



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

Commissioners Meeting

Tuesday 6th June 2023, 9:30am
Sandeman room, AK Bell Library Perth

A G E N D A

Item no	Item	Paper no	Action	Lead
	Welcome/Apologies			Sally Reynolds
	Declarations of Interest			Sally Reynolds
1.	Minutes of the previous meeting: 9 th May 2023		For agreement	Sally Reynolds
2.	Strategic Plan – working draft	1 Annex A	For discussion	Hamish Trench
3.	Good Practice Programme Casework report	2 Annex A	For discussion	Emma Cooper
4.	Diverse ownership and governance – workstream update	3	For information	James MacKessack-Leitch
5.	Communications update	Verbal update	For information	Nikki Nagler
6.	AOB			

Stakeholder lunch at 12 pm followed by stakeholder workshop in the afternoon finishing by 4pm.



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PAPER 1

Strategic Plan Development – working draft

Purpose:	To consider a working draft of the Strategic Plan and scoping of options for the Programme of Work
Previous board papers:	9 th May 2023 Paper 3: Strategic Plan Development
Action required:	For discussion

At the 9th May meeting Commissioners agreed the outline structure for the Strategic Plan. A working draft is now attached at Annex A for consideration.

The draft is a work in progress and feedback is sought now in order to inform its development. A full draft will then be considered at the next board meeting.

Commissioners are asked to focus in particular on:

- **Clarity of overall narrative;**
- **A revised vision;**
- **The proposed three themes of people, power and prosperity and articulating our focus within these themes.**

Programme of Work

We are also beginning to develop the next Programme of Work that will accompany the new strategic plan. The Programme of Work is required by the Act and will be laid in Parliament. While the strategic plan sets out our overall focus, the programme of work is where we set out the specific priorities we intend to work on. As we have in the past, we intend to take an 18-month time horizon in the Programme of Work, expecting that we will update it as necessary.

At this stage we are identifying a longlist of possible review topics that a) address the three proposed long term outcomes of the draft strategic plan and b) build on our current work where relevant.

We must ensure the statutory functions of the Tenant Farming Commissioner continue to be delivered effectively. We will also want to continue to provide advice on the implementation of the Land Rights and Responsibilities Statement, developing further the good practice programme we

have established. Beyond this there are a number of areas where we could focus resource in terms of undertaking time limited reviews and providing advice. These include:

<i>Possible Topic</i>	<i>Possible scope</i>
Land value	Review bringing scrutiny and transparency in where value comes from and goes to; how value is changing and how value is used to secure long term prosperity and public good
Urban land ownership	Review evidence of power and control in urban land ownership and ways to move from passive to active ownership
Land governance	Thought-leadership in options for different governance models combined with practical guidance and policy advice to support implementation
Land use planning	Review options to improve accountability and integration of land use planning, eg addressing parallel rural and development planning systems, regional governance
Tax and fiscal policy	Further work on options for reform in changing context of public and private finance, delivery of net zero and community wealth building
Land information	Options to improve transparency and use of land information including moving towards a cadastral style system

Commissioners are asked to consider this initial scoping for the Programme of Work and consider where priorities should lie.

Hamish Trench

May 2023



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PAPER 2

Good Practice Programme Casework Report 2020-2023

Purpose:	To discuss initial findings from the review of good practice casework 2020-2023
Business Plan context:	Strengthening practical implementation of the Land Rights and Responsibilities Statement (LRRS)
Previous board papers:	Quarterly casework reports
Action required:	Commissioners are asked to consider the findings and key messages

Background

While Commissioners have seen quarterly reports on our casework, this review looks back at the three years 2020-23 to identify learning and inform future steps.

The Good Practice Programme promotes and supports change and good practice in the way land is owned and used in both urban and rural Scotland. A core element of the Programme is our casework and enquiries service which is based on the information and expectations that are set out in our Land Rights and Responsibilities Protocols.

We encourage people to get in touch with examples of good practice and to discuss or ask questions about the protocols and other Commission resources. We offer support and advice both where people have concerns that land owners or managers are not delivering good practice and following the protocols, and when land owners or managers want to be proactive in delivering good practice. We may also approach people directly if we hear of cases where good practice standards are not being met. We follow a set of [principles for handling casework](#) which have been established through experience.

Casework and enquiries review

We record details of casework and enquiries in a database and provide quarterly and annual reports to Commissioners. It is helpful for us to periodically review the casework and enquiries support that we provide over a longer period of time. This helps us to understand better the real-world impact and applicability of our Good Practice Programme and the advice and guidance we provide. It also helps us to understand wider changes to the way in which land is owned, used and managed and the impact of land reform to inform our policy work and advice.

This review encompasses three years of enquiries and casework, which were first recorded in April 2020. The data has been downloaded from the database and considered by the Good Practice team. General information has been collated such as the types of people getting in touch and the issues that they raise. We have also considered the connections between different data sets, such as the types of concerns raised about public landowners vs private landowners. Where we have been unable to resolve matters, we have reflected on what might have helped to resolve cases and enquiries, if anything. We have further considered the implications of these findings for the Good Practice Programme and our wider policy advice.

The attached is a first draft report which we plan to publish later this year. The report will be published with infographics to help explain the information in the report and we will take actions to improve the accessibility of the report. At this stage it is helpful to hear from Commissioners whether there is further information and analysis that would be of value and to consider the key messages and findings from the report.

It should be noted that the way in which we record and manage cases and enquiries has been refined over time and early records are not always as complete as more recent records. This has limited our ability to draw conclusions in some areas.

Commissioners are asked to consider:

- **the findings and identify any further information or analysis that would be of value; and**
- **the key messages from the findings.**

Gemma Campbell and Emma Cooper



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PAPER 3

Diverse Governance and Ownership

Purpose:	To update Commissioners on work to develop more diverse land governance approaches, to enable a more diverse pattern of ownership.
Business Plan context:	Reforming Land Rights - Provide support for development of innovative approaches to diversifying ownership in practice
Previous board papers:	4 th October 2022 – Paper 2: Diversification of Landownership
Action required:	For information

Background

In our advice and recommendations, the Commission has consistently highlighted the opportunity to develop more diverse governance models as integral to diversifying the pattern of land ownership. Questions of governance are currently gaining increased focus, particularly relating to natural capital investment. We have stated in our advice that we see more inclusive and accountable governance models as a key part of diversifying power and control in land ownership.

The Commission has previously undertaken a range of work on governance from examining international examples, to partnership working on project opportunities, to providing good practice advice. However, we have not yet seen significant traction in the development of new governance approaches.

From July 2022 to May 2023 Charlie Davis was in post as a project manager for diverse land ownership. With this post now vacant, and the context rapidly evolving, we are refreshing our approach to focus on where we see opportunities to influence change and build on our policy and practice work to date.

Next Steps

This paper outlines the next steps planned in this workstream in this financial year.

1. Briefing publication

Drawing together the themes of governance and diversification, our work to date, and indicating our direction of travel, this will be the first step in our refreshed approach.

Outputs

- Land Focus Paper: Diverse Governance and Ownership (Aug/Sep)

2. Dark Matter Labs Partnership

The Commission has been working with Dark Matter Labs (DML) over the past few months to develop a series of provocations around what future land governance could look like. This includes potential new models of ownership and tenure, a reframing of land rights, and the supporting infrastructure a modern system of land governance needs to be effective. This work looks beyond the immediate horizons to offer thought-leadership and stimulate ideas for longer term change.

Outputs

- Discussion Paper (late summer/early autumn)
- Stakeholder Workshop (late autumn)
- Possible Pilot projects (2024 onwards)

3. Advice and Guidance

We have been advising on several opportunities to develop different governance approaches in practice, including, for example, with Forestry and Land Scotland, partners regenerating Ravenscraig, and private landowners. We will continue to offer advice to support opportunities to diversify ownership and different governance models, and will focus particularly on:

- Publishing practical guidance on specific topics, for example proactive approaches for landowners to adopt in response to requests for land sales; applicability of different governance structures and case studies;
- Advising in the context of land use change and natural capital investment on the potential for governance agreements between landowners, communities (and potentially investors) which increase community agency in decision making.

Recommendation

Commissioners are asked to note the next steps planned in our work to support diverse governance and ownership in this financial year.

We expect this theme of work will continue to be important to the Commission in our next strategic plan, and we will therefore be considering the longer term focus in developing our next Programme of Work.

James MacKessack-Leitch, Policy & Practice Lead

Actions from Board Meetings - Update of actions to date

Action number	Date Raised	Context	Action Detail	Responsible	Date Required	Date Closed	Comments
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