

Community Engagement in Decisions Relating to Land

This protocol is one of a series we have issued to help you put the Scottish Government's Land Rights and Responsibilities Statement into practice.

The [Land Rights and Responsibilities Statement](#) (LRRS) sets out that wide public engagement on decisions taken in relation to land and buildings can help to build trust and enable landowners, land managers and communities to develop positive and co-operative working relationships. Good relationships and collaboration can lead to creative and innovative solutions to issues and are key to securing better outcomes for landowners and for communities.

The purpose of this protocol is to set out how landowners and managers can engage with and involve communities in decisions relating to land. This protocol supports the practical implementation of the Scottish Government's [Guidance on Engaging Communities in Decisions Relating to Land](#), which sets out reasonable expectations for those who take decisions about land, to engage with those who are affected by those decisions. This protocol is issued to support the guidance and should be used with it.

The guidance sets out that communities can reasonably expect to be engaged in decisions about land that are likely to have an impact on them and their local area. Engagement should be a genuine

exercise in collaboration, and community views should be considered with the aim of achieving outcomes that benefit everyone. People should have confidence that there is a fair and balanced system of decision making in relation to land and should be engaged in decisions that will affect them and their local environment.

This protocol applies to all landowners and land managers in Scotland and sets out reasonable expectations for sharing information with communities and engaging and collaborating with them for mutual benefit. It is additional to any statutory process or sector specific requirements, such as consultation for planning applications or forestry developments or in relation to funding applications. It sets out expectations for good practice that can be used for early engagement before these formal processes begin.

This protocol supports positive behaviours by everyone involved in decision-making in relation to land. It aims to ensure that mutual interests are taken into account in a reasonable and fair way, and to make sure that interactions take place in a spirit of respect and understanding.



Expectations

- Where we use the word **should**, we expect everyone involved to follow the approach described, unless it conflicts with their legal duties.
- Where we **recommend** a course of action it means this is good practice, but we recognise that other approaches may be equally effective.

We expect everyone covered by this protocol to follow the expectations set out in our [protocol on Transparency of Ownership and Land Use Decision-Making](#) and to meet the following expectations:

- a. Contact information for relevant people should always be available. This includes landowners or someone with local decision-making authority (such as a land manager or agent) and the relevant community council and community organisations in the area.
- b. When a community has ideas for, or a concern about, current or proposed land management they should tell the owner or manager of the land and give them a reasonable opportunity to respond and begin a constructive discussion.
- c. Where a relevant party asks for information or a meeting to discuss ideas or issues, and where the request is appropriate and proportionate, this should be accommodated. It is recommended that this is within six weeks of a request.
- d. Where decisions about land are being made that could significantly impact on a local community, the landowner or manager should work with the community to create an engagement plan. This should set out agreed expectations on what, how and when the community will be engaged in decisions that could affect them.
- e. Where plans to significantly change how land is managed and used are known in advance, information about the proposed change should be made available to the community at a time when there is still an opportunity to influence the decision. It is recommended that this is at least three months before the planned change is made.

- f. The people involved in a consultation event or engagement meeting should agree before it takes place how notes, actions and decisions will be recorded and shared. It is recommended that this information is shared within six weeks of the meeting date or the end of the consultation period, unless otherwise agreed.
- g. People who are making decisions about land use or management that could have a significant impact on a community should explain how views shared by the community during engagement processes have been considered in the decision-making process. It is recommended that this information is shared within six weeks of the end of the engagement period.

The Scottish Government guidance does not set timescales for engagement in different situations. We have recommended timeframes that we consider to be reasonable but appreciate that these may not work in every situation and that sometimes the people involved will need to agree to times that suit their situation.

Who this protocol applies to

This protocol applies to:

- **Owners** of land including individuals, companies, trusts, public bodies, non-governmental organisations, charities and community owners, but excluding individual home owners;
- **Land Managers** including tenants of land, agents or other people employed or contracted by the owner to look after land or property on their behalf;
- **Community Councils** representing the area within which the land and/or a related community sits; and
- **Relevant constituted community organisations**, who have an open membership, demonstrate community control, and who represent a defined geographic area.

Definitions

When we talk about **community**, we mean the individuals who live in a particular place. This can be an urban or rural area. It can be defined as whole towns, single streets, whole islands or peninsulas, other large geographic areas or small villages or neighbourhoods.

By **engagement**, we mean regular communication between the people who take decisions about land and the communities affected by them., Regular engagement builds trust and good relationships and ensures information is shared effectively.

There is no fixed definition of **significant impact**, but, as set out in the Scottish Government Guidance, it can be taken to mean a decision that might affect the environmental, social, economic or cultural development of a community. It could also involve a change or restriction of access to local services, a good quality environment, or community viability.

Where a decision could have a significant impact on a community more formal engagement or **consultation** will be expected. This may take place over a longer period, should be more structured, and should give people a chance to have a say on what you are going to do.

A range of approaches to engagement can be used to suit the local context. Examples are included in the Scottish Government's Guidance, and in guidance issued by us to support use of the protocol.

Land includes buildings and other structures, land covered with water, and any right or interest in or over land. It can be urban or rural.

Land Rights and Responsibilities

The Land Rights and Responsibilities Statement sets out the vision for a strong and dynamic relationship between Scotland's land and its people. It is the first of its kind anywhere in the world. Land rights and responsibilities apply to both urban and rural Scotland and are about owning, managing and using land in a fair way that benefits everyone in Scotland. It states that the people and organisations that make decisions relating to land should recognise and act in line with their responsibilities, as well as their rights.

The way land is owned and used affects the quality of life for everyone in Scotland. The LRRS is based on the belief that Scotland's land is a resource for everyone in Scotland and should contribute to economic, environmental and social goals within a human rights approach. Realising and applying land rights and responsibilities can reduce inequality and bring mutual benefit to landowners, land managers and communities.

There are seven principles in the LRRS, and this protocol on Engaging Communities in Decisions Relating to Land specifically supports principle 7, which is as follows:

- "There should be meaningful collaboration and community engagement in decisions about land."

It is also underpinned by and supports principle 1, which states:

- "The overall framework of land rights, responsibilities and public policies should promote, fulfill and respect relevant human rights in relation to land, contribute to public interest and wellbeing, and balance public and private interests. The framework should support sustainable economic development, protect and enhance the environment, support a just transition to net zero, help achieve social justice and build a fairer society for the common good."



Putting this protocol into practice

We may sometimes produce practice guidance and case study examples to help put this protocol into practice. We may publish these on our own website, or we may work with other organisations which represent the interests of a particular sector.

If you would like further information on how to implement this protocol, please check our FAQs, route map, guidance and templates that we have published to support the protocol. If you have questions about using any of these, please [get in touch](#) with us.

This protocol is effective from the date of issue until it is withdrawn or revised by a notice published on our website.

Telling us about your experience

If you have an enquiry about the protocols and how to use them, please contact us. We can provide information and support or signpost you to another organisation.

We are keen to hear of and share positive examples of good working relationships and welcome information about successful collaboration between landowners, land managers and local communities. These case studies can help tell other landowners, managers and community organisations about good practice.

If you experience a situation which differs significantly from the expectations set out in this protocol, please contact us with details and supporting evidence where available. We encourage you to speak to the relevant landowner or community organisation to find a resolution first, but we know that this is not always possible. If there is a relevant regulator you should approach them. Where appropriate we will provide advice and work with you and the other parties involved, if applicable, to deal with any difficulties and help improve practice. Knowing what is happening in practice also helps influence the future development of policy, protocols, and guidance.

Get in touch with our Good Practice Team to share your stories, or to find out more on how you can improve your practices:

Scottish Land Commission
An Lòchran
10 Inverness Campus
Inverness, IV2 5NA

@ goodpractice@landcommission.gov.scot

☎ 01463 423 300

Review

We have developed this protocol with the Good Practice Advisory Group members – Community Land Scotland, Development Trusts Association Scotland, National Farmers' Union Scotland, and Scottish Land and Estates.

We will continue to work with the Good Practice Advisory Group to keep this protocol under review. Our future work programme and the recommendations we make to Scottish Ministers in relation to the LRRS will be guided by how this protocol is put into practice.

Further Information

 **More information can be found at the following links:**

Land Rights and Responsibilities Statement

www.gov.scot/policies/land-reform

www.landcommission.gov.scot/our-work/good-practice

Community engagement FAQs

Community engagement useful resources

Community engagement route map

Community engagement plan practice guidance

Engagement planning template

Engagement planning matrix

Early engagement in planning

National Standards for Community Engagement