

## BRIAN WILSON

writes



In the great span of history, the most significant of the recommendations put forward by the Scottish Land Reform Review Group will – if acted upon – prove to be the 60th and last. It is worth quoting at length:

“The Review Group recommends that the Scottish Government should have an integrated programme of land reform measures to take forward the changes required to modernise and reform Scotland’s system of land ownership.

“The Review Group considers that there is a need for a single body with responsibility for understanding and monitoring the system governing the ownership and management of Scotland’s land, and recommending changes in the public interest. The Group recommends that the Scottish Government should establish a Scottish Land and Property Commission”.

Setting up new quangos is not, of itself, a radical device. But in this case it is an absolutely essential one. What this recommendation will, if acted upon, establish is both the continuity of the land reform process and the principle of interventionism in how the land of Scotland is owned and managed. And recent history confirms that these are two underpinning essentials.

The critical importance of this report is that it destroys for ever the myth that land reform, whether within Scotland’s current constitutional status or beyond, is too difficult or impossible because the powers do not exist. That is the alibi which has brought the process of land reform to a grinding halt for the past decade and it has, as this report confirms, never been true.

As the report bluntly states: “At present, the Scottish Government has no integrated approach to land reform and Scotland has not had a land reform programme for ten years.” What an indictment! In other words, since some of the programme for which the ground was laid prior to devolution in 1997-98 was implemented, there has been a complete dearth of original thought or action to follow. I have been bemoaning that for years. Now it is confirmed.

As a result of initiatives in that earlier period, feudal tenure was abolished, rights of access established, the crofting community right to buy introduced and the Scottish Land Fund created. But, as this new report recalls, the Sewel Report which laid the ground for all that (and much more if it had been fully acted upon) was explicit in warning that land reform must be an ongoing process rather than a few piecemeal actions.

Once the devolved government of Scotland fell into the hands of people who were only too happy to park the whole question of land reform, whether through disinterest or hostility, the process ground to a halt. I have no idea whether the other 59 recommendations in this latest report will be acted upon, but if only the 60th survives then at least there will be an ongoing reminder that political inaction is the product of neglect rather than necessity.

There is much to be praised and welcomed in the new report but we don’t have a clue how much of it will be turned into reality. The process by which this point has been reached has not been particularly encouraging. The Review Group was set up in 2012 to

head off the mounting criticism of inaction on land-related issues and was generally seen as a kicking into touch device prior to the referendum.

The rather puzzling choice of Dr Alison Elliot, a former Kirk moderator with no hinterland in the subject, to chair the Review Group did not inspire confidence. Last May, an interim report notable only for its monumental blandness was greeted with universal derision. At that point, two of the three Review Group members resigned and the Scottish Government realised that it had a significant political own-goal in the making. The personnel was revamped, notably through the introduction of John Watt as a group member and Robin Callander as an adviser.

As a result, a final report has been achieved which bears absolutely no resemblance to the interim report, other than the presence of Dr Elliot who presumably agrees as much with the one as with the other. Whether they wanted it or not, the current Scottish Government now has a programme of action on its hands and with it, a moral and political obligation to pick its low-hanging fruit without further delay.

Recommendations in the report which commend themselves to common sense and early action include the reform of Scotland’s compulsory purchase legislation with a public right of pre-emption; “a more integrated and ambitious” programme of land acquisitions for forestry; a “strategic framework to promote the continued growth of local community land ownership”; a more “solution-focused and less risk-averse” approach to EU state aid rules; the establishment of a National Housing Corporation charged with acquiring sufficient land to meet house-building needs.

The important point to remember about all of these is that they could have been done years ago, if the political will had existed. Instead, the ubiquitous mantra of “we don’t have the powers” was deployed to hide behind. Equally, the proposed abolition of the District Salmon Fishery Boards, to be replaced by accountable bodies representing diverse interests, and the long-promised extension of right-to-buy to tenant farmers have never needed constitutional change in order to deliver them. That is the truth that has now been laid bare and inescapable for this and future Holyrood administrations.

The recent report by the Scottish Affairs Committee of the House of Commons recommended the need for a proper Land Register as the essential building block of land reform and this new report emphasises the need to speed up the current snail-like progress towards that objective. The Scottish Affairs Committee also stressed the need for beneficial as well as nominal ownership to be revealed and, in all respects, the two reports are entirely complementary and should be treated as such.

The interventionist nature of the Review Group proposals is confirmed by the observation that implementation of a Land Use Strategy process “will lead to reductions in the current flexibility in rural land owners’ choices over how they use their land. The group recommends that the Government ensures that the necessary mechanisms are in place for the successful implementation of the Land Use Strategy in the public interest”.

This proposal, if acted upon, strikes at the power of landlords to be the sole arbiters of how land is used, misused or under-used; whether or not there are people living on it; and therefore, to some extent, what its market value is. There is not the slightest doubt that such interventions will be resisted by the landowning fraternity who will defend the sacred principle that ownership through inheritance or wealth give them the right to do what they like.

Let’s hope that the stomach exists for the fight, but I wouldn’t bet on it. We need safeguards to ensure that the issue of land reform never again goes away. The proposed Scottish Land and Property Commission should become the guardian of Scotland’s conscience and ongoing guarantor against the backsliding and evasion which have characterised the past decade.