



SCOTTISH LAND COMMISSION  
COIMISEAN FEARAINN NA H-ALBA

## **INTERIM CORPORATE PLAN FOR 1<sup>st</sup> April 2017 to 31<sup>st</sup> March 2018**

### **Background**

1. Scotland's pattern of land ownership, management and use is the result of centuries of evolving tradition, law and practice. Most landowners make important economic, social and cultural contributions to our country, but among many Scots there is a longstanding perception that there is a lack of equity in the legal framework of land ownership and management, and a belief that significant reform is needed to better meet the needs of 21<sup>st</sup> century Scotland.
2. Since the establishment of the Scottish Parliament, renewed energy has been injected into the public debate around land reform. The Land Reform (Scotland) Act 2003 and the Agricultural Holdings (Scotland) Act 2003 introduced important new legislative provisions, including a right of responsible non-motorised access and a community right to buy.
3. Following the 2011 election the Scottish Government established the Land Reform Review Group and the Agricultural Holdings Legislation Review Group to make recommendations on further areas where reform might be required. Both groups reported in 2014, and many of their recommendations fed directly into the Community Empowerment (Scotland) Act 2015 and the Land Reform (Scotland) Act 2016.
4. The 2016 Act established the Scottish Land Commission (the Commission), an executive non-departmental public body, which will become operational from 1<sup>st</sup> April 2017. Our functions are described in section 6 of the 2016 Act, and in summary they are to enable the Land Commissioners and Tenant Farming Commissioner to perform their respective functions, and to facilitate coordination between them.
5. The five Land Commissioners and the Tenant Farming Commissioner collectively form the board of the Commission. The functions of the Land Commissioners are described in section 22 of the 2016 Act, and the functions of the Tenant Farming Commissioner are described in section 24.

### **Context**

6. The Commission reports to the Cabinet Secretary for Environment, Climate Change and Land Reform, and is expected to contribute to the achievement of the Scottish Government's Purpose which is 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, and to align its priorities with the Scottish Government's published Economic Strategy and National Performance Framework.
7. The Commission's purpose, strategic aims and objectives, as agreed by the Scottish Ministers in its Framework Document, are 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
8. The Framework Document also gives the Commission 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.
9. The Land Commissioners' statutory functions are, on any matter relating to land in Scotland, to:
  - review the impact and effectiveness of any law or policy
  - recommend changes to any law or policy
  - gather evidence
  - carry out research
  - prepare reports
  - provide information and guidance
10. The Tenant Farming Commissioner's statutory functions are to:
  - prepare codes of practice on agricultural holdings
  - promote codes of practice
  - inquire into alleged breaches of the codes of practice
  - prepare a report on the operation of agents of landlords and tenants
  - prepare recommendations for a modern list of improvements to agricultural holdings
  - refer for the opinion of the Land Court any question of law relating to agricultural holdings
  - collaborate with the Land Commissioners in the exercise of their functions to the extent that those functions relate to agriculture and agricultural holdings
11. The reports of the Land Reform Review Group and the Agricultural Holdings Legislation Review Group contain a wealth of contextual information and specific recommendations. Some of these have been translated in the 2016 Act into statutory functions, and many others are highly relevant to our work.

12. The 2016 Act requires us to have regard to the Scottish Government's Land Rights and Responsibilities Statement. A draft version of the first Statement, which must be reviewed within five years, is currently out to consultation. In the short term this draft version will help to guide our work, and we will liaise with the Scottish Government as the consultation progresses.
13. Several other evolving strategies and policies of the Scottish Government contribute to the strategic context for our work. Examples where there is a significant crossover include economic growth, land use, housing, planning, community empowerment, rural services, and environmental protection.
14. The wider strategic context for our work is continually evolving. Immediate factors of significance include Brexit (especially its impact on the agricultural economy and environmental regulation), public spending restraint (especially its impact on low income families), economic uncertainty (especially its impact on investment in business and housing); differential development of telecoms (especially its impact on remote rural communities), and evolving social/cultural expectations (especially its impact on the behaviours of land owners, managers and users).

## **Vision**

15. Our purpose is to provide direction, leadership and strategic thought to land reform in Scotland. In doing so we will support and enable realisation of the Scottish Government's vision of a Scotland where the ownership, management and use of land and buildings contributes to the collective benefit of everybody.
16. This vision is based on establishing a fair, inclusive and productive system of land rights and responsibilities that delivers greater public benefits and promotes respect for and observance of relevant human rights. It anticipates an increasingly diverse pattern of land ownership and tenure which properly reflects national and local aspirations.
17. Holders of property rights in land have a special responsibility to help realise this vision, adhering to high recognised standards in everything that they do, investing to optimise the productivity of land, and acting as stewards of the nation's land resource for future generations. To help ensure that this is so it is envisaged that detailed information on ownership of land will be publicly available, and that local communities will be routinely involved in decisions about land management.
18. Our initial vision of the kind of organisation that we intend to create draws together the functions of both the Land Commissioners and the Tenant Farming Commissioner within one collaborative framework, and is built on four overarching themes –
  - We work for all of Scotland's people
  - 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

19. The inclusive theme is one that builds on the idea of land for the many and not just for the few. We envisage an organisation capable of leading a robust reform process that will deliver a fully inclusive and human rights based system of land rights and responsibilities. An organisation that will, in short, help to build a nation more at ease with itself in which everyone is a stakeholder.

20. The evidence based theme is one that will require us to understand the aspirations of all of Scotland's people, and fully investigate the significance of land to everyday human rights priorities like health, housing, the environment, sustainable development and employment. It envisages a rigorous focus on identifying barriers to progress, and on drilling deep into the evidence to understand cause and effect.

21. The innovative theme is one that reflects the fact that our existing system of land rights and responsibilities is one that has evolved over centuries. There are elements that are anachronistic in 21<sup>st</sup> century Scotland and which need to be challenged. It envisages an organisational culture which places a high value on people who can constructively test conventional thinking, who can be innovative, see things differently, and develop novel solutions.

22. The open and outward facing theme reflects our intention to be an approachable and transparent organisation with robust channels through which we can listen to, and communicate with, people across Scotland and beyond. We intend to put Scotland at the forefront of international thinking about land reform, constantly learning from what is happening elsewhere, and in turn contributing to the learning of others.

## **Priorities**

23. The Commission first met in late December 2016 and immediately put into effect, under the leadership of an interim CEO, measures to establish a reasonable operating capacity ahead of formally coming into existence on 1<sup>st</sup> April 2017. This has included recruiting a small number of staff, renting/equipping offices, and establishing operating procedures. Despite this preparatory work, 2017-18 will continue to be something of an establishment year, with priorities falling under three main headings –

- Establishing a Strategic Plan and Programme of Work
- Engaging effectively with the Scottish people
- Developing a baseline work programme to fulfil statutory functions

24. The Act requires the Commission to submit a Strategic Plan and a Programme of Work to Scottish Ministers for approval within six months (i.e. by 30<sup>th</sup> September 2017). The Strategic Plan will set out the strategic priorities for the organisation over its first three years, together with estimated costs. The Programme of Work will describe in more detail how those

priorities will be taken forward in practice, including indicative financial forecasts.

25. As part of this work we will undertake a programme of systematic public engagement to promote awareness of our role, and to understand as fully as possible the broad spectrum of aspirations for our work. While it is inevitable that in the early stages we will tend to hear from those who already have an interest in land reform, we will make special efforts to extend our reach to the wider range of individuals and groups for whom it will have relevance.

26. The statutory functions of the Land Commissioners are broad based, and until the first Strategic Plan has been agreed with Scottish Ministers it will be important to focus resources on baseline work that will support the Plan's development and (in due course) its delivery. We will prioritise the following –

- Advising and supporting the SG in developing the first Land Rights and Responsibilities Statement, including advice to help inform a quinquennial cycle of review and revision (if required).
- Undertaking a systematic review of existing information sources, building on the reports of the Land Reform Review Group and Agricultural Holdings Legislative Review Group, to identify where further research and advice is required and to provide a foundation for development of a web based information portal that is publicly accessible.
- Establishing baseline and long term trend studies to define and monitor core issues such as diversity of ownership; community empowerment; investment in land; productivity of land; community ownership; public perceptions of accessibility; etc.
- Issuing specific “think pieces” on matters of immediate topicality which might address themes such as investment and productivity; land ownership and charitable status; a public interest test for land ownership of scale; large scale land ownership and oligopoly; the role and application of compulsory sale orders; challenges and opportunities in relation to common land; availability of potential housing land; majority land assembly; public interest led development; land market (in)efficiency etc.
- Publishing practical information and guidance for land owners, managers, users and public authorities where this has the potential to help progress SG priorities.

27. The statutory functions of the Tenant Farming Commissioner are in some ways more specific, and we will prioritise the following –

- Promoting awareness of the new system of codes of practice to be established under the 2016 Act.
- Preparing an initial suite of draft codes and, following consultation, publishing these in final version and laying them before Parliament.
- Publishing a guide to alleging a breach of a code, together with a procedure for investigating and pronouncing on an alleged breach.
- Conducting a review of the operation of agents of landlords and tenants, and making recommendations to Scottish Ministers.

- Developing, in consultation with industry stakeholders, recommendations to Scottish Ministers for a modern list of improvements to agricultural holdings.

We also intend to establish a baseline and long term trend study to monitor trends in relations between landlords and tenants of agricultural holdings, and we will consider whether there may be a need for other such studies to help inform the Ministerial review of the Tenant Farming Commissioner's functions required after three years under the 2016 Act.

28. Lastly we will consider establishing an annual land reform conference in Scotland, with the aim of creating an open platform for the wide range of interests that are involved to explore emerging issues, test areas of received wisdom, and float new ideas. The exact format of this will require further thought, and may evolve in future years as experience is gained.

## **Resources**

29. The Scottish Parliament has approved Grant-in-Aid of £1.4M for the Commission in 2017-18. While there can be no certainty about the level of funding in future years, we anticipate cross party support for ensuring that the functions of the Commission continue to be delivered so long as we demonstrate our competence in doing so. Three strategic priorities will guide the deployment of available resources –

- We will keep fixed establishment staff costs to a responsible minimum
- We will minimise other fixed administrative and overhead costs
- We will manage our work as much as we can on a variable cost basis

30. For the Commission to function well it will need to employ a small number of highly skilled specialist staff who exemplify the aspirations and values of the organisation. They will support and advise on fulfilment of statutory functions, and they will support delivery of our strategic priorities. We do not believe that this core complement should be large, and we will take decisions to recruit cautiously. We will employ the best people that we can afford.

31. The Commission will also need a core administrative capacity, including office and IT provision together with the ability to procure research and other variable inputs. We will again develop this incrementally and based on demonstrable need. Where possible we will outsource these services, mainly through shared service arrangements with other organisations where significant cost savings can be achieved. We will always adhere to the principles of "Best value".

32. Other specialist support for our work, whether in writing codes of practice, undertaking research, providing legal advice or developing policy recommendations, will be best sourced through fixed term contracts, secondments, and other time limited procurement arrangements. This will maximise our flexibility and allow us to access the best skills available for the specific challenges that we need to address. It will help to keep our

organisation lean and our thinking fresh, and it will minimise any risk of creeping inertia and institutionalisation.

### **Outcomes**

33. The creation of the Commission has, for many people, been a landmark event. There are high expectations of the organisation, and there has already been considerable media attention. But for many Scots the organisation remains something of a blank page, and especially in urban areas there is limited, if any, awareness. This first year will therefore be one of raising awareness, building an open dialogue, and establishing realistic expectations.
34. By the end of 2017-18 we will be a fully functioning public body, with all our core staff and administrative infrastructure in place. We will have published a Strategic Plan and a Programme of Work, and we will have established the fundamentals of an organisational culture that is evidence-based, innovative and challenging. We will be building strong outward facing links, nationally and internationally, and our profile (especially in urban Scotland) will be growing.
35. But above all we will have delivered the priorities set out in paras 26 and 27 above. By doing so we will have established firm foundations for a profound programme of land reform in Scotland for the collective benefit of all, and we will have breathed new life into the tenant farming sector that will result in improving landlord/tenant relations and rising levels of productivity on these farms. We will, in short, have built the springboard that will be needed going forward.

**Scottish Land Commission  
March 2017**