

## **Community Land Scotland**

### **Introduction**

Peter, thanks for that introduction and for the invitation to speak at today's conference. I think I can confidently assert that the land reform story is very definitely not over!

The Community Land Scotland Annual conference in Stornoway at the end of my first week in post was one of my first engagements after returning to this job and it's great to be speaking to you again today.

I sometimes feel as if I've been speaking about land reform my entire political life - change is a long slow process.

I am always impressed at the work Community Land Scotland is doing to promote the most important part of land reform – community ownership.

Today I want to take stock of where we are on land reform, what we are already doing to take the reform agenda forward and encourage you to think about what more could be done. I want to paint a picture of how land reform might look a few years down the line.

“What next for Land Reform” is the title you have chosen for your conference.

Back in May, in my first week as Cabinet Secretary, I was clear that I wanted to continue to support and encourage the growth in community land ownership; to work with others across Scotland to implement the provisions of the Land Reform (Scotland) Act 2016; and to think carefully about what more we can do.

I was able to confirm recently that we are now more than half way towards our ambitious target of having one million acres of land in Scotland in community ownership by 2020. That was great news but I am well aware that this still leaves us with a long way to go.

We will of course continue to work with a wide range of individuals and organisations to get us to this target. In doing so we'll be raising awareness of the opportunities and benefits to communities in taking on ownership of local land.

We are committed to providing £10 million this year for the Scottish Land Fund.

After an intensive period of Parliamentary and public debate, the Land Reform (Scotland) Bill was passed by Parliament at the end of the last session and received Royal Assent in April.

Implementing the Act will require a lot of work and we are already well under way with this:

- Key parts of the Act on non-domestic rates, common good land and deer management were commenced on **28 June 2016**.
- There will be more Orders in Parliament to commence the provisions relating to the Land Rights and Responsibilities Statement on **1 October 2016**, and the Scottish Land Commission on **1 November 2016**
- The Scottish Land Commission will be operational on **1 April 2017**. We are currently recruiting five Land Commissioners and a Tenant Farming Commissioner and I hope to be able to make these appointments by the end of the year. Some future Commissioners may be in this room right now!
- On 11 September the Scottish Government launched our consultation on plans to introduce a mandatory public register of landowners' controlling interests. The consultation closes in early December **2016** and **the regulations will be laid in the Scottish Parliament in 2017**

I am particularly looking forward to seeing the Land Commission established and up and running.

We are currently running an open public appointment process in line with the usual best practice to appoint the Commissioners.

The Commission and the appointment of Commissioners attracted a great deal of attention as the Land Reform went through Parliament earlier in the year. As a result we have a number of additional statutory requirements to follow – as inserted by Parliament – and when I submit my recommendations to Parliament for approval I will lay a report of the process we have undertaken at the same time.

I am pleased that there was - and is - such a level of interest in the Commission and how we set it up.

We are looking for members with a range of backgrounds and expertise who will be able to generate, consider and evaluate ideas about how we can improve our approach to taking future decisions about land in Scotland.

Parliament was keen to ensure, and I am happy to support and endorse, the principle that the Scottish Land Commission should be able to determine its own work plan and agenda so I look forward to seeing and considering the ideas it comes up with.

So, how are we going to take land reform forward in the future. I want to establish an approach that has four key themes-

- Collaboration
- Diversity
- Social justice and sustainable development (including human rights)
- A breadth of coverage to include urban and rural land across Scotland.

One of the factors for our success so far has been the emphasis we have put on collaboration. The protocol for negotiated sales agreed between Community Land Scotland and Scottish Land and Estates is a helpful initiative. A few years ago it would have been almost unthinkable!

As we all know, the Protocol is intended to promote and facilitate the transfer of more land and associated assets from willing private landowners to community owners. This will deliver both a greater diversity of ownership of land in Scotland and enhance the delivery of public benefits.

Continuing with this theme, the guidance we are producing for landowners on taking decisions in relation to land will focus strongly on encouraging collaboration between land owners, or land occupiers, and local communities.

However keen many of us are to encourage the growth in community ownership we know that at present not every community sees the benefit of owning their own land. Nevertheless I am pretty sure that everyone would want a say in decisions relating to land that affect them.

Community Land Scotland, along with other key groups, have been working with us as we develop the guidance and a public and wide-ranging consultation on draft guidance will be launched in the near future.

Another key theme for me is **diversity**. Scotland's land supports many rural and urban industries that support us economically and form the backbone of our culture and society, farming and petro-chemical industries to name but two.

These industries not only provide jobs and wealth but also food security and the essential fuel that drives our society.

However, I believe that where appropriate, more diversity of land use and ownership can help ensure more resilient local economies and societies.

Both community ownership and active engagement in decision making, can contribute to that greater diversity, and this is an area where the Scottish Land Commission may have something to say. It may also feature in the Land Rights and Responsibilities Statement. Needless to say the Commission can also consider what further steps might be necessary to increase the rate of community ownership. I'd be very surprised if it didn't.

Another key theme is **Social Justice**.

We can learn a great deal from history, and I am sorry that I will miss Jim Hunter later this morning talking about the Long View on Land Reform.

The purpose of the Scottish Government, as it should be for all Governments, is to make things better today and tomorrow.

That means ensuring that everyone in Scotland has access to **sustainable development** opportunities.

All Scottish communities should have access to economic opportunity, social and cultural opportunity, and a good quality environment. No one should be denied these opportunities because of where they live and, where possible, land reform should help to address inequalities in access to development.

In accordance with the requirements of the Land Reform Act 2016, in drafting the Part 4 guidance, Scottish Ministers have and will consider key human rights treaties and the Voluntary Guidelines for the Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food Security.

We have reflected key Articles that promote Sustainable Development and I look forward to your comments on these and other aspects of the draft guidance once the consultation is issued.

My fourth theme for today is the importance of delivering **urban and rural land reform** in Scotland.

Land reform has long been perceived and portrayed as being dominated by rural issues. While these remain important not least for beginning to tackle historic social injustice, we now want to include the urban environment, where year on year a greater proportion of our population live.

The Community Empowerment Act 2015 introduced powers of Asset Transfer and the right to buy abandoned and neglected land.

These are powers that apply equally in rural and urban areas, of course, but their application to supporting urban regeneration is obvious.

Land reform in urban areas may be challenging. For instance, engaging communities in decisions relating to land may require the involvement of a large number of owners, and there will be work required to establish how land reform works alongside planning in the urban realm. A lot of work will also have to be done to persuade local urban communities of the benefits to them of ownership.

Nevertheless we should not shirk from the issue nor lose sight of the potential (and many) benefits. Giving urban communities a real say in the land related decisions that affect them has the capacity to transform lives. I very much hope that Community Land Scotland will help us in making that argument.

The Scottish Government has given full consideration to the recommendations in the Land Reform Review Report, related to housing and regeneration, and has already committed to bringing forward the introduction of a Compulsory Sale Order in this parliament.

## **A journey**

So much for where we are and what we are already doing or have planned.

I would like to finish by thinking about what land reform might look like a few years down the line.

Imagine one of our famous rivers – the Clyde, the Forth, the Dee, the Spey or the Tweed, or any that you care to think of. Some of these are at the heart of our economy and our identity.

Along the banks there are a range of industries and ownership patterns. For instance there are factories, farms, sporting estates, maybe nature reserves, a city, towns and villages.

Much more of this land may be community owned and where it is still privately owned, communities are involved in decision making. Planning departments, public bodies & private owners will have had to adjust to this new reality.

Because this is a river, we have to take joined up decisions. We have to ensure the river continues to attract salmon and trout, that it supports biodiversity, that it provides a basis for industry and supports the local economy as well as good housing opportunities.

We need to keep the river clean and free of pollution along its length, and we also need to ensure that decisions about land along the river do not increase the risk of flooding.

From a social justice perspective, we have to make sure that everyone is consulted or engaged in decisions relating to land, at both the local and landscape level.

Social Justice also means that decisions taken about one part of the river do not adversely affect people living by another part of the river.

Making sure all these things happen means that communities and landowners talk to each other and work together. But it also means that land owners and communities work together with professionals who have the expertise when it comes to responding to things such as floods, pollution and fish stock management.

I have used the example of a river, to show that land reform should involve joined up thinking and sustainable development. To show that these can and should sit together, and are part of the same process to deliver better outcomes for Scotland.

Having painted a somewhat rosy riverside picture, I'd like to stress that land reform may not always be plain sailing (pun intentional!)

I hope you will all agree that, in spite of any difficulties, it's a journey worth making.

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