, Events and Meetings

In the first phase of the review, members of the LRRG had the privilege of meeting people across the country who have an interest and involvement in aspects of land reform, and the opportunity to visit some of them on their own territory. The visits, events and meetings have proved to be a crucial element of the Review to date, since they provide another vital source of evidence which complements that received through the Call for Evidence. As part of respecting the rigour of the Review Group's work, ensuring we access evidence from multiple sources remains key. This Appendix offers a short summary of the meetings and visits undertaken between October 2012 and April 2013.

1. Visits

1.1. Private estates

Large private estates were quick to invite the group to visit and so the group spent time at the Atholl, Moray, Buccleuch and Annandale Estates. In each case, a programme was prepared, allowing the group to meet people working on the estate and other members of the community, as well as giving the group the opportunity to discuss what is involved in large estate management with the principal officials responsible for strategy. It was extremely valuable for the group to hear how they saw the opportunities and challenges facing private estates, as well as seeing some of the tangible contributions that they were making to the local economy through the provision of affordable housing or small industrial units, as well as jobs.

The main focus of the group's attention during these visits was how the estates related to the community around them and they welcomed this chance to see how these estates fitted in to the local society and to the local economy. Each was approaching this strand in its activities in a different way and **Appendix B** illustrates the variety of ways in which estates engage with communities. It was also interesting to see that each of the large estates was addressing the question of how they might be more transparent in sharing with the local community how they went about making strategic decisions about the estate, although, again, they each approached this in different ways.

Several of the estates mentioned that they had found it valuable reflecting on their activities in preparation for the visit, both in realising what they were doing well and also where they could make improvements in their relationships with the wider community. Moray Estate considered the question of where a private estate might be able to do things that public actors could not, citing the example of affordable housing.

Smaller estates also extended an invitation to the group. AE paid an early visit to the Bonskeid and Fincastle estate in Perthshire, where discussion moved to principles of stewardship and how that played out in that estate. Stewardship is also the dominant theme of the Falkland Estate which the group visited in March and discussed the working out of the estate's motto that *land gives life to the people, and the people give life to the land*. In the East Neuk of Fife, six estates have come together into the East Neuk Estates Group and their relationship with the community has taken the form of developing an East Neuk Community Action Plan with Fife Council. The group was also taken to see the affordable housing development on the Dormont Estate, near Lockerbie. They also paid a visit to Islay and met officials from Islay Estates, Dunlossit Estate and the Inver Estate on Jura. This was part

of a visit during which they also met local tenant farmers and held an open meeting in the Gaelic College on the island.

The group is aware of how few estates these represent from the full roll call of Scottish private estates. In particular, there are types of estates that they have not seen, such as sporting estates in the Highlands or large farms in Aberdeenshire, although SS and JH have wider connections in this area than those covered by the group's visits. They are also aware that those who extended an invitation to the group had good stories which they were keen to tell, and which the group were happy to hear, while also being open in discussion about their difficulties. Private estates were diligent in making submissions to the Call for Evidence, and Scottish Land & Estates made a substantial submission, so the LRRG gleaned a lot of information from the perspective of this key sector.

1.2. Community Estates

JH and SS had each carried out research into community-owned estates prior to being appointed to the LRRG.¹⁵ In December, 2012, AE and JH visited Galson and Pairc estates on Lewis, prior to a meeting in Tarbert, Harris, to which representatives of several other communities in the Western Isles were invited, which had either bought out their land or were planning to do so. Pairc is important for the purposes of the review because it has been trying to secure ownership of the estate through Part 3 of the Land Reform Act for some ten years with a landowner who is unwilling to sell and the group had the chance to see at first hand the amount of paperwork that this was demanding from the community. Galson had also taken a long time to buy their land, following the process outlined in Part 3, before they were able to come to an amicable agreement with the owner. AE then made a visit to South Uist and saw some of the developments undertaken since the buy-out in 2006, including the coastal protection at Kilphedar and the Askernish golf course.

The LRRG was also invited to attend a meeting of the Cross Party Group on Rural Affairs in the Scottish Parliament which had community ownership as its theme.

Given the prominence of community ownership in the current land reform agenda, the LRRG welcomed the opportunity to see some of the estates at first hand and has valued meeting officials of Community Land Scotland at other events. Only four community-owned estates (North Harris, West Harris, South Uist and the Highland Perthshire Communities Land Trust) made a formal submission to the Call for Evidence (although Community Land Scotland made a substantial submission on behalf of the sector) so these direct contacts with the community estates were particularly important.

1.3. Community Trusts

An important part of the LRRG's remit is to consider land reform in an urban setting. In many urban cases, the community has acquired assets or buildings rather than tracts of land. Early in the review, the group paid a visit to Greenock, where they held an invited meeting with people with an interest in urban regeneration and land reform. Prior to the meeting, they saw Greenock through the eyes of the Inverclyde Community Development Trust. This trust has as its principal function the provision of

¹⁵ Skerratt, S 2011 *Community land ownership and community resilience*, Scotland's Rural College: Rural Policy Centre, Edinburgh; Hunter, J, 2012, *From the Low Tide of the Sea to the highest mountain tops: community ownership of land in the Highlands and Islands of Scotland* Carnegie UK Trust, Dunfermline.

employment in the context of various community initiatives, but it is also a strong advocate of owning the properties it uses, both as a source of security for the Trust and as a source of income through letting premises.

Lambhill Stables was another urban initiative that the group visited. Set in a poor area of Glasgow, the trust has an environmental thrust, encouraging the local community to get involved in initiatives such as landscaping and the maintenance and enhancement of the canal banks that will give them a pride in the area. They have been trying to buy more land and have ambitions to acquire community woodland on the top of adjacent reclaimed landfill sites but they are discovering the complexity of local landownership and have so far been unsuccessful.

Comrie, Langholm and Neilston are all small towns with a land reform story to tell. Comrie has bought the site of a former army camp which has been developed into allotments and workspaces; Langholm has developed the economic, educational and tourist potential of the land around the town, including the award winning Moorland Project on Eskdale Moor; and Neilston bought the local bank building as a community hub and is now part owner, through a limited liability partnership, of a community wind farm which will generate income for the community.

The LRRG also accepted an invitation to visit 'Here We Are' at Cairndow, at the head of Loch Fyne. It aims to explore the story of the area, as a tourist attraction and as an exercise in community capacity building. The project has come up against the disadvantages of not owning its own land, since, without ownership, the group lacked the collateral for securing a bank loan.

Like the private estates, the community trusts had good stories to tell. Inverclyde had been established 25 years ago but the others were relatively recent developments so it is not surprising that difficulties of establishing themselves and the frustrations of moving into the next phase of development loomed large during the visits.

2. Events

2.1. LRRG initiated events

As mentioned earlier, the LRRG were keen to establish that their remit extends across Scotland and is not restricted to land buy-outs in the Highlands and Islands. They therefore held events in different parts of Scotland.

The first was in Greenock, with the intention of opening up the issue of land reform in urban areas. Most of the day was spent with the Inverclyde Community Development Trust and in the evening a small gathering discussed where questions of land and asset ownership arose in an urban context:

- A major difference between rural and urban community dynamics centred on how the community should be defined in an urban context. It was proposed that communities should be defined in accordance with the purpose of the activity for which they come together and the practice of The BIG Lottery's Growing Community Assets programme in defining a community and assessing community support was commended.
- The issue of derelict sites was prominent in the discussion.

- Derelict sites were seen as a failure of planning and so the role of planning was also a major theme.
- The cost of land in a city is often greater than in rural areas, so questions of ownership became more significant and different models of land valuation were proposed.

In December, meetings were held in Tarbert, Harris, and in Fort William, to discuss the specific question of how Parts 2 and 3 of the Land Reform Act were working. In each case, an invited meeting was held in the afternoon and an open meeting planned for the evening, although in Tarbert the open meeting did not materialise. The Tarbert meeting was attended by people involved in various community estates in Lewis and Harris as well as groups who aspired to buying their land. Through their accounts, more general issues were discussed, such as governance, funding and the relationships between community estates and local authorities.

Moving to the south of Scotland, it has often been remarked that it is surprising that there have been so few land buy-outs there, since many of the issues of remoteness or depopulation that have prompted buy-outs in the Highlands are also acute in parts of the south of Scotland. In January, the LRRG therefore held meetings in Dumfries to explore this question. As in Fort William, there was an invited meeting in the afternoon, followed by an open meeting in the evening. Issues arising in the afternoon included people retention, planning, housing, access, tourism, farming and forestry. Similar matters were discussed at the open meeting but also wind farms, tenancy issues and questions to do with support and capacity building for communities.

The final event that the LRRG planned was a slot at The Gathering, the third sector fair that was held in the SECC in Glasgow at the end of February. The group was keen to find fresh ways of approaching land reform and, following on from a meeting with Professor Alan Miller, the Scottish Human Rights Commissioner, decided to use the opportunity of a Gathering discussion to explore how land reform related to the framework of human rights. The language of rights is prominent in the consideration of land reform, whether it is the right of an individual to enjoy his property or the right of a community to buy land (or to register an interest in doing so) or the individual access rights affirmed by Part 1 of the LRSA. In the background of considerations of land reform is the European Convention on Human Rights, which protects individual property rights in the context of the public interest and with which all Scottish legislation must be compatible, but also the UN Covenant on Economic, Social and Cultural Rights, which the UK has ratified.

Speaking at the Gathering event were Alan Miller, who introduced the topic, and Malcolm Combe, who outlined the relation between land reform and the ECHR, which sets an individual's property rights within the need to uphold the public interest. Related to the UN Covenant, the State is required to ensure an adequate standard of living for all its citizens in specified areas, including food and shelter. Presentations were therefore also given by Peter Ritchie (from Nourish) and Jamie Dent (from the Dumfries and Galloway Small Communities Housing Trust) who discussed how community growing and affordable housing could benefit from constructive relationships with local owners of land and the barriers that arose from aspects of funding and planning. A healthy debate followed the presentations.

2.2. Events for the LRRG initiated by others

Scottish Land & Estates (SL&E), Community Energy Scotland (CES) and the Loch Lomond and Trossachs National Park (LL&TNP) each invited members of the LRRG to meet members of their Board for a formal presentation of their case for the review. The SL&E submission was a substantial document, including the results of a survey of their members that they had initiated, and they had also made a video to support their case and to introduce discussion. CES had also prepared a video presentation which was followed by discussion with members of their team. LL&TNP had issued an early invitation to the group to meet them to discuss the detailed difficulties they had in managing both the success (in terms of the cumulative impact of large numbers of visitors) and the excess (in terms of the disruptive behaviour of some of these visitors) associated with the legislation on access.

The Centre for Mountain Studies at the Perth College campus of the University of the Highlands and Islands had carried out research into the socioeconomic benefits of the ownership and management of land by environmental NGOs, which they presented to members of the LRRG at a specially convened seminar in April. Their report covered details about the extent and designation of the land so managed, their impact on employment and the economy, their engagement with the community locally and nationally, and partnership working with a wide range of NGO, public and private bodies in large-scale collaborative eco-system restoration initiatives.

In each of these cases, the LRRG is grateful to the organisations that committed time and energy to assisting the review in this way.

2.3. Speaking invitations

The Chair of the LRRG was invited to address the autumn meeting of the Royal Institution of Chartered Surveyors in November and the AGMs of the Rural Housing Service and of the Scottish Tenant Farmers Association in February. She has also been asked to address the annual meeting of SL&E in May and CLS in June.

3. Meetings

3.1. Organisations

Members of the LRRG arranged to meet representatives of several organisations that play a key part in aspects of land reform, either through being in a position where their work supports the 2003 Act or having a perspective which throws a pertinent light on features of the relationship between land and people.

The Lottery has been a prominent supporter of communities wishing to buy land and assets through its role in the Scottish Land Fund and also through its programme of Growing Community Assets. Much of the evidence that indicates an appetite for land and asset ownership comes from the record of applications to the Lottery, as well as material that shows how communities can be supported in taking this step. The LRRG held two meetings with the Lottery – an initial one where AE learned about the features of the SLF and GCA and a later one, where JH heard about their Our Place programme. This identified five areas in need of regeneration which had not so far benefitted from Lottery funding. It is now in a second phase and, like all Lottery programmes, has been evaluated.

Highlands and Islands Enterprise also plays a key role in supporting communities that wish to buy and or assets and the LRRG met Sandra Holmes who is central to this work and Rachel McCormick, Director of Strengthening Communities. As well as supporting communities through the acquisition

process, HIE builds capacity in communities, through the appointment of local development officers and anchor organisations.

Oxfam and Highland Council both initiated meetings. Oxfam outlined their work in building relationships between urban and rural communities, including their work in South Uist. Highland Council took the opportunity to develop further the points they had made in their submission, particularly in relation to access.

With an eye on a possible framework for the LRRG's approach to land reform, two meetings were held with the Scottish Human Rights Commission. They welcomed the connection with the group, because they were in the process of developing a National Action Plan on Human Rights and issues surrounding land were relevant to that work.

3.2. Individual MSPs

The LRRG was keen to make connections with MSPs from various parties who have an interest in land reform, partly because of the perspective they may have from representations being made to them by constituents who might be reluctant to make public comment on their situation, and partly to discover whether there were party political perspectives that the group should be aware of. AE and JH were invited to appear before the Rural Affairs Climate Change and Environment Committee of the Parliament, which was helpful in gauging the political context of the subject. In addition, meetings were held with Claire Baker, Claudia Beamish, Ruth Davidson, Alex Ferguson, Rob Gibson, Rhoda Grant, Richard Lochhead, Derek McKay, Peter Peacock (former MSP), Michael Russell, David Stewart, Jean Urquhart and Paul Wheelhouse.

4. Seminars and conferences

Members of the LRRG took the opportunity to attend seminars and conferences that were being held on matters relating to land reform to learn more about the weight of opinion on these matters and to get to know some of the people who have an interest in the area. They attended seminars organised by the James Hutton Institute in the Royal Society of Edinburgh and in Melrose (jointly with the RSA) and by the John Muir Trust in Edinburgh. They attended meetings of the Cross Party Group on Rural Policy, a seminar on planning run by Scotland's Rural College (SRUC) and a workshop on the Land Use Strategy run by the Scottish Government.

Appendix B: Private Estates submissions

The aim of this thematic analysis is to identify the challenges and suggestions which relate to the LRRG Remit, as submitted by private estates in the Call for Evidence.

The submissions covered many themes. The focus is here is upon those themes which give further indications of respondents' thinking concerning issues being addressed in the Review.

As with any thematic analysis, the intention is not to evaluate the statements or views – simply to outline them. Where quotes are cited, these are intended as illustrative of the theme being outlined. Further, it is important to note that the number of quotes cited is not indicative of the number of comments submitted on that particular topic. Rather, it is intended to show the range of perspectives or examples relating to a particular theme or sub-theme. It is also important to note that the citation of quotes is restricted by the instructions from those submitting as to whether their submissions could be cited, even in redacted form.

Where similar issues and themes emerging from the private estates' submissions are also echoed by the Scottish Land and Estates submission, quotes from their submission document are also cited.

Structure: the analysis is summarised into two broad sections: (i) challenges and (ii) suggestions and proposals. Within each of these sections, themes emerging from the submissions are then distilled and reported.

1. Challenges

1.1. Governance and community involvement

A number of private estate submissions focused on governance and particularly on community involvement in decisions. Given that this is a key focus of the Review, this theme is prioritised in this part of the report.

Some support the view that land, and thus estate, management is complex, requiring particular know-how and skills, with often rapid decisions being necessary. Thus, involving the community in decision-making is likely to slow down the required estate decision-making processes:

Timely and well-informed decisions would be hindered if community involvement in individual businesses was made compulsory (PE151).

The greater the number of stakeholders the larger the management vehicle and the higher the management costs. More representatives require more advocacy, and if democratic participation is to be meaningful there would be a range of points-of-views and needs to be accounted for. (PE024)

Community Councils don't have the power for management (e.g. of land) and though many communities have a range of organisations operating within them, it cannot necessarily be assumed that any of them would be interested or be the right organisation to get involved (PE115).

Following on from this, submissions state that interest by communities could not be assumed to exist. For example:

One of the larger barriers to more people having a stake is disinterest. For example, our Estate's Forestry 25-year Plan was open to public consultation, and there has been no response. (PE058)

Further, even where there *is* interest and motivation, respondents point to what they feel to be a lack of resources (time, money, people) in communities, which means that involvement cannot always be guaranteed, even where desired:

Many community groups are underfunded and under-resourced and do not have the time, energy or in some cases inclination to be involved (PE159)

My experience of community led projects has demonstrated very clearly how difficult it is for communities to find the resources to manage rural property effectively (PE095)

Until 2003 the village hall was run (bookings and repairs etc.) by the estate office which was located nearby. However, the estate office closed in 2003 and it was proposed that the local community take control of the village hall so that they could operate it in a way that best suited their requirements. The community were offered the hall on a long lease of 20 years at a nominal rent and were requested to set up a constituted committee to take on the lease and take on responsibility for its management. Ten years later, the Community Council have not been able to form a committee to take on the management of the hall. The conclusion drawn from this experience is that whilst community involvement is attractive in theory it is dependent upon local people engaging with the local endeavour, giving up time and for local leadership to emerge... this has not happened (PE089)

Further, not only is engagement required with the land owner, but also more widely, and this can be more demanding on all parties, but is considered – by some – to be necessary:

I believe the fundamental flaw in the current system is more to do with the lack of genuine local community understanding and partnership working which should involve the private sector (whether it be diversified land owners, rural businesses or other operators) as well as the 3rd sector, local authorities and national agencies, not to mention national service providers such as transport companies, utilities, etc. The real challenge should be to take measures to involve "all the parties" who can have an impact and to get them working constructively together, sharing ideas, resources and coming up with solutions. (PE071)

Other respondents highlight the responsibility of ownership *per se*. They emphasise how this can be off-putting to some communities, and how commitment to it can change over time as circumstances fluctuate:

We would be happy to consider providing land for community projects, if we were asked to do so. However, we do not know of any local community projects that have been set up and would benefit from land owned by our small business. One of the reasons for this, we believe, is that the acquisition and management of land by communities also comes with great responsibility. Even small projects can be risky for those running them... individuals

running them can become personally liable for an asset... While the idea of community ownership sounds attractive, many would be put off by these responsibilities. (PE075)

We gave a piece of woodland next to the town to the community to enjoy. Unfortunately after 15 years the community council handed it back to us as they no longer wanted to be responsible for it... A group from the community then came to us and said they would like to take it on which they did but sadly after 17 years the group has disbanded and the wood has again been handed back. I find this often happens with community projects when the driving force retires or moves from the district the whole thing folds... (PE091)

Finally, some respondents highlight how there is a need to ensure that public interest is served by such involvement:

Community involvement is to be welcomed where this is desired and in the community's or public's best interest. Involvement for involvement sake is not appropriate (PE159)

1.2. Landowners' own understanding

A second theme under the category of 'challenges' which relates to decision-making on estates is landowners' own understanding of what is possible. The following quotes are illustrative:

There is a lack of understanding by landowners of how they can contribute. (PE055)

... greater community benefit... I suspect one of the problems is stale management where owners or their managers have not sought to question what it is they are looking after and why. Where property is inherited, and this is true not just of landed estates, but also smaller farms and in more urban situations – including new public bodies who have simply taken over from another administration – if there is not a fresh appraisal and perhaps a degree of soul-searching, then product can become dull... In such circumstances we are dealing with irresponsible property management and what should be a consequence to this is perhaps one question that should be asked – what is an appropriate measure? Consequences to poor management are easier to digest than consequences just because of ownership on its own... (PE160)

We return to this point in the section below (Suggestions).

2. Suggestions

2.1. Improved community involvement in decision-making

When making suggestions for improving community involvement, the following submissions highlight necessary broad principles and understanding:

If the Estate Trustees are to fulfil their personal obligation of preserving and maintaining the land of Xxx, they cannot ignore the welfare of the local community. To do so would lead to the Estate's inevitable demise (emphasis in original; PE158).

Current relationships between communities and rural property owners in the community vary enormously. Not just whether they are good or bad but in how they work. This will depend on the nature of the owner... and the nature of the community. Owners of land are not a homogeneous group and neither are communities... Over-simplification of the nature of these relationships could easily lead to inappropriate policy proposals. (PE118)

How to encourage people to get more involved in community decision making is something LRRG should encourage... try to avoid central Government's tendency to pass on responsibility without proper resources (PE159).

Community engagement in decision-making can be fostered through additional brokerage or facilitation, as these two experiences illustrate:

One of the more useful experiences was when the Estate was awarded £50K of Rural Challenge Funding. Some of these funds were used to engage the services of a local facilitator who brought expertise and independence from vested interests with her. This led to a number of very heartening community-based developments and initiatives which strengthened the community... (PE100)

If I were to do this again (renew lease for village hall for community), I would seek an honest broker to facilitate the process and would suggest that we agree guidelines (e.g. as per the NFLS) on how to progress, e.g. information required, timelines, roles etc. An experienced facilitator for public consultation to consider the community's needs and how all stakeholders might work together to address these needs... a Community Plan would have helped greatly... identifying roles, responsibilities, goals (short, medium and long term) and ways of achieving them... (PE057).

The views expressed here are also reflected in Scottish Land and Estates' submission:

"SL&E suggests that the organisation appoints a Community Engagement Officer, partly funded by the Scottish Government or one of its agencies. The role would involve working with landowners and estates to enhance their engagement with community. Part of this could simply be better communications so that communities understand more easily what happens on an estate and the drivers behind decision-making, but it could also go much further to comprehensive community planning that is oriented to identifying goals and direction of travel and then options for getting there..." (p.68)

Increasing communities' involvement in decision-making is also seen to be possible through the implementation of modes of joint working which are not necessarily dependent only on more traditional private/community ownership models. Some respondents state that, in principle:

There should be means to enable joint ownership of property to allow for bank funding of rural development, through a recognised joint ownership statute e.g. for redundant agricultural buildings (PE049).

LRRG should consider/assess: long leases, or partnership/joint venture working or license arrangements... Not all communities want to own land – preferring access to land on a more informal basis (PE159).

To remove barriers to more people having a stake, need to inform the community of the pros as well as the cons of ownership, governance and management. Demonstrate the benefits of community stake and the disadvantages. (PE058)

Other submissions outline examples of approaches which enhance, in their view, the engagement of communities in their own future development:

The Estate is closely involved with the Xxx Trust, a community body which operates the Xxx Museum, tearoom and shop. In 2001, the Trust purchased the premises which it occupies from the Estate with the assistance of a grant... The proceeds were then donated to the Trust by the Estate to assist with reconstruction of the building. (PE045)

We created Scotland's first Rural Business Centre in an extensive, redundant farm building conversion, started as long ago as 1990. The 18-office Centre is fully occupied 23 years later, and we have 40 to 50 full time jobs based on the estate across 11 companies. These employees contribute significant spend in the local village as well as attracting other clientele and customers to the area. (PE071)

... Creation of a new community charity to lease the ruined chapel and restore it for community use. It is now used for worship to replace the local church, which was closed, and for musical events. Plus transfer of the historic water mill site... to the community via the chapel charity for conservation. (PE055)

We have, in consultation with the community, redeveloped the old Xxx site in the centre of the village to provide two retail units and a cafe/restaurant/farm shop serving the centre of the village. The two retail units have been set up as Limited Partnerships between the Estate and two local people creating two new local businesses. The third unit is occupied by a partnership between the Estate and another local person. This development has created 3 new local businesses, 7 or 8 new jobs, and much needed facility in the centre of the village and a hub for the community. (PE054)

Estate forests and woodlands are highlighted by some estates as examples of areas in which communities have had more involvement in decision-making of estates, as the following examples illustrate:

The wood was offered to the community in 2006 as the estate required funding for the development of a derelict stable block. After two years of negotiation the community buyout failed as they were not able to raise the necessary funds. We did not put the woods onto the open market but continued to maintain dialogue with the community whose members had fresh ideas about how to raise the necessary finance. The wood was eventually purchased by the community in 2012 for £X,000... (PE123)

The Long Term Forest Plan is in place for management of the Estate woodlands, and at its establishment was put to full public consultation, for input by the local community (PE102).

The Estate has involved the community in discussions relating to future development of new housing and commercial premises and with the Estate's Forest Plan. This involvement has been through well attended public meetings and by direct consultation with key personnel

such as teachers, local businesses, distillery managers and local councillors. Whenever issues have been raised within the Community Council or the Local Council, the Estate has responded quickly and positively (PE098).

The gift by us to the community of woodland... has been a good thing... Ownership of the asset has brought community involvement in litter picking, tree planting, bench building and weeding, and a community spirit which hadn't had an outlet beforehand. It has helped define the community and made the community much stronger. The woodland is 2 ha or so and because it isn't large, the work is being done directly by members of the community. If bigger, the work would have to be carried out by 3rd parties which would fundamentally make it no different to any other land supporting forestry or agriculture in Scotland whether owned by a community, NGO or private individual... (PE078)

When highlighting these approaches, some estates also are keen to stress that more could be done to involve communities, for example:

It is accepted that there will be room for improvement in some of the relationships that affect land use and ownership across Scotland, although the range of public policy objectives already delivered by rural property owners is often overlooked... We believe greater focus should be on how communities can participate in land use decision-making so that they can be confident that their aspirations are understood and that they can be addressed. Where they can't be delivered, the barriers to delivery should also be understood. (PE118)

The Trustees would welcome the opportunity to engage constructively with the community in the area on local issues and if practical to do so, work with them to produce a Community Engagement Plan encompassing the whole Estate plan and included, where there is demand for it and it is practicable to do so, land based activities that will be of benefit to the community. The Estate has in the past, and will continue to, consult with the local community in the future, on such things as Forest Plans, and planning consents for things such as residential development and renewable energy projects. (PE010)

These sentiments are echoed by the Scottish Land and Estates' submission to the Call for Evidence, where they state that:

"... We accept that more needs to be done... We have actively encouraged members to include a community and stakeholder engagement policy within their overall long term estate plan... 13%¹⁶ (of those responding to the SL&E members' survey) already have a formal community engagement plan in place... SL&E is currently revising its members' code of practice and will ensure that effective community engagement is contained within this." (p.67)

¹⁶ 2500 members; 24% responded = 600. 13% of 600 = **78 estates**.

2.2. New relationships

Submissions whose comments fall into this theme note the importance of taking account of what is already working in terms of productive relationships:

An examination of existing relationships that are working would be a useful starting point in understanding what may/not be required (PE159)

Some submissions also point out that communication and partnerships work best when they are not forced and where there is mutual responsibility for understanding one another's perspectives:

I witness at first hand a range of aspirations for land and encounter an equally broad range of aspirations for members of linked communities. I see that dialogue is critical, however, the degree to which owners are comfortable to pursue this is equally variable and they react badly when they are forced. (PE160)

With regards to community and stakeholder engagement, this can only be encouraged as a means to promote greater clarity and understanding between all those who live and work in the rural community. However, with such engagement comes a responsibility to both sides to look objectively and reasonably at what either party might be asking of the other. As there are often commercial imperatives for dealing with sensitive matters we would not advocate that a formal, legislative process be imposed upon owners... (PE130)

Given these caveats, a number of submissions present:

- ideas concerning the appropriateness (and need) for sharing of plans, including long-term (50-year) plans;
- examples of more formalised working where plans involve a range of partners;
- examples of mechanisms outwith formal plans; and
- specific projects and initiatives to form new partnerships and enhance communication.

These are now each briefly presented.

The following two extended quotes illustrate well the range of responses received from submissions on **the appropriateness and need for sharing of plans** with communities:

It is believed from a straw poll of a group of surveyors and land agents gathered from around the country and who are responsible for managing significant areas of Scotland, that the preparation of estate or community development plans is not commonplace. This may not be a consequence of the agent's work, rather than the preference of their land-owning clients. I believe strongly that there is significant benefit to be drawn from conducting widespread development planning from the bottom up. Whilst community consultation is a requirement now of the planning system, the quality of such work is open to question and it will only take place when there is formal development in mind for which planning consent is required. Many estates and land holdings may therefore operate for years without any need for community engagement. This may suit owners preferring a quiet existence, however, if the alternative is a stick to beat them for failing to engage, better now, therefore, in my humble opinion, to promote this as a positive tool for land management generally which

may reap dividends in years to come. While Farm Plans became part of modern land management language a few years ago and government support was offered to accredited and agricultural agents to undertake such work, never, to my knowledge, has there ever been a suggestion that there might be benefit in promoting Whole Estate Plans... (PE160)

Land owners of all shapes and sizes should be encouraged to share the plans for their land with the community on an annual basis, and possibly more frequently if there is a lot of activity that might affect a community. This would be not only to inform the community about what was planned but also to have a general discussion to allow landowners to benefit from other community members' ideas and involvement in any plans, and change plans where they are seen to be detrimental to wider community interests... This could involve relevant departments from the local authority. (PE115)

Some submissions phrase this in relation to **longer-term plans**, for example:

The Estate has recently brought forward a proposal for a community planning project to develop a 50-year plan for the regeneration of Xxx. This will be taken forward by a group of local business leaders in consultation with Xxx Council and with the assistance of the Xxx Foundation which will lead the community consultation (PE045)

The estate is one of several rural estates that have joined together to ... work with Xxx Council to set up a project to consider the future of the area. The Community Action Plan (CAP) sets out to understand what makes this an area in which people want to live and work. Then, in collaboration with the communities, it will seek to develop policies which will help keep the area vibrant and successful in the face of changes in the economy, the demography... over the coming 50 years. In December 2012, the Group held the first Community Action Plan steering group meeting. The steering group comprises representatives from many of the area's varied communities with broad experience of the challenges that lie ahead in the development of a CAP. (PE017)

This introduces a theme which is well-articulated in a number of submissions – that of **more formalised estate-working with multiple partners, including Local Authorities**. The following quotes illustrate the types of initiatives already in progress to enhance existing, and develop new, partnerships:

Over the past 6 years the estate's management team has worked with local politicians and government officials to deliver one of the key objectives of the Xxx Structure Plan: the economic and social regeneration of the Xxx area. By releasing strategic brownfield and greenfield sites, they have enabled the Council to adopt ambitious plans for the future. The sale of the disused land will form the hub of a... business park ... generating over 1000 local jobs. A 99-year lease of business land at a nominal rent will help to accommodate another Business Park, creating further opportunities for employment. The Strategic Allocation of ... farmland will provide sufficient space for more than 1500 new houses, halting and reversing population decline. But the Estate's involvement in the long-term future of the community has not been confined to the release of land; they have also helped to improve local transport facilities... In cooperating with the local Structure Plan, the Estate itself will derive significant long-term benefits." (PE158).

We are developing a Memorandum of Understanding with the Xxx Council to align our activities with investment opportunities for communities. (PE044).

... the estate has worked closely with the Community Council and Xxx Council to ensure compatibility of goals. This has included consultation on plans for building, forest development and other matters. (PE055)

Our estate, in conjunction with the local community, is working to deliver a major plan to revitalise the village in order to sustain the local primary school, develop family-sized homes and make the village a more vibrant and sustainable community for local people and improve the visitor experience for tourists... Working with the local community, Local Authority and Planning Authority, we seek to deliver this plan. (PE114)

Prepare or share development plans in conjunction with the local community where relevant and also the public bodies who have an interest in the local services and are in a position to work in partnership with owners (PE160)

We are developing a tool – a Whole Estate Development Plan (WEDP) - to assist with land use decisions, that will provide a much greater level of objective information and clarity for both internal and external stakeholders. The WEDP works through a series of 4 filters: Spatial; Financial; Wider Economic Impact; and Socio-Environmental Impact... Through the use of the filters it is possible to constantly reconsider the ranking of the potential land uses in order to derive the “best” use when considered against a range of criteria. Having considered land use decisions in this structured and mostly objective manner, it is also possible to have a constructive dialogue at any stage of the process with external stakeholders whether they are local residents, the Local Authority, Scottish Government etc. (PE129)

In addition to these more formalised processes, submissions outline private estates’ **hopes, and mechanisms, for creating and sustaining new partnerships and relationships outwith formal plans.**

Firstly, a number of submissions articulate a desire to do more to create and develop new partnerships, for example:

I would welcome the opportunity to engage more with the community on local issues and, if practical to do so, work with them to produce a Community Engagement Plan specifically for the Xxx area encompassing a whole estate plan and including such things as, where there is demand for it, allotments or other land-based activities that will be of benefit to them. (PE017)

I would consider formation of Development Trusts to prepare plans for public areas and to see these through to fruition. (PE160)

Whilst we do engage regularly with local communities, it is recognised that this could become more formalised. A suggestion might be to create a forum representative of a single or a cluster of communities that would meet perhaps every 6 months to discuss opportunities, aspirations, any frustrations, proposed developments and areas of collaborations. The members of the forum could include community representatives, local

landowners, the voluntary sector, local authority staff and councillors and attendees from national agencies such as SEPA, SNH etc. (PE129)

The Estate has in the past and will continue in the future to consult with the local community on such matters as Forest Plans and planning consents for development. I personally involve myself directly in many aspects of the community and consider myself both to be visible and approachable to everyone in the area, but if the appetite is there for, say, formal biannual or more frequent meetings to discuss community and estate issues I am more than happy to do so. Moreover, if it were deemed desirable, I would be happy to participate in the production of a Community Engagement Plan involving the Estate, which might include such features as allotments or other land based activities that would be of benefit to the community. (PE153)

There is already considerable community engagement with landowners in most of rural Scotland, and indeed landowners, be they small or large, are also part of those communities. However, I would not be averse to improving community engagement and also engaging on a more regular basis. One idea being that Estates could introduce Community Engagement Policies within their overall management policies, and that they clearly set out priorities and timescales for engaging with the local community. (PE063)

Other submissions reflect activities already being undertaken as investment in *processes* to enhance partnerships; for example:

We set up the Xxx Community Liaison Group in 2004. The Group meets twice-yearly with the remit of identifying opportunities for community engagement in estate management activities. (PE044).

My business engages with the local community and takes an active role in local affairs through being treasurer of my local community council. An example of my engagement with the community was when a “call for sites” was put out by the local planning authority as part of the establishment process for a new local development plan. A number of meetings were held at which the community was asked to express its views on the need for new development and then to identify sites where development could be located. I co-ordinated these meetings and submitted a response to the local authority on behalf of the Community Council. (PE053)

In addition, submissions point to **specific projects and initiatives** where new partnerships, increased dialogue and new communication are leading to short-term as well as longer-term possibilities for shared action:

Local Management Agreements (LMAs) ... are designed to enable not-for-profit organisations to develop proposals for areas of foreshore or seabed to...(i) bring benefit to local communities; (ii) allow community groups to enjoy improved facilities; (iii) aid economic development in the locality; or (iv) protect the natural habitat and wildlife. Once organisations have developed the proposals, they can acquire the right to manage the land, enabling them to implement their plans... (PE044).

We were one of three estates who participated in a project ... to improve local engagement between the Estates and their local communities. The project resulted in a number of 'concrete' achievements... but more importantly it resulted in improved and strengthened bond between Estate and community. (PE054)

... the Estate has been involved in a pioneering approach to try and build better understanding and co-operation with local communities. This remains a key focus and challenge for the future to improve the level of effective engagement and collaboration. In 2004, the Estate supported and jointly funded the appointment of a Project Officer for the Xxx Project... to provide support to estates and communities to identify opportunities for new sustainable rural enterprises... The project officer acted as 'community animator', facilitating community group workshops... and providing assistance to the community in different ways. This process identified key assets that were regarded as particularly important to the community, established a business forum, coordinated a youth initiative... The community did not identify any specific areas of land or other assets on the Estate which could be used to create a new community-run business... Useful links were formed to provide a foundation for continued co-operation in the future... Effective community participation needs to be developed further in our experience (to stimulate measurable outcomes) and the Estate would welcome initiatives to assist in the promotion of community engagement and development by landowners in the future and would be keen to work with LRRG in this regard (PE138)

The Estate Office provides office accommodation to a ... Project Officer. The remit of the PO is to engage with the local community and to create new partnerships for the benefit of the valleys... (PE025)

Community consultation relevant to the Scheme began in 2005... Two all-day drop-in sessions were organised at the 2 local village halls at which people (in aggregate over 60 people attended [out of 200 population]) took part in "Planning for Real" sessions during which they recorded their likes and dislikes about the area, and the improvements they would like to see (PE009)

2.3. Code of Practice and Accreditation for land owners

The above submissions point to what is already being done, a willingness by some to do more, and examples of enhanced communication, relationships and partnership-working. In addition, some submissions highlight the need to develop a Code of Practice for landowners to support these processes becoming more consistent across Scotland. That is, there is recognition that not all land owners operate in a similarly partnership-focused way.

In Scottish Land and Estates' submission to the LRRG, they state that:

"As there are many instances of good collaborative arrangements between communities and those who own, manage or control land, so there are significant opportunities for improving those relationships. Scottish Land and Estates believes that much broader collaborative arrangements are required to support communities involving not just public sector agencies

and usual players, but the third sector, private sector and other organisations with specialist expertise...” (pp.38-39).

Some submissions therefore recommend a Code of Practice, as the following quotes illustrate:

We recommend development of a wider code of practice for landowners, and of a voluntary accreditation system, which would include matters such as regular local consultation. Such accreditation could be a pre-condition of access to Government support programmes. (PE055)

In cases where development is sought, there is now a need to engage with a community. It need not wait however, till this, but it does, however, require a change in mind-set on the part of the owners, just as there has been an education amongst, for instance, access takers through the Outdoor Access Code. (PE160)

2.4. Arbitration

As has been cited above, some respondents, and Scottish Land and Estates’ submission, recognise there is scope for improvement in relations and communication between estates and communities. Some submissions highlight the need for arbitration in instances where communication may have broken down or be limited, as illustrated in this quote:

Rather than seeking wholesale reform of existing legislation, central government would be much better advised to engage with both land owners and community bodies and act as a catalyst and a facilitator where relationships are strained or non-existent. They can work with both parties to identify problems that exist in that community (each is likely to have its own) and to identify solutions appropriate to that community. This requires understanding of the position of all stakeholders, whether a private landowner, a community body, or a government agency. (PE046)

When considering arbitration, other submissions focus particularly on land purchase, rather than on on-going relations between estate and community. In these instances, some respondents recognise that not all situations between estate and community can be resolved in a straightforward manner, and thus recommend some form of arbitration. The following examples illustrate suggestions from private estates submissions:

There should be an Arbiter like a Land Court or National Forest Land Scheme committee to consider applications to purchase... Judgement has to be made as to what constitutes “bad” ownership, and powers given to a Land Court or similar committee to overturn a landowner’s decision if against community interest, for a particular issue, not a general rule... A go-between would be required to communicate between landowner and community... (PE058)

There should be compulsory purchase in the case of a “bad” owner. Reasoned discussion hopefully otherwise. (PE058)

If there is assistance on offer intended to benefit communities, unless land is offered for sale, I propose that consideration be given first to helping the existing owner provide for development in a sustainable manner than concentrate on the ownership of the land. A

further precondition would be if poor management can be cited as a reason for change and there will be a number of objective tests which this could be considered. (PE160)

Appendix C: Land Reform (Scotland) Act 2003 Community Right to Buy

1. Introduction

A community right to buy land in which it can demonstrate an interest was introduced as Part 2 of the Land Reform (Scotland) Act 2003 (LRSA). The Policy Memorandum for the Bill regarded this right as “the essential core of land reform... necessary to empower communities, give them real rights, and thus help create a more modern relationship between landowner and community”¹⁷. The Policy Memorandum recognised that communities can take ownership of land in other ways but Part 2 provided a mechanism to enable local communities to buy land as and when it came to be sold. The provisions were drawn up in such a way as to avoid difficulties with the European Convention on Human Rights and so did not advocate an unlimited right to buy¹⁸.

The process introduced by the LRSA¹⁹ involves a community first forming a community body, which applies to register its interest in a particular piece of land. When that land comes up for sale, the community has the opportunity to exercise its right. If the community’s interest has not been registered before the land comes on the market, the community can submit a late application, which has more stringent conditions on the process. Scottish Ministers appoint a valuer and the community body holds a ballot to confirm that the community wishes to go ahead with the purchase. The community then has six months within which to make the purchase. Throughout, Ministers have discretion whether or not to give approval to progress through the various stages of the process, to adjust details in the process on occasion and to consult and inform the landowner as appropriate.

1.1 Previous investigations

Since the Act came into force, the use of the provisions in Part 2 has been investigated. In 2012, the Rural Analytical Unit of Rural and Environmental Science and Analytical Services (RESAS) published an *Overview of Evidence on Land Reform in Scotland*, which summarised existing academic and Government reports of the subject. It reported that 176 community bodies had been formed under the provisions of the Act; 142 applications to register a community interest in land had been submitted to Scottish Ministers; 95 of these had been approved by Ministers, of which 33 had proceeded with exercising that right and 59 were waiting for the land to come on the market. By May 2012, land and assets had been acquired in 11 cases, involving submissions by 9 community bodies.

Evidence suggests that this is a complex process, and that not all communities that intend to buy land through the Act succeed in purchasing it using this route. There may be various reasons for this

¹⁷ Land Reform (Scotland) Bill Policy Memorandum, Scottish Executive, 2001, p.5

¹⁸ Land Reform (Scotland) Bill Policy Memorandum, Scottish Executive, 2001, p.6

¹⁹ <http://www.scotland.gov.uk/Publications/2009/06/08101427/6>

but one view which is commonly expressed is that the process is unnecessarily complex and that some of the timescales in the process are unduly restrictive. It should be said that these criticisms are generally preceded by an acknowledgement that it is a serious business for a community to take on the purchase of land and that it would be inappropriate for the process to be too easy.

In 2010, post-legislative scrutiny of the LRSA²⁰ was commissioned by the Scottish Government from a team of researchers from the Centre for Mountain Studies, the Centre for Remote and Rural Studies and Rural Analysis Associates. Their study included appropriate literature reviews of the impact of the Act, semi-structured face-to-face and telephone interviews and an online survey with specific samples of community ownership stakeholders. Their study identified difficulties with the process and proposals for change. The Rural Affairs, Climate Change and Environment Committee of the Scottish Parliament has also investigated the implementation of the LRSA, and the Community Assets Branch of the Scottish Government has shared with the Review Group comments from their experience of the working of the Act.

2. Submissions to LRRG Call for Evidence

That sets the context for considering the comments about the Community Right to Buy (CRtB) which were made in submissions to the LRRG. 61% of the submissions contained views on whether the Community Right to Buy should be further promoted, extended or supported. 48% of these responses came from estates, farm owners, landowners and their representatives and of these, 89% were against extending the present Community Right to Buy. Community ownership organisations, local authority and public sector bodies, and local and national voluntary organisations were overwhelmingly in favour of extending the CRtB and the views of individual respondents were more evenly split.²¹

The Call for Evidence had not specifically invited respondents to comment on use of the CRtB provisions but several respondents did so. The following comments are based on their submissions, concentrating on those submissions where specific proposals were made, rather than ones which simply asked for a simpler process. The comments are reported not because they were supported by large numbers of respondents but because they made constructive suggestions for how the system might be improved.

2.1 Awareness and understanding of Land Reform and the Community Right to Buy

Macleod et al (2010) observed that, although the Act had been well promoted in the early days, the opportunities it offered were not well known or publicised. Respondents to the Call for Evidence made similar points and made suggestions about how the community right to buy might be promoted.

It was suggested that a database should be established with details of successful projects. Highland Council thought that the Scottish Government should do more to publicise their policy, vision,

²⁰ Macleod, Calum; Brauholtz-Speight, Tim; Macphail, Ibbie; Flynn, Derek; Allen, Sarah and Macleod, Davie, *Post Legislative Scrutiny of the Land Reform (Scotland) Act 2003*, (2010)

²¹ ODS Consulting, *The Land Reform Review Group: Analysis of Call for Evidence Responses* p.16

details of the process of the community right to buy, and case studies. Planning Aid proposed more information, education and training for communities and Carnegie suggested that an asset register should be established as a pre-requisite for empowering communities through ownership.

2.2 Definition of community

Several respondents proposed that communities should be allowed to define themselves, as is the case in BIG Lottery applications. West Harris Trust proposed that all communities should be able to define themselves, while Greenspace advocated this only for urban communities. Community Woodlands Association considered self-definition to be a pre-requisite of empowerment and noted that the narrow definition specified in the LRSA has been adopted by other Government Departments and organisations, so constraining the operation of the community sector.

Community Land Scotland were of the view that the 10,000 threshold for a community was suitable for rural Scotland but proposed that it should be made explicit that Ministers should have discretion to allow an application from a rural community that did not meet that threshold if, in all other respects, it was in line with promoting sustainable rural development.

2.3 Definition of community bodies

The reason for restricting the appropriate community body to a company limited by guarantee puzzled several respondents and other proposals were made. Community Interest Companies, Scottish Charitable Incorporated Organisations, Independent Provident Societies, Community Benefit Societies and Company Limited by Shares were proposed as valid alternative governance models for the Community Body, some of which were not well developed at the time of the Act. West Harris Trust suggested that any representative group should be allowed, including unincorporated organisations. Community Woodlands Association proposed that a Community Body should be incorporated, geographically discrete, open, democratic, locally controlled, non-profit distributing, having objectives consistent with sustainable development and should have a dissolution clause.

Other points made:

- The community should be the main voice in the management of the body, though not necessarily in its ownership.
- It should be appropriate for an existing community group to apply for registration and it should be possible to transfer registration to another community body if that is deemed to be the best solution for a particular community.
- DTAS noted that there are potential contradictions in required legal forms required for different activities. For example, going forward, a Company Limited by Guarantee may not be recognised for feed-in-tariffs.

2.4 Support for communities

It was thought that there was need for a special unit that would give flexible and sympathetic support to communities to action the ownership of land.

Highland Council supported extending to the rest of Scotland the model that HIE operates for post-acquisition support, including providing case officers. RICS thought that the prospect of greater support would encourage uptake.

Riddell Estates made the point that, before being offered support, communities should be asked first what **they** want.

Recognising that communities differ in the professional capacity that they can draw on, Carnegie voiced a concern that there was a danger of exacerbating inequalities between communities unless professional mentoring was offered at the stage of taking ownership.

2.5 Mapping and postcode requirements

Macleod et al reported that defining communities by postcode worked well, but some LRRG submissions were of the view that the requirement to define a community by postcodes was unnecessarily onerous as well as being non-intuitive and that simply using an OS map should be sufficient. Community Land Scotland noted that the requirement to define by postcode held unless the Minister were to direct otherwise. However, the expectation was that postcodes should be used and CLS believed that this was too inflexible as a means of defining a community. Comhairle nan Eilean Siar proposed that, since the mapping process is complicated, amendment should be allowed throughout the process, rather than an application being rejected because it is not 100% accurate in the first place. CLS advised that, as regards mapping the land, the emphasis should be on simplicity of requirements consistent with clarity of the extent of the interest in the land.

Various respondents commented on the need to submit multiple applications. It was proposed that a single application for the whole area should be sufficient, rather than separate ones for each landowner; it should be possible to remove the requirement to make separate applications for each parcel of land.

2.6 Timescales

Various time intervals in the process have been criticised as being too restrictive. The 30 day period between the community being told that the owner wishes to sell and the community confirming that it wishes to exercise its right to buy was seen as being problematic because it could occur in a holiday period when it would be difficult to make a proper decision. Community Land Scotland proposed that it would help if this were to be 30 working days and made the same suggestion in respect of the period of 28 days allowed for holding the ballot. The Big Lottery also asked for flexibility to allow for due process for voluntary organisations to make their decision, or to fit in with the timing of funding processes.

The overall period for a sale to happen is up to six months, during which period valuation of the land is carried out and the community has to raise the funds necessary for purchase. There were calls for flexibility in observing the time limits in this period (Calum Macleod), calls to extend it to nine months (Community Land Scotland); and the Community Woodlands Association noted that the NFLS now extends the window to 18 months.

2.7 Late registrations

More stringent conditions are placed on late registrations than on timeous ones, in that more than 10% of the community have to support the registration, the arguments about the purchase being in the public interest have to be stronger and Ministers will accept or reject the application within 30

rather than 63 days of receipt of the application. It was not clear to respondents why there was this distinction between late and timeous registrations. Community Land Scotland and the West Harris Trust were of the view that the conditions should be the same for both kinds of registrations, particularly in view of the fact that most of the successful purchases have been from late registrations, and that 10% community support should be sufficient in both cases. There was, however, support for a stricter indication of public interest in the case of a late registration.

2.8 Demonstrating community support

In order to register an interest, the community body must demonstrate support from 10% of the community (more in the case of late registrations), although the Minister has discretion to accept a lower percentage in some circumstances. CLS was concerned that the process of securing the support could alert the landowner to the community's intentions, which could precipitate the land being put up for sale, thus triggering the stricter conditions for a late registration. They propose that the rules for the timing of a timeous registration should start from the point at which the community begins to secure support.

Once a value has been placed on the land, the community body has to ballot the community to demonstrate that they wish to proceed with the process. Some communities have had difficulty accessing the electoral register and CLS asks for reassurance that these should be made available to properly constituted bodies. DTAS was of the view that the community should have control over the timing of the ballot, for the reasons given above relating to local conditions, because these considerations could impact on the outcome of the ballot. They noted that the conditions of the ballot procedure meant that, if someone was opposed to the sale, it was better for them not to vote than to vote No, since that would make it harder for the community to achieve the 50% turnout (although Ministers again have discretion to accept a lower turnout). Community Woodlands Association shared that concern and proposed that there should be a majority in favour, with a requirement for a 25% turnout.

Community Land Scotland thought that because of the discretion that Ministers have over the conduct of the ballot there was no need to make any changes but they suggested that the timing of the ballot could be tied to two triggers: the commissioning of the valuation and the receipt of the valuation, whichever resulted in the longer period. At the same time, Andy Wightman was of the view that Ministers had too much discretion and that the administration of the process should be transferred ultimately to local government.

2.9 Re-registration

The need to re-register was seen as a disincentive for registering in the first place and there were calls for the period before re-registration to be longer (10 years rather than 5) and simpler (regarding it as a reconfirmation of registration, rather than a repeat of the registration process). Community Land Scotland noted that the "ultimate safeguard" is that a ballot of the whole community would need to be carried out to trigger the provisions of the right to buy. Prior to that, they proposed that a simpler method of checking community support, or providing the opportunity for objection, could be devised.

2.10 Funding and cost

Communities that buy land employ a variety of financial models to do so but in many cases public funding is part of the package for acquisition. Obviously, lack of funds can halt a purchase and

Catherine Francis notes that, according to the *Overview*, of 14 registrations granted CRtB that did not proceed, nine were unable to do so for lack of funds. The Scottish Land Fund was set up to assist communities with acquisition and there was support in the LRRG submissions for maintaining a high level of intervention by the Land Fund, increasing its size to £10m in the view of Highland Council.

Making a contribution out of public funds to an enterprise that is expected to be income generating creates difficulties with the European State Aid rules, which are being applied with increasing strictness by the Government. The LRRG found considerable concern about this situation during its visits and this was reflected in the submissions, for example, those from DTAS and West Harris Trust. Highland Council argued that guidelines should be published on State Aid rules and that the Scottish Government should seek permission from the European Commission for an “appropriate notified scheme”.

Prior to raising the funding, of course, comes the question of the cost of the land. There is particular interest in the price asked for publicly owned land, with support for the suggestion that the model of the National Forest Land Scheme should be extended to other public bodies. Respondents had encountered differing interpretations of the rules for the transfer of public assets in the Scottish Public Finance Manual and called for the rules on transferring assets at below market value to be published (West Harris Trust and Highland Council). West Harris also questioned the operation of claw-back clauses in the transfer of assets.

3. Further comments on the Part 2 process

The comments made in LRRG submissions are along the same lines as comments made previously and recorded in earlier surveys or literature. There seems to be a consistent wish among those supporters of a community right to buy to simplify the procedures in ways which generally do not raise issues of principle but make the process more proportionate to its speculative nature. It seems to the LRRG that testing public opinion on these matters further would be unlikely to yield significantly different results and that modifications along the lines suggested could be introduced. However, very few landowners have expressed detailed views about the process of CRtB, so what has not been considered is whether these modifications would create disproportionate difficulties for other actors. There also remains the question of whether there would be legal questions arising from their implementation. These, therefore, should be checked. The LRRG recommend that a revised schedule for implementing the Community Right to Buy as outlined in Part 2 of the LRSA should be prepared, based on the experience reported here and agreed between the Community Right to Buy Branch and the Community Assets Team of HIE, so that this part of the Act does more effectively what it was intended to do.

Although the LRSA applied only to rural communities, it had been the intention also to consider what land reform proposals would be appropriate to urban situations. At the same time as this report is being prepared, the Community Empowerment and Renewal Bill is being drafted, which has particular application in an urban context. The consultation about the Bill elicited strong support for an urban right to buy, based on the rural model in the LRSA. It would therefore be appropriate for any developments of the detail of the CRtB process to be carried out jointly with those working on the Community Empowerment and Renewal Bill.

However, there are other proposals in the submissions that relate to community ownership but do not directly propose modifications to the Right to Buy process.

It was noted above (section 1.1) that very few communities have completed a purchase of land by using the Part 2 provisions entirely, compared with those who have set out with the intention of doing so. Nonetheless, some communities have purchased land through other means and there is a view commonly expressed that the LRSA has created a culture which has facilitated greater community ownership of land. There are indications that negotiated transfers of land between private landowners and communities have increased since the Act came into force and that this way of approaching transfer of ownership is preferred to the deterministic process of Part 2.

It is also the case that the LRSA can do nothing to prompt the sale of land in circumstances where a community wishes to take over a “failing estate” that either is not making best use of the land it has, or is blocking an enterprising community that could serve the public interest better through running the estate itself.

Both of these circumstances come together in a proposal from Community Land Scotland that is supported by several other submissions to the review.

CLS proposes the formation of a Land Agency to facilitate negotiated transfers of land, with an overarching duty to seek to secure greater community ownership (or diversity of ownership) of land. In addition, they propose that communities should have an absolute right to buy as a back-stop, as an incentive for landowners to participate in the operations of the Agency. Communities would continue to register an interest in buying a piece of land but they would also be able to register a ‘request to purchase’ with the Agency, which would inform the owners of the request and initiate a mediated negotiation process, for which there would be clear ‘time parameters’. Owners could also register an interest to sell and so trigger a mediated negotiation through the Agency. If the negotiations are not successful, and the community still wished to buy the land, the Agency would be required to determine whether the purchase would be in the public interest and further the interests of sustainable development and advise the Ministers accordingly.

Throughout the CLS proposal is the requirement that any purchase should be in the public interest and should promote sustainable development and so further consideration would need to be given to ensuring that these are robustly identified. CLS make the point in their submission that it is not new for there to be strong legal powers of intervention over land to secure assets for social and economic development purposes. These powers exist but are not implemented, principally because of concerns about the cost of compensation and increased concern about compatibility with ECHR²². It is also expected that the back-stop powers in this proposal would be used only in exceptional circumstances, so it would not be a case of imposing a sale on an unwilling seller, so much as securing the public interest in circumstances where the present owner is not doing so.

The LRRG is aware of the sensitivities surrounding this proposal but it has the merit of both changing the culture of developing community ownership in a direction that could be less confrontational for the majority of purchases, while also addressing the difficulties posed by extreme cases where the

²² Land Reform (Scotland) Bill Policy Memorandum, (2001)

public interest is not well served by the present arrangements. They believe therefore that it should be given further consideration. Initial discussion of the proposal with LRRG advisers elicited support for it, as well as modifications of it, or proposals of how its goals might be addressed in other ways. There is also appetite in other parts of the country for establishing more opportunities for communities and owners to come together to explore other forms of engagement, so there is room for looking at how the CLS proposal of a Land Agency relates to proposals coming from other parts of the corpus of submissions and from the evidence collected during the Group's visits.

4. Extending the right to buy

The LRSA was drafted for rural communities, principally buying land rather than other land-based assets, generally from private owners. It will be an important task for Phase 2 of the Review to consider what arrangements would be appropriate for acquisition of urban property, how the acquisition of assets is different from that of land and also what particular challenges are thrown up from having different kinds of owners – in particular public bodies rather than private landowners.

The LRRG is also conscious that nothing has been said about Part 3 and the Crofting Community Right to Buy. Community Land Scotland is keen in its proposal about the Land Agency to develop a mechanism that will cover crofting communities as well as non-crofting communities. The LRRG has access to specialists in crofting, particularly among its advisers, and will ensure that the interests of the crofting community are respected in any further proposals.

Appendix D: List of Land Reform Review Advisers

Professor David Adams – Ian Mactaggart Chair of Property & Urban Studies, University of Glasgow. Chartered Surveyor, chartered town planner, member of the Society of Property Researchers, Housing Studies Association, Regional Studies Association and the Royal Society of Arts. Research interests include State-market relations in land and property, with a particular interest in land, planning and regeneration policy. Previously undertaken extensive research on "Land ownership constraints to urban redevelopment" and more recently published RICS report on "Discovering property policy: an examination of Scottish Executive policy and the property sector".

Andrew Bruce-Wootton - General Manager at Atholl Estates since 2000. Atholl Estates, which extends to some 145,000 acres of Perthshire, is one of the largest privately owned estate in Scotland. Formerly Assistant Factor, Buccleuch Estate (September 1993-April 2000). Director of Scottish Land and Estates (2008-2011). Deputy Chairman, Scottish Estates Business Group. Educated at Acadia University, Applied Science, Engineering (1984-87)

Amanda Bryan – Rural and Community Development consultant, specialising rural development and community development in the Highlands and Islands (trading as Aigas Associates). She was Chair of BBC Scotland's Scottish Rural Affairs and Agriculture Advisory Committee from 2001 to 2006 and a former Development Manager with Ross and Cromarty Enterprise. She was employed by SNH as the Minch project Officer 1993-1995. She has served on the North Areas Board of SNH since 1997 and was previously depute Chair of that Board. She is also a Director of Kilmorack Community Hall. She has participated in a report for the Community Woodlands Association on an evaluation of partnerships between community groups and Forestry Commission Scotland (May 2006). She has worked with Stòras Uibhist on community engagement, and with Sleat Community Trust to review the Trust's management structures. She is a Forum Member of Highland and the Islands Regional Forestry Forum. She is currently involved with the purchase of the Aigas Community Forest from Forestry Commission Scotland. In 2012, Amanda was appointed as Commissioner for Forestry Commission Scotland

Simon A. Fraser OBE – Solicitor at Anderson-MacArthur, Stornoway. He is accredited by the Law Society of Scotland as a specialist in crofting law. He has been a past Dean of the Western Isles Faculty of Solicitors. He has advised many community buyouts and has also advised and acted for private estates. He is currently the Interim Crofting Administrator for Urras Oighreachd Ghabhsainn. He is a former Board Member of SNH (1998-2004), and Chair of its North Areas Board. He has been Chair of the Isle of Eigg Heritage Trust and is vice-chair of Urras nan Tursachan (the Callanish Standing Stones Trust). He is a Deputy Lord Lieutenant for the Western Isles. He is a fluent Gaelic speaker with a lifelong interest in the social and natural history of the Western Highlands and Islands, and has a particular interest in rural development. He lives in the west of Lewis.

Priscilla Gordon-Duff - Manager of a family business and holder of a first-class degree in anthropology and sociology. Mrs Gordon-Duff is responsible for the business's planning, policy and management in partnership with her husband and son. The business is involved in agriculture, forestry, property, commercial leases and community engagement. Chair of the National Forest Land Scheme Evaluation Panel since its establishment in 2005 (<http://www.drummuirestate.co.uk/>). She was chair of the Grampian Woodland Company and Forum, a board member of Paths for All, and was on the RSPB's Scotland committee. She was the founding Chair of Drummuir 21, which is a local partnership working on sustainable development of the locality, including a community woodland, and has taken part in rural development study tours to Sweden and Norway.

Donald MacRae OBE – Chief Economist Lloyds Banking Group Scotland. He founded the Business Forum – the networking organisation devoted to the development of new businesses. He was appointed to the Board of Scottish Homes in 2002 and to the board of Scottish Enterprise in 2004. He is a Trustee of the David Hume Institute and a fellow of the Royal Society of Edinburgh. He holds the Chair of visiting professor of Business and Economic Development at the University of Abertay, Dundee. He was a member of the Scottish Executive Purchasers Information Advisory Group (PIAG), reforming the selling and purchase of residential property and a member of the Scottish Executive Statistics Group. He was a member of the 2007-08 Committee of Inquiry into Crofting. He has been a Member of the Rural Development Council. He became a member of the Board of Governors of the University of the Highlands and Islands in January 2011 and the Royal Conservatoire of Scotland in July 2012. He was awarded the OBE at the beginning of 2011.

Professor Jeff Maxwell, OBE, FRSE, FrAgs, FRSGS - Agricultural Graduate of Edinburgh University (1965), worked first for the Scottish Agricultural College as a specialist Animal Production Adviser and Lecturer; then the Hill Farming Research Organisation and then as Director of the Macaulay Land Use Research Institute from 1987-2000. Former Chairman of the Tenant Farming Forum; member of the Agricultural, Environment and Biotechnology Commission; Chairman of the SEERAD Agricultural and Environment Working Group (2001-2002) producing 'Custodians of Change'

Dr David Miller – Research Leader of Realising Land's Potential, at the James Hutton Institute. He is Co-ordinator of the Land Use Theme of the Scottish Government Strategic Research Programme 2011-2016. He leads areas of the James Hutton Institute's knowledge exchange programme, including for public engagement using the Virtual Landscape Theatre, and co-ordinates research and commercial projects relating to landscape and spatial modelling, including applications in renewable energy, urban greenspaces and wider land use planning. His research interests are in better understanding human uses, preferences and interpretation of land use and landscapes.

Bob Reid – Former Convenor of the National Access Forum. He was a former President of the Mountaineering Council of Scotland (1990-1994) and was its representative in the early days of the Forum, and through his work for Grampian Regional Council and then Aberdeen City Council, was the Convention of Scottish Local Authorities representative throughout the long run-in to the enactment of the Land Reform (Scotland) Act 2003 from 1995 to 2004. He has considerable experience of upland access work, along with knowledge of low ground access issues from his local authority work and his interest in land management issues and stalking that have developed through his involvement in the NTS Mar Lodge Management Group. He has worked extensively with government and non-government organisations, business and politicians. He is a keen mountaineer, skier, sailor and naturalist

Agnes Rennie MBE – Lives with her family on her croft at South Galson on Lewis and is a native Gaelic speaker of long standing. She is Director of Acair, the Gaelic Book Publisher. She is retiring as a non-aligned Councillor at with Comhairle nan Eilean Siar. She was a former Area Commissioner for Lewis and Harris, and was appointed as a Crofting Commissioner in 1998. She has been a Chair of Iomairt nan Eilean Siar (Western Isles Enterprise). She is also Chair of Urras Oighreachd Ghabhsainn (UOG), which is the new community owner of the 56,000 acre Galson Estate. She was a member of the Committee of Inquiry on Crofting (Shucksmith).

Dr Madhu Satsangi – Senior Lecturer in Housing and Applied Social Science at the University of Stirling. Convenor of the Rural Housing Service which is much involved with rural communities across Scotland and has attracted John Swinney and Alex Neil, among others, to its annual conferences. Madhu Satsangi's doctoral thesis dealt with social aspects of rural housing provision and he is qualified in Environmental Science and Town and Regional Planning. He has researched into, and published widely on, rural housing associations, the role of private landowners in affordable housing, community land ownership and the impact of rural home ownership grants. His latest publication, written with Nick Gallent and Mark Bevan, is *The Rural Housing Question:*

Community and Planning in Britain's Countrysides, Policy Press. He has two higher qualifications in French – the Diplôme de Langue Française and Diplôme Supérieur d'Etudes Françaises Modernes – and a working knowledge of Gaelic

Dr John Watt OBE – Recently retired as Director Strengthening Communities at Highlands and Islands Enterprise, where he had responsibility for HIE's work with social and community development, including community land ownership and the growth of social enterprises. He has been involved in rural development for over 30 years, through his work for HIE and its predecessor the Highlands and Islands Development Board. This included a range of activities including grass roots social and community development work and also economic research and strategy development while he was Head of Corporate Planning. In 1997 he established HIE's Community Land Unit and managed this for several years. The Unit was set up to promote community-led land purchases; provide advice and support for such initiatives through financial assistance and technical advice; and contribute to the research and development of land policy and legislation. He was involved in many of the high profile community land buyouts and managed HIE's contracts with the Lottery to run the Scottish Land Fund and the Growing Community Assets programme. He is currently a non-executive director of New Start Highland and High Life Highland, two social enterprises based in his in home town of Inverness.