



SCOTTISH LAND COMMISSION  
COIMISEAN FEARAINN NA H-ALBA

# The Vision of Land Reform 2022 and beyond

Thursday 28 September 2017

Carnegie Conference Centre, Dunfermline

## Workshop Notes

#landreformvision



## Introduction

At the Scottish Land Commission's first conference held on Thursday 28 September 2017, attendees had the opportunity to attend workshops based on the themes of the Land Commission's strategic objectives outlined in 'Making More of Scotland's Land' our Strategic Plan for 2018-21:

- **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.

Attendees also had the opportunity to attend a workshop specifically focusing on Tenant Farming.

The aim of the workshops was to look at the theme of the conference in more detail by encouraging discussion around the objective areas to see how they can be moved forward in the long term.

The outcomes from the workshops will be fed into the Commission's rolling Programme of Work which will be kept under review:  
[www.landcommission.gov.scot/strategic-plan](http://www.landcommission.gov.scot/strategic-plan)

## Workshop notes: Productivity

*Looking at reducing the barriers and making land more productive to further the wellbeing of all Scottish people both economically, socially and culturally.*

Facilitators: Megan MacInnes, Land Commissioner  
Archie Rintoul, Royal Institution of Chartered Surveyors

### **What do we mean by “productive”?**

- Definition needs to include “environmental” elements and capture environmental returns, we could use an eco-systems services approach? However, the passive (inherent) value of natural environment is important e.g. forests, peatlands and flow country. How can we measure this? Recreational rural use of land often under estimated, if taking productivity from a purely economic viewpoint. How can resolution be found when economic use is contrary to environmental use, if the latter is more important?
- No way to value non-economic benefits – need methodology to measure these (as well as economic and social benefits)
- We could build on Scotland’s Land Use Strategy to identify sustainable land use/activities
- Cost savings made to how land is used (ie its not always about increasing outputs, but sometimes about reducing inputs)
- Also needs to include how land contributes to community resilience, for example economic productivity includes both jobs and housing. Productivity needs to include a broad and diverse population base. Measuring the school roll is a tried and tested way of assessing community resilience. For community land ownership, they use a combination of economic issues for measuring success, as well as cultural and social ones
- Education important: need to look at urban areas first – involvement in e.g. conservation issues
- Do we need to challenge unproductive uses such as land holding for tax purposes?

### **What are the barriers to productive use of land and how can they be overcome?**

- Local authority hold on to a lot of land, but sometimes don’t develop it. Solution – tax local authorities for not using land. Local authority accounting rules need to change to reflect market values
- Lack of availability of high speed broadband in rural areas. Solution – Scottish Government & BT need to co-operate to remove this barrier
- Overall cultural barrier is the social attitude of land owners to hold on to land, rather than selling it.

- Public subsidies encourage retention of land without adequate consideration of if / how it is used productively: cap; green energy subsidies; tax treatment
- Rigidity in regulations and poor coherence across Government policies. Solution – improve regulation and policy coherence to be what’s needed on ground
- Planning systems – imbalance of weight given to environmental designations (for example), instead of local communities’ needs (eg social entrepreneurship). Solution – need a more flexible approach to planning decisions, hopefully Planning Bill proposal to give community development plans more weight might assist in this?
- Where land is inactive, but despite new right to buy powers, communities still can’t access it. Solution – need register of ownerships
- Lack of knowledge of food production, what could be done with land, and role of “middle men” separating people who buy food from those who produce it. Solution – education
- Size of land holdings not maximising productivity (in some areas too small, in others, too big). Solution – taxation and means of reducing size of land holdings
- Subsidy regime for farmers. Solution – depends on Brexit. CAP can mitigate against higher economic use. Solution – needs all rural uses to be considered equally & not farming first. Ag sector shouldn’t rely on subsidy income.
- Sources of loan finance in rural areas. Solution – lenders need to alter policies
- Overall solution – we can, by capturing rent and value of land by land value taxation, encourage development as it encourages optimal land use
- Lack of transparency and public knowledge about who makes decisions about how a piece of land is used, difficult to know where to find that information. Solution – greater transparency, hopefully Register of Controlling Interests (Part 3 of 2016 Land Reform Act will assist in this)
- Lack of knowledge within communities. Solution – again, education
- Legislation framework on farm tenancies. Solution – needs changes in legislation, stability of approach in the future
- Lack of collaboration between different bodies. Solution – need to ensure public bodies act jointly; need to talk; need to work with consensus collaboratively

## Workshop notes: Accountability

*Discuss how we can improve the accountability of land owners and decision makers to ensure communities are empowered to influence land management and use.*

Facilitators: Sally Reynolds, Land Commissioner  
Sara-Jane Laing, Scottish Land & Estates

- Different definitions? Need a consistent definition.
- Baseline – how do you measure improvement?
- How can accountability be improved?
- What would this look like?
- Register completion
- Increased transparency – who? What? Why?
- Who do you go to when there is a problem?
- Increase resources - £ for local authorities to take action
- Community capacity – support/increase
- Mutual respect
- How does this work in urban setting?
- Who is community?
- Clearly defining ‘decision makers’
- Transparency NOT spin
- Address the apathy? Or is it lack of capacity?
- Increase awareness/educate of what happens on land
- Knowing who is making decisions
- Communication
- Attitude change/ more open and inclusive
- Greater use of Registers of Scotland data and other sources
- More formal structures of governance
- Raise awareness of how to get involved in decision making e.g. planning

- Proactive NOT passive – smaller authorities/ more devolution of land decision making
- How can Land Rights & Responsibilities Statement (LRRS) be used in practice?
- Issue of proportionality
- Is improved accountability the end goal?
- What are our outcomes of improved accountability?
- LRRS (community knowledge of rights?) – what does it mean? And how can it be used? – Everyone is accountable not just landowners/land managers
- What good looks like – examples, case studies, peer to peer
- Frameworks – rights and responsibilities drawn out – national/local/very local levels for land owners/local groups
- Policies/processes – engagement not ‘consultation’, shared visions
- Who are they? Working out who is accountable e.g. buyer/seller of land
- Making people accountable (accountable to who? Local or national)
- Accountable for clear wrongs (speeding in your car, polluting your land)
- What about positive actions, or rather, being accountable for not making positive actions
- Wider Culture .... Norway
- Report in Germany – over 87 indicators when decisions are made
- German – rights bringing responsibilities (not very fixed) – no land confiscation for example
- Analogy with company law – shareholders, but what about other stakeholders?
- Landowners who sit on assets, stop a housing development until market improves
- How can LRRS be used? Embedding it culturally – planning processes? Public sector leading the way
- Openness/transparency
- Crucial link to local democracy
- Devolution

## Workshop notes: Diversity

*How do we encourage a more diverse pattern of ownership, maximising the productive management and use of land to spread the benefits more widely.*

Facilitators: Lorne Macleod, Land Commissioner  
Peter Peacock, Community Land Scotland

- Land Use Strategy/Land Reform – there does not seem to be any policy alignment between these
- Land Use Strategy – what is the current position with this?
- Housing needed for young people
- Public sector ownership of land – public sector need to do their bit to help with diversity – it's not all about private landowners
- Scottish Land Fund – might they widen their criteria to include communities of interest, rather than just geographical communities?
- Land ownership more important than land use, as it conveys power to make changes
- Land use is important to increase food production
- 432 own 50% - Scotland is a very 'peculiar' country – this must be addressed
- Quoting 432 own 50% of acreage of private land in Scotland is unfair – why not use the figure of how many people own 50% of land value in Scotland?
- Public interest test for private land ownership of scale
- Transparency should come before diversity – we still need to know who owns the land.
- The Registers of Scotland digitisation of who owns land is very important
- Hutting might be a good way forward for getting more people involved with the land.
- How can urban dwellers get huts in rural areas? – webinar on subject being organised by Community Land Scotland
- We need to push for more tenancies to become available for farming
- Encouraging new entrants to farming should be key
- Concentration of ownership is reinforced through public subsidy and tax policy
- Tax and fiscal levers shall be crucial to affect change in land ownership
- Public subsidy regime applying to agriculture and energy will be key to affect land ownership
- England & Wales situation way behind regarding land reform
- Capitalised land value is key to accessing funding for development
- LRRS will be key in helping Land Commission move forward with diversity

- Land Commission needs to encourage young people to become engaged with this subject, as they are key to our future land ownership
- We need to use good illustrations to describe land reform and diversity to an urban audience
- Monopoly land ownership situations need to be tackled
- Community land ownership offers opportunity to go from single land use – sporting & fishing – to multi use – economic, community, housing, population retention and growth
- We need to develop measurements of success in relation to diversity
- Need to tackle land banking by supermarkets
- Seabed ownership should also be a topic to be examined by the Land Commission – seabed should be owned by communities
- Scottish Government as largest public sector landowner has a key role to play in providing opportunities for new agriculture tenancies
- Is Scottish Government owned and other public land being put to best use – Land Commission should study this.
- Policy and powers to affect ‘diversity’ are currently insufficient – action is needed.
- Increasing food production should be integral to how we tackle diversity
- Sale of Council houses in the 1980’s was an excellent example of diversity in action
- Land Commission action based on new evidence from research is fair enough, but, research evidence already exists to allow action to be taken forward. Land Commission should act on evidence arising from previous research.

## Workshop notes: Tenant Farming

### *How do we reverse the decline in the availability of land for renting?*

Facilitators: Bob McIntosh, Tenant Farming Commissioner

David Johnstone, Scottish Land & Estates

Christopher Nicholson, Scottish Tenant Farmers Association

- Share farming and alternative models for landlord/farmer agreements
- Tax incentives for landlords to invest
- Tax incentives for new entrants (tenants)
- Link future subsidies to activity
- Ring fence landlord's investment
- Cap ownership
- Enable banking sector to provide capital to new entrants
- Guarantee no retrospective legislative changes
- Provide rent free period for new entrants so that they can invest in the holding
- More collaborative working to make the most of economies of scale
- Pre-emptive access for young farmers, including access to subsidy payments
- Enable assignation to anyone