



The James
Hutton
Institute

Rural Affairs, Climate Change and Environment Committee
Room T3.40, The Scottish Parliament
EDINBURGH
EH99 1SP

14th August 2015

Land Reform (Scotland) Bill: Stage 1 Evidence
Submission from the James Hutton Institute, 14th August 2015

The James Hutton Institute welcomes the publication of the Land Reform (Scotland) Bill, introduced to the Scottish Parliament on 22nd June 2015.

Following our response to the initial consultation on Land Reform we provide additional comments on the content of the Bill.

- The Institute welcomes the vision of the Scottish Government in terms of its Land Rights and Responsibilities Statement (Part 1 of the Bill). However, there is a need for clear definitions of key terms and objectives for the Statement, and consideration should be given to the breadth of the Statement (i.e. considering land use and governance, rather than focusing on land reform).
- The Institute welcomes the requirement of approval by the Scottish Parliament of appointments to the Land Commission, to ensure that Commissioners are representative of the wide range of views and interests in land ownership and management, independent of government to insure that there is no perceived bias, and not dominated by any interest group.

The functions envisaged of the Land Commissioners (as set out in Section 20), in relation to 'use of land', should also include a remit for considering the strategic planning of land use across Scotland, and so also contribute to the objectives of the Scottish Land Use Strategy. Consideration could also be given to appointing independent Regional Commissioners, with a role in ensuring that planning at a local level aligns with Principles of the Scottish Land Use Strategy which are reflected in the Land Reform (Scotland) Bill, notably those of 'engaging communities in decisions relating to land'.

We believe that the role of the Tenant Farming Commissioner could be expanded beyond that of one individual, given the extent of the anticipated responsibilities.

Aberdeen
Craigiebuckler
Aberdeen AB15 8QH
Scotland UK

Dundee
Invergowrie
Dundee DD2 5DA
Scotland UK

Tel: +44 (0)844 928 5428
Fax: +44 (0)844 928 5429
info@hutton.ac.uk
www.hutton.ac.uk



The James Hutton Institute

- Part 4 of the Bill, on engaging communities in decisions relating to land, is a welcome improvement to proposals in the earlier consultation document, which only considered community engagement by charitable trustees. Community engagement in land use decision-making is important to ensure that rural development priorities are agreed between communities and landowners, with increased transparency and accountability. There is guidance within the academic and practitioner literature regarding best practice community engagement. In particular we draw your attention to the 'Working Together for Sustainable Estate Communities' booklet (Glass et al., 2012) and the evidence-based recommendations in the recent paper by McKee (2015) on community engagement in issues relating to land management.
- With regard to Part 5 of the Bill, on the right to buy land to further sustainable development, and in line with research by the 'Sustainable Estates for the 21st Century' project', there is increasing clarity on the definition and understanding of the term 'sustainable development'. Thus the use of 'sustainable development' tests for compulsory land purchase on the part of community bodies is a credible approach for policy implementation.

However, we suggest that, to maximise policy cohesion, the final definition of sustainable development included in the Act should reflect the principles and objectives outlined in the Scottish Land Use Strategy and in other relevant strategic and legislative documents and programmes: Scottish Planning Policy (2014) (SPP), Climate Change Act (2009), National Planning Framework 3 (2014) (NPP3), and the Scottish Rural Development Programme (2014-2020). There should also be clarification of the relationship between the revised legislation and the 2005 sustainable development strategy for Scotland, 'Choosing Our Future'.

The Institute is encouraged to see the wider consideration of sustainable development, including social and environmental wellbeing, beyond that of the Government's goal of 'sustainable economic growth'.

Concerns may arise around the nomination of third party owners by community bodies (e.g. with the possibility of public assets being passed into private ownership); however, this measure may support the development of affordable housing, where housing associations are nominated owners with capital to invest in housing development (which may not be available to communities).

- With regard to Part 8 of the Bill, on deer management, the Institute is pleased to see further compulsion for the preparation of deer management plans and associated monitoring of deer numbers. We also support the intention that local community engagement is facilitated and community views communicated during the preparation of a deer management plan.



The James
Hutton
Institute

We trust that you will find these contributions of assistance in your deliberations.

The James Hutton Institute is happy to participate further in the consideration of the Bill as it progresses through the Scottish Parliament.

Sincerely,

Professor Iain Gordon
Chief Executive Officer
James Hutton Institute

References

Glass, J.H., McKee, A. and McMorran, R. (2012). 'Working Together for Sustainable Estate Communities': Exploring the potential of collaborative initiatives between privately-owned estates, communities and other partners. Centre for Mountain Studies, Perth College, University of the Highlands and Islands. Available online: http://issuu.com/cms_uhi/docs/working_together_for_sustainable_estate_communitie

McKee, A.J. 2015. Legitimising the Laird? Communicative Action and the role of private landowner and community engagement in rural sustainability. *Journal of Rural Studies* 41: 23-36. Available online (open access until 13.09.15): <http://authors.elsevier.com/a/1RQZP2eyKFOApr>