

Written evidence from Community Land Scotland

Introduction

Community Land Scotland (CLS) welcomes the content, direction of travel and recommendations of the LRRG Report published on 23rd May 2014.

There are specific matters of detail within the recommendations that CLS wish to consider further and will comment more fully on as and when they are consulted on by Government, but this should not detract from support for action on all the recommendations.

Two dimensions to the report

The LRRG Report has two distinct parts:

- key ideas and principles for considering the land question, from which flow
- detailed recommendations

Key ideas and principles

The Report breaks new ground in making fundamentally important statements about the importance of land and what principles and objectives should underpin thinking and policy about the land question.

The context for this thinking is the stark measure of inequality inherent in our highly unusual levels of concentration of land ownership in Scotland. The following key ideas and principles seem of particular relevance and importance and CLS strongly supports them as matters of principle:

- Land is a precious and crucial resource which requires to be used and owned in the public interest and for the common good.
- Greater diversity in land ownership would serve the public interest.
- Land reform is not principally a question of land use as land ownership significantly determines land use.
- That human rights considerations extend beyond just ECHR
- The concentration of land ownership places significant power and influence in relatively few hands and jars with the idea of Scotland being a modern democracy in this regard.
- A key underpinning principle in developing future land policy should be the concept of 'people centred land governance'

The common good is helpfully defined as: the wellbeing of society as a whole; enriched participatory democracy; environmental sustainability; economic success; greater social justice; the achievement of human rights.

These key ideas and principles give the context and justification for the range of specific recommendations.

Specific recommendations

As land ownership is seen as a public interest matter requiring the balancing of private rights and interests with the public interest and common good, some recommendations, rightly, would permit further intervention in land ownership matters in order to secure greater the diversity of ownership that would serve the public interest and common good.

CLS in this evidence submission is limiting its comments to specific recommendations concerned principally with the community ownership of land, and relevant associated recommendations.

CLS believes that all the report's recommendations have merit and among the recommendations made CLS specifically wants to indicate in principle support for the following:

- Achieve a complete land register of ownership as quickly as possible
- Act against 'offshoring' land ownership arrangements of land in Scotland
- Change the Crown Estate control arrangements in Scotland
- Allow flexibility in the definition of community bodies under the Land Reform (Scotland) Act 2003, including SCIOs
- Extend the community right to buy to all of Scotland
- Implement new mapping arrangement to define the community
- Make registration of an interest in land apply for a longer time period
- Make re-registering an interest in land easier
- Create new community land purchase rights, including, particularly, the actual right to buy, when in the public interest, and where negotiation for purchase had failed.
- Create a Community Land Agency
- Permit interventions to potentially limit the scale of any individual land-holding
- Simplify Parts 2 and in particular aspects of Part 3 of the Land Reform (Scotland) Act 2003, in relation to the mapping requirements
- Allow discounts or nil value transfers of the publicly owned crofting estates, when crofters initiate and express a desire to purchase
- Achieve more proportionate interpretation of State Aid requirements

In further consideration of the issues, CLS would stress: that devolution of the functions of Crown Estate should extend to where communities already own the adjacent land to the foreshore; that the public interest in the actual right to buy should be based on what is reasonable and fair, and not set in ways which fetter appropriate discretion to Ministers to judge the public interest in the particular circumstances of any given case; where new CPO powers and the Compulsory Sale Order are envisaged, the precise relationship between the exercise of those powers and the registration of interests in land will require careful consideration; the CSO power could have relevance in rural areas too; there may be a number of ways to achieve the particular objectives around the maximum land holding proposal, with the important consideration being securing a mechanism to trigger consideration of what is in the public interest in large land sales; the specific status, powers and duties that the Community Land Agency should have will be vital and CLS would prefer to see the agency as an NDPB.

There is important endorsement within the report that the negotiation of land sales into community ownership should be the first and preferred route for community purchases, and that such negotiations will not only be assisted but may only be made to work with the existence of backstop right of actual purchase, if that purchase was deemed in the public interest.

Early Action

CLS urges the RACCE Committee to give strong support to the LRRG Report, the principles it sets out for considering the land question, the objective of change to secure more diverse ownership, and the thrust of the specific recommendations, while recognizing there are many aspects of detail to be worked through.

CLS further urge the Committee to support the Scottish Government in consulting quickly on the recommendations and to utilise the forthcoming Community Empowerment (Scotland) Bill to maximum effect in implementing recommendations.

Note: The fact that an issue is not mentioned in this short submission of evidence should not be taken to indicate it is not supported.

CLS will be happy to expand on any of the above or any other matters arising from the LRRG Report, at the request of the Committee.