

Kate Mavor  
Chief Executive  
The National Trust for Scotland  
Hermiston Quay  
5 Cultins Rd  
Edinburgh  
EH11 4DF

7<sup>th</sup> October 2014

Dear Ms Mavor

### A Place for Heritage – Theme 2 – Land Reform

Community Land Scotland welcomes the opening of a debate within the National Trust for Scotland on future policy considerations arising from wider debate about land reform. Rather than simply respond to the recent on-line survey, we thought it would be best to give some perspectives for the discussions underway more fully in writing. We were pleased to be able to give some informal observations through the short video clips our Policy Director, Peter Peacock, provided as a contribution to the discussions underway.

There is little doubt that the move toward more community ownership of land is giving rise to significant policy interest as a promising means to further the sustainable development of communities, particularly those at the edge. Scottish Government policy developments reflect the degree of interest, with a target to double the amount of land in community ownership by 2020, with commitments to keep the Land Fund going until at least 2020, with the commissioning of the work of the Land Reform Review Group, with the revisions to ease community purchase contained in the Community Empowerment Bill, and with a commitment to further land reform legislation before the end of this Parliament.

From our experience, the growth of interest in community land ownership as one dimension to land reform arises from the experience of what is actually being delivered. In short, more appears to be being delivered which gives rise to hope for furthering sustainable development through community ownership than many other 'programmes' to encourage such activity in the past. Our experience is one in which communities which can achieve control of their land and associated assets sees a release of positive forces quite unrivalled by any other forms of local participation, traditionally through consultation and involvement in decisions on land uses as the means of input to the development of a place. The recent Economic Indicators study which Community Land Scotland commissioned has quantified for the first time the economic delivery potential of community ownership of land. There is, in our experience, a clear link between ownership of land and other key assets, releasing the full potential of communities and achieving the best outcomes.

We recognise, for many, it is a challenge to recognise that it is the question of ownership, rather than use, which is so decisive in securing really empowered communities. It would be Community Land Scotland's contention that ownership is the key pre-determinant of land use; ownership determines the extent of opportunity, and any limits to it; widening land ownership widens influence and power, and shares wealth more widely; land ownership is decisive in empowerment, because through it people are in genuine control of key decisions; with land ownership comes responsibility and a necessary and positive long term vision for a place; land ownership means security upon which to invest; land ownership means profits are retained and re-invested; land ownership is therefore the key to the best outcomes. Conversely, without land ownership, any other model falls short of what might otherwise be achieved.

Overall, community ownership is showing the signs of being able to deliver real benefits, to release initiative and energy, to empower insights and local capacity, to draw in investment, to gain long term security and commitment to place. The recent previously mentioned Economic Indicators study commissioned by Community Land Scotland gives some insights into this. So, in the view of Community Land Scotland, securing the benefits of community ownership can be a real positive. If a way can be found through the current policy review process

within NTS, or through immediate operational decisions, to be able to secure the power of community land ownership to help meet NTS objectives, that could be potentially very powerful for the NTS itself.

Community Land Scotland recognises that thinking about this is challenging for the NTS. This in part arises through obligations flowing from the gifting of land into its ownership, linked to the concept and practice of inalienability. In passing it may be worth observing that because community ownership of land in modern times a fairly recent phenomenon, the option of transfer of land to communities in the past has not been an obvious or available option for land which passed to the NTS. There is some recent experience that, with the option of community ownership now being available, it can be pursued by current owners.

NTS are asking in their review whether the concept of inalienability should be “abandoned”. There is an implication in using the term “abandoned” that it is a concept that must apply universally, or not at all. Community Land Scotland would not accept that need be the case. There may be good examples of ownership which is best kept as inalienable because of the particular circumstances of the property in question. There will be many properties held by the Trust in which there may be no community interest in greater involvement or ownership. The real question, it would seem to us, is whether the principle of inalienability needs to apply in all circumstances and particularly in those circumstances where the community has a definite interest in taking control of the totality of a land holding, or key parts of it and which are central to their view of furthering the sustainable development of their place. Ownership of such assets by the community would, for them, remove a barrier to sustainable development, and that concept of removing barriers to sustainable development sits at the very heart of Scottish Government land policy. Indeed, it may seem paradoxical if NTS, which itself has hitherto laid such stress on the vital importance of (inalienable) ownership of land, to deny that opportunity to others. Community ownership in some instances need not be the thin edge of a wedge, with each case and the particular circumstances of each case being considered on its merits.

NTS, quite properly, has to think through in any given instance whether the community ownership of any land asset would pose a threat to the purpose of the Trust’s ownership of that asset currently. Community Land Scotland is very confident that local communities, pursuing their own sustainable development agenda, are perfectly capable of also meeting what is the national interest in land and other assets currently being managed by NTS, provided those interests and requirements are clear. Helping secure a more sustainable, resilient, committed, and involved local community, is likely to serve NTS’s interests and obligations. Experience would show that community ownership has a potentially important part to play in that by bringing the sort of benefits now being seen elsewhere.

Community Land Scotland does not underestimate the challenge to NTS in considering these issues, and in delivering change. However, we encourage NTS in their consideration of the issues and we stand ready to become involved in deeper discussion with NTS on the principles and issues, if that would be of assistance.

Yours sincerely,

David Cameron  
Chair  
Community Land Scotland