



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

Making More of Scotland's Land

Our Strategic Plan 2018 to 2021



Scottish Government's Purpose:

To focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth



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Background to the Scottish Land Commission

The Land Reform (Scotland) Act 2016 (the Act) established the Scottish Land Commission (the Commission) as an executive non-departmental public body which became operational on 1 April 2017. The board of the Commission is made up of five Land Commissioners and one Tenant Farming Commissioner, all of whom are appointed by Scottish Ministers. The organisation is based in Inverness and employs a small core staff.

The functions of the Commission are described in section 6 of the Act –

- to provide the Land Commissioners and Tenant Farming Commissioner with the property, staff and services needed to perform their respective functions
- to make such arrangements as are appropriate and practicable for the coordination of the performance of those respective functions.

The functions of the Land Commissioners are described in section 22 of the Act –

- to review the impact and effectiveness of any law or policy
- to recommend changes to any law or policy
- to gather evidence
- to carry out research
- to prepare reports
- to provide information and guidance.

The Land Commissioners must consider and advise on any matter that Scottish Ministers may refer to them, and in exercising their functions they must have regard to the Land Rights and Responsibilities Statement published by Scottish Ministers and updated from time to time.

The functions of the Tenant Farming Commissioner are described in section 24 of the Act –

- to prepare codes of practice on agricultural holdings
- to promote the codes of practice
- to inquire into alleged breaches of the codes of practice
- to prepare a report on the operation of agents of landlords and tenants
- to prepare recommendations for a modern list of improvements to agricultural holdings
- to refer for the opinion of the Land Court any question of law relating to agricultural holdings
- to collaborate with the Land Commissioners in the exercise of their functions to the extent that those functions relate to agriculture and agricultural holdings
- to exercise any other functions conferred on the Commissioner by any enactment.

The Tenant Farming Commissioner must exercise these functions with a view to encouraging good relations between landlords and tenants of agricultural holdings. Scottish Ministers must review the Tenant Farming Commissioner's functions no later than 31 March 2020, and may then amend, remove or add to these functions as they see fit.

The Commission's initial Framework Document, agreed with Scottish Ministers, gives us an overarching aim "to advocate for a clearly understood modern system of varied ownership, management and use of land which enables communities across Scotland to flourish, development to be sustainable and where disputes are minimal".

More specifically the Framework Document sets out strategic aims that require us to –

- promote a stronger relationship between the people and the land
- ensure that the ownership and use of land delivers greater public benefit
- improve the potential for land, both urban and rural, to contribute to the success and development of Scotland's people and communities.

On 1 April 2017 the Commission published an Interim Corporate Plan. This Strategic Plan sets the direction for the Commission's work from January 2018 to 2021.

“...overarching aim “to advocate for a clearly understood modern system of varied ownership, management and use of land which enables communities across Scotland to flourish, development to be sustainable and where disputes are minimal”.”



The Land Commissioners: (left to right) Megan MacInnes, Professor David Adams, Andrew Thin (Chair), Dr Bob McIntosh (Tenant Farming Commissioner), Dr Sally Reynolds and Lorne MacLeod



“...’to focus the government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth’.”

The Strategic Context

This Strategic Plan sets out how we will contribute to the Scottish Government’s central purpose ‘to focus the government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth’.

Our work will build on the policy direction established through the Land Reform (Scotland) Acts 2003 and 2016, the Community Empowerment (Scotland) Act 2015, the Land Rights and Responsibilities Statement and the foregoing reviews of Land Reform and Agricultural Holdings.

More widely we will ensure the Scottish Land Commission’s work contributes to the successful delivery of Government strategies including the Economic Strategy, Land Use Strategy, National Planning Framework, planning reform, and the Climate Change Plan.

We have identified the following as influential factors in government thinking that help determine our strategic prioritisation:

- The importance of continuing to grow the Scottish economy;
- The significance attached to doing so in a socially inclusive and sustainable manner;
- The emphasis placed on empowering communities to do things for themselves;
- The emphasis placed on the realisation of economic, social and cultural human rights.

The connected and dynamic nature of the strategic context means we need to maintain a degree of flexibility within this strategic plan to respond to changes and emerging issues over the coming three years.

In reviewing this context we identify several areas where a land reform response is likely to be required. Some of these will require new legislation, while other areas can be addressed through adjustments to public policy. Many should simply require a commitment to working together and doing things differently and so may be best addressed through guidance and codes of practice. Most will require research, analysis and engagement before we can be confident in recommending what the most appropriate response should be.



Our Vision

Our vision is a fair, inclusive and productive system of ownership, management and use of land that delivers greater benefit for all the people of Scotland.

Our vision is a dynamic one in which land reform is a constant theme in the work of government at all levels, and where land rights and responsibilities are continually updated to reflect evolving circumstances.

In this vision we see a cultural shift in understanding of land ownership, its rights and responsibilities. We envisage a better balance between public and private interests and an increasingly diverse pattern of land ownership and tenure which properly reflects national and local aspirations and human rights.

“Our vision is a fair, inclusive and productive system of ownership, management and use of land that delivers greater benefit for all the people of Scotland.”



Outcomes

The Scottish Government's National Performance Framework sets out the high level National Outcomes to which our work contributes. The pervasive reach of land reform into so many aspects of our lives brings many of these into focus, but the following will be the most important:

- We realise our full economic potential with more and better employment opportunities for our people;
- We live longer, healthier lives;
- We have tackled the significant inequalities in Scottish society;
- We live in well-designed, sustainable places where we are able to access the amenities and services we need;
- We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others;
- We value and enjoy our built and natural environment and protect it and enhance it for future generations.

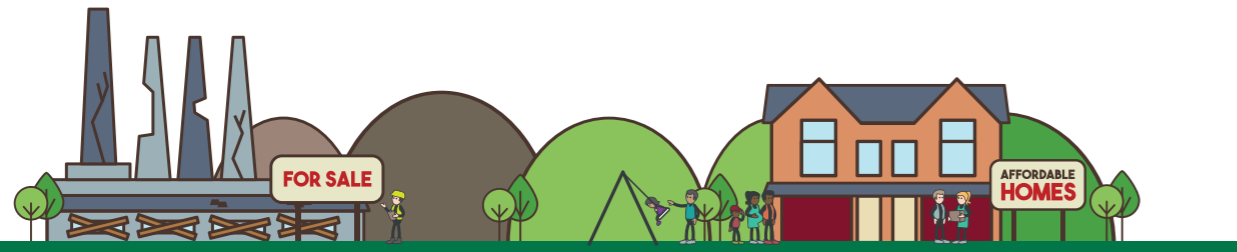
We have identified the following long term (10 year +) outcomes for land reform to which our work will contribute and for which we will establish baseline data and monitoring:

- There will be fewer land constraints to effective public interest-led development and place-making;
- The supply of land for housing will be less constrained by land tenure and land values;
- The net area of vacant and derelict land will be falling;
- The level of concentration in land ownership patterns will be falling;
- The level of community involvement in land management decision making will be rising;
- The number of communities exercising ownership or control of land will be rising;
- The number of agricultural units managed through a lease or joint venture will be rising;
- The relationships between agricultural landlords and tenants will be improving.



Objectives

Our work over this three year period will be guided by three strategic objectives:



PRODUCTIVITY –

To drive increased economic, social and cultural value from our land



DIVERSITY –

To encourage a more diverse pattern of land ownership with the benefits of land spread more inclusively



ACCOUNTABILITY –

To ensure decision-making takes account of those affected and responsibilities are met

PRODUCTIVITY

is central to our vision for land reform. We must ensure that Scotland's land is used effectively. We want to focus our efforts on identifying barriers to productive use of land, and devising new ways of overcoming them to unlock energy and creativity. We define productivity firmly in a three-dimensional way, reflecting the economic, social and cultural aspirations implicit in the International Covenant on Economic, Social and Cultural Rights. We see the purpose of increasing productivity as being to further the wellbeing of all the Scottish people, with no one interest gaining unreasonably at the expense of another.

DIVERSITY

of land ownership patterns is vital to encourage a thriving society where no single type of ownership dominates the landscape. We must encourage a more diverse pattern of ownership and ensure the benefits from land are shared more inclusively, building on the idea of land for the many not just for the few. There is a current and widespread perception that Scotland has a narrow ownership pattern that impedes both productivity and equity. We need to get an accurate understanding of this and how diversifying ownership patterns could maximise the productive management and use of land and spread the benefits more widely.

ACCOUNTABILITY

is a critical part of any system where the decisions of a few potentially impact on the interests of many. We must improve the accountability of land owners and decision makers to the Scottish people and ensure communities are empowered to influence land management and use. It becomes of vital significance in a property owning democracy where title to most of our land is held by relatively few people, and where land rights carry with them robust responsibilities. We see the owners of land as being ultimately accountable to the Scottish people for the actions that they take and we see strong accountability systems as being key to ensuring that this is effective. Ensuring communities are empowered to influence decisions is integral to robust accountability.



Priorities

Our strategic priorities for 2018-21 reflect both the complexities of the strategic context and the breadth of ambition implicit in Scottish Government and wider societal aspirations. They build on the Land Reform (Scotland) Act 2016, the Community Empowerment (Scotland) Act 2015, the Land Reform Review Report 2014 and the Land Rights and Responsibilities Statement. They set out areas of work through which we seek to deliver real progress on the ground during this plan period as well as laying the groundwork for longer term reform.

Our strategic priorities for 2018-21 are focused on four core areas of work:

LAND FOR HOUSING AND DEVELOPMENT

Reform of the way in which land markets determine the pattern and quality of development has potential to address pressing social and economic needs, particularly provision of good quality housing at affordable levels. We will seek to stimulate reform in both an urban and rural context through:

- Identifying measures to bring vacant and derelict land into use for housing and other productive development;
- Reviewing ownership constraints to land assembly for development;
- Reviewing ownership constraints to delivery of housing, including land banking;
- Investigating ways in which a more strategic approach to public interest-led development and land supply can unlock more productive use of development land.

LAND OWNERSHIP

There are fundamental questions about the diversity and equity of land ownership that we need to address. We will seek to understand the impacts and identify opportunities for change through:

- Addressing the impacts of scale and concentration of land ownership;
- Reviewing the impacts of ownership structures, tax and fiscal arrangements on the public interest;
- Improving the effectiveness of community right to buy mechanisms and identifying measures to secure more community benefit, use and ownership from Common Good Land.

“We recognise there are many connections between these four programmes of work and we will take an integrated approach to delivering them.”

We recognise there are many connections between these four programmes of work and we will take an integrated approach to delivering them. In particular we recognise that the realisation of the human rights inherent in Scotland’s framework for land reform, articulated in the Land Reform Act and the Land Rights and Responsibilities Statement, requires further understanding and development. This will be a common theme of work running through our programmes for the coming three years.

LAND USE DECISION-MAKING

Decisions on land use and management have wide implications that can impact many people. We will seek to improve the quality and accountability of decision making through:

- Promoting inclusive decision making, collaboration and a culture of accountability;
- Addressing policy coherence and alignment through local, Scottish and UK levels in order to better inform decisions.

AGRICULTURAL HOLDINGS

There is a pressing need to address tenure barriers to farm investment and productivity, improve the availability of land to farm and create a better functioning system of tenanted land. In delivering the functions of the Tenant Farming Commissioner we will focus on:

- Improving the relationships and efficiency of agricultural lease and joint venture mechanisms;
- Reviewing options for improving availability of land for those who want to farm;
- Keeping under review the implications for agricultural tenure of land ownership structures, taxation and Brexit.



Delivery

The Scottish Land Commission's role combines leadership and non-regulatory culture change with statutory functions to review and advise on legislative and policy change.

We will deliver against our priorities through:

Engagement and communications

stimulating awareness, collaboration and change on the ground;

Research and evidence

commissioning and collating the research and evidence necessary;

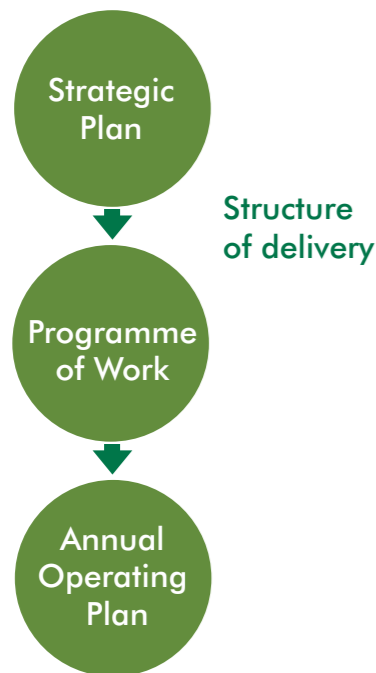
Guidance and codes

developing guidance and codes of practice to help shape good practice;

Making recommendations

for change in legislation, policy and practice.

The Programme of Work sets out the headline areas of work we intend to take forward to deliver against our priorities. We will prepare an annual operating plan that shows how we will structure and schedule work in each financial year including associated resources and performance management.



“This plan draws together the functions of both the Land Commissioners and the Tenant Farming Commissioner within one integrated framework.”

Leading change in the priorities identified means working closely with other organisations and stakeholders in shaping and delivering our work. We will seek to build networks of knowledge, expertise and learning, developing our collective capacity to review and deliver reform.

Though research is a vital core of our work, our programme will be as much about the engagement and actions necessary to influence change on the ground. For example, we intend to broaden the use of guidance and codes of practice beyond the specific requirements for the Tenant Farming Commissioner, to help deliver the wider priorities set out in this plan.

This plan draws together the functions of both the Land Commissioners and the Tenant Farming Commissioner within one integrated framework. This underpins a vision for our organisation that is built on five overarching principles for the way in which we work.

How we work:

- We work for all of Scotland's people, and regard the interests of everyone;
- Our decisions and recommendations are thoroughly evidence based;
- We challenge and test presumptions, and place a high value on innovation;
- We are an open, transparent and outward facing organisation;
- We provide leadership and drive to land reform wherever it is needed.

Building Our Organisation

In this first Strategic Plan we recognise the need to be clear not only about our vision for land reform, but also for the organisation we have begun to establish. We recognise the significance of getting the structure, ways of working and culture of the organisation right, and the importance of building public confidence in the Commission.

We are committed to building a Commission that will serve the Scottish people well for many years to come, driving forward land reform on a continuing basis so that the Scottish people can progressively make ever more of their land.

We have identified three key dimensions to getting this right, each of which will demand continued attention over the next three years:

- We will maintain tight control over fixed costs, maximising our flexibility to undertake variable cost expenditures and ensuring our longer term financial resilience;
- We will employ a small number of permanent staff, making the most of externally sourced specialists and shared services to meet the needs of an evolving work programme;
- We will develop and articulate a clear set of internal core values that emphasise innovation, challenge and empowerment as central to our way of working.

We intend the Commission to be a small fast moving organisation which genuinely empowers individual employees to get things done with freedom and accountability for delivery. We will seek out high quality employees who are comfortable in this setting.

Our emphasis on flexibility will place significant demands on our financial management arrangements. We anticipate that most of our work will be financed through grant-in-aid from the Scottish Government. We will seek efficient arrangements to support the operation of the organisation through shared service functions where appropriate.

The Scottish Government has allocated £1.4m to the Commission in our first year. Our outline annual budget for the years 2018-21 is as follows, though we anticipate a need for flexibility as our Programme of Work evolves. Annual operating plans will set out detailed resource allocations and annual accounts will be audited and published.

Income:		£'000
Grant-in-aid		1,400
Expenditure:		
Commissioners Fees		51
Staff Salaries		500
Corporate Services		219
Communications		80
Programme of Work		550

Finally, we will develop a well networked outward looking organisation that is neither an island nor an ivory tower. We attach considerable importance to building strong networks across all stakeholder interests, and we will do so in a way that is at the same time collaborative and mutually challenging. We know that we will need to be constantly tested if we are to remain innovative and relevant, and we also know that challenge is vital in reforming systems with deeply embedded assumptions and practices. We will be an open organisation seeking to learn from national and international experience.