

Written evidence from Andrew BruceWootton (General Manager for Atholl Estates)

Imposing a maximum limit on land ownership and restricting nationalities who can own land in Scotland would be difficult to define and even more difficult to enforce. Anyone with an interest to accumulate land would simply set up different companies to own various holdings. If the objective of this recommendation was to address perceived threats to community and environmental control then it would be more effective to put more resource and emphasis on national land use strategies and community development plans as a means of guiding, engaging, delivering and enforcing the use of land in the public interest.

Introducing measures of last resort for obliging sale or purchase of land which is not being used in the public interest requires clear definition of public interest in the context of the local community and local economy. For such tools to be accepted by the market without disastrous impacts on private investment, they need to be transparent, well defined and only enforceable after an objective and democratically accountable due process. The report suggests that barriers to land use in the public interest should be addressed by a variety of interventions, mainly involving the right to buy, overseen by a range of new government agencies, defaulting to Government Ministers to define the public interest on each occasion that the new rights are used. During my time as an advisor to the Group, I repeatedly urged them not to approach intervention from this direction because it avoids what I consider to be the crucial first step and that is for the process to initially, fully identify what is the cause of the barrier. It may be land ownership but it may be a combination of many things including environmental or heritage designation, local authority development control, public infrastructure limitations, public service capacity etc. Approaching perceived poor stewardship of land, whether it be land use or development from the direction recommended by the LRRG report, given it is reactive and case specific, many cases will turn out to be ineligible while many instances of genuine poor ownership will never be addressed. Their approach will also be complicated and expensive to administer, controversial, adversarial and certainly not local. Scottish Government commissioners, agencies and appeal procedures would be seen as big brother with all the consequential impacts. I recommended an approach which initially rolled out community planning across the whole of Scotland as a development of the Local Development Plan process. Local Plans as currently delivered are anything but local and communities are generally poorly represented in the process. Consequently, there is no co-ordinated discussion at community level about how land use and the built environment around them should change to deliver growth and sustainability. Under a comprehensive community planning system, land owners, service providers, agencies and infrastructure providers would be brought to the table by obligation to engage with communities who would be supported by community plan officers in addition to their existing local councillor support. Consequently, final community plans would be reality checked against the normal barriers of designation, access, services, ownership and NIMBYism. They would clearly define the public interest in the context of their locality. Refusal by a land owner, whether farmer or estate, to sell or lease land required to deliver the plan could then be challenged through the local authority via existing powers of compulsory purchase which is a function of local government which is tried, tested and familiar to the private sector. Though the cost of establishing community plans would not be insignificant, they would yield

significant growth in community resilience and prosperity while resolving the inertia that has developed in the countryside since changes to the structure and funding of local government and privatisation of public services has left local communities stranded, unrepresented and powerless. The introduction of statutory community plans that fit into the local authorities' development control process is an essential first step of meaningful land reform and long overdue as part of the restructuring of local government and the provision of public services.

The role of let farming is being considered by the Agricultural Holdings Review Group and therefore, in my capacity as an advisor to the Group, I urged them not to comment on this topic as, since the date of the interim report, they had not consulted with stakeholders nor taken evidence on what is a very complex issue. It was therefore a red-line event for me that the Group decided to recommend providing farm tenants with a qualified right to buy their holding without the evidence or knowledge to do so from an informed and objective position. I believe my statement on this subject to the Group is available to your Committee but I can produce it for you directly if that is competent.