

**Minister for Environment and Climate Change**

Paul Wheelhouse MSP

F/T: 0845 774 1741

E: scottish.ministers@scotland.gsi.gov.uk



Rob Gibson MSP  
Rural Affairs, Climate Change and Environment  
Committee  
c/o Clerk to the Committee  
Room T3.40  
The Scottish Parliament  
Edinburgh  
EH99 1SP

In 2014 Scotland Welcomes the World



5 August 2014

*Dear Rob*

**The Land Reform Review Group's final report: The Land of Scotland and the Common Good**

Thank you for your letter of 27 June regarding the committee's work in scrutinising the Land Reform Review Group's (LRRG) final report. The Land Reform Review Group (LRRG) has undertaken an important exercise in examining a number of aspects of land reform, and I very much welcome its report.

The review group's report has set the land reform debate in a modern context, relevant to the whole of Scotland, both urban and rural, with a clear focus on the public interest and the common good. I welcomed the chance to discuss the land reform review group's report with the committee, and to continue to do so as we make progress on this important area of policy.

**General**

I will address the specific issues you raise in your letter, but first I would like to give you an update on the progress to date.

While the Community Empowerment Bill is framed around very clear set of outcomes, a number of policies within it are compatible with recommendations of the LRRG. These include:

- Require each local authority to establish and maintain a register of its common good property.
- Widening the scope of Part 2 of the Land Reform Act to include urban areas
- Enabling community bodies to be constituted as Scottish Charitable Incorporated Organisations (SCIO)

- Allowing communities to take control of abandoned and neglected land through a new Part 3A.

At the Community Land Scotland Conference, at Sabhal Mòr Ostaig, I also made clear commitments to;

- Take forward a short term working group to investigate the extent of community ownership and how best to meet the 1 million acre target
- Aim to foster a constructive process where communities actively want to take on the opportunity of shaping their future
- Complete the land register within 10 years, and ensuring that all publically owned land is registered within 5 years
- Refresh our published guidance for funders on State Aid in the specific context of interventions in remote rural locations, to ensure that we continue to enable these key transfers to communities
- Maintaining the Scottish Land Fund until at least until 2020
- Bring forward a Land Reform Bill before the end of the current term of the Scottish Parliament

The LRRGs report contains many recommendations that are worthy of Bills in their own right, it is therefore clear that my commitment to a land reform bill is a step on a bigger journey, and one which the Scottish Government and Scottish Parliament will need to stay focused.

## **Specific Issues**

### *Ownership (private/public/community)*

This particular issue, as you say, is one which will have differing thoughts and views within the committee, but even more so amongst stakeholders. It is important that, whichever options we decide to take, that they have been fully considered and meet the outcomes that the review group intended. I feel that it is crucial that we engage with stakeholders to ensure that they understand those outcomes, and to eliminate the misconceptions that could arise. After all, the recommendations are not aiming to stifle inward investment, or to limit land ownership to Scottish citizens. The aim as I understand it is to ensure that the ownership of the land of Scotland is transparent and those that do own land, are identifiable and accountable.

### *New Agencies*

The review group made interesting recommendations about the need for various new agencies to assist, monitor, and police the various strands of land reform, from the establishment of a community land agency, to the creation of the Scottish land and property commission.

We will need to consider carefully, firstly whether we agree with LRRGs recommendations, and then if bodies need to set up to achieve the desired outcomes. No matter which options we decide on, we will keep the committee informed as we develop our thinking.

### *Registration*

We have already committed to ensuring that all land is registered within 10 years and all public land within 5. These are stretching but achievable targets and Registers of Scotland

has already begun the process to ensure that these targets are met; a public consultation on the use of statutory levers for advancing completion was launched in early July. The committee also suggested that, in order to reduce both the cost, and the time, it might be possible to use existing information held by various organisations to produce a non-definitive register.

We have looked further into this, while such informal records may assist land owners to prepare their applications for the Land Register and provide some transparency to wider public, on their own there is no simple way for a third party to verify or rectify their content. Use of such registers could have unintended consequences were people to place reliance on them; there is a real risk that a non-definitive register could undermine the security provided by the existing property registers. Creating a non-definitive register would not be straightforward; common standards for transposing locally held information on to a public access portal would have to be agreed and new web- systems would be needed to support this. It cannot replace a completed Land Register, which will provide transparency of ownership and certainty for those transacting with land.

That is why Parliament passed the 2012 Act and that is why Scottish Ministers are committed to completion of the Land Register within ten years. The Keeper will seek to work with those bodies holding informal registers to consider how that information can aid completion of the Land Register.

I will keep the committee informed of progress as the timetable and process is further clarified.

#### *Land Development and Housing*

This is an area that has a large amount of crossover with other policy areas and Ministers, with potential to help address some key problems. Housing and planning officials are already developing plans to investigate and respond to some of the issues raised in the review group's report, and I will ensure progress is shared with your committee.

#### *Land taxation, payments and markets*

This issue certainly has the potential to be one of the most influential in shaping the way that that land in Scotland is owned and used, and will need detailed research into the effects of any proposed changes. As has already been said, we do not plan to change the current business rates exemptions. Moving forward an improved evidence base will be vital to the quality of debate in this area, and this is something that we are considering how best to take forward.

#### *Agricultural tenancy/wild fisheries/deer management/crofting*

I can assure you and the rest of the committee, that the various reviews complement and inform each other, and that each is aware of the recommendations within the LRRG's final report. Obviously I cannot pre judge the outcomes from these reviews, but I will ensure that the committee is kept up to date with progress and is given the opportunity to contribute to the process.

You ask specifically about the Scottish Government's plans for crofting law reform in light of recent output from the Crofting Law Group's (CLG) "crofting sump". I was pleased that the CLG volunteered to consult crofting stakeholders, collate responses and provide the Scottish Government with its findings as input to the Scottish Government's wider consultation

process. I expect the sump to submit its views towards the end of this year and to provide suggestions on what might be done, both administratively and legislatively, to address the various issues raised during the Parliamentary passage of the Crofting (Amendment) (Scotland) Act 2013.

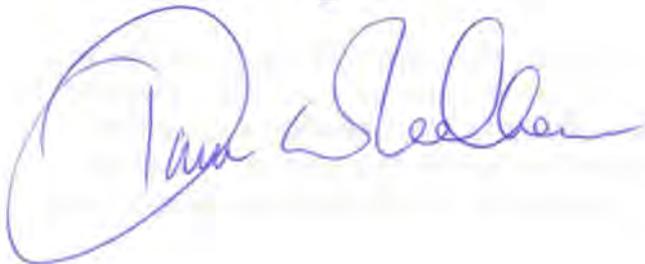
Following conclusion of the passage of that legislation, I asked my officials to consider how best these issues might be taken forward and the Scottish Government's Crofting Legislation Stakeholder Consultation Group was formed. The Group consists of members from crofting representative organisations and other key stakeholders, including: the Scottish Land Court; Scottish Land & Estates; National Farmers Union Scotland; Scottish Crofting Federation; Crofting Commission; Highlands & Islands Enterprise; Registers of Scotland; Crofting Law Group; and the Cross-Party Group on Crofting. The Group will consider the sump's report and then submit to me proposals for the way forward. I hope that some issues can be resolved administratively, but I expect that the majority will require varying degrees of legislative change. My officials can update your clerks on progress at key stages, if that would be helpful to your members.

### **Conclusion**

The review group's report has given us the opportunity to move the land reform debate from the polarised position it has been in the past and bring it firmly into discussions around the public interest. It is in the best interests of the people of Scotland that we engage in robust, informed and rational debate. This will allow the whole country to take responsibility for how the land of Scotland is owned and used, and to be confident that it is done so in the best interests of the nation as a whole.

I am really heartened by the committee's commitment to this agenda which I am sure will contribute to increased understanding and better debate. This is an opportunity for Scotland to shape the future of the land of Scotland and I look forward to engaging with the committee and other parliamentary colleagues in taking this forward over the months, and years ahead.

*Kindest regards*



**PAUL WHEELHOUSE**