

Planning (Scotland) Bill

Submission to Local Government and Communities Committee from Community Land Scotland

This submission is limited to two sets of considerations:

1. Local Place Plans (Part 1: 9)
2. Requirements for policies to support the renewal of rural Scotland

1. Local Place Plans

Community Land Scotland (CLS) welcomes the provisions in the Bill at Part 1: 9 to allow for the incorporation of Local Place Plans into the Local Development Plan. The provisions are clear.

The only issues CLS has relate to:

a. the appropriateness of the “prescribed” matters the local planning authority will need to have regard to when considering the Local Place Plan. **It would be helpful in scrutinising the Bill if the Committee can seek assurances from the Scottish Ministers that there will be appropriate consultation with community interests of any proposed “prescribed matters”: If necessary, placing a requirement on Ministers to consult on any such prescribed matters with bodies they regard as representative of community bodies.**

b. the omission from the Bill, as introduced, of recognition that for a community body to prepare a Local Place Plan could and most probably will represent a considerable undertaking: such an undertaking falling to bodies which would not generally be well resourced financially or in terms of support staff (if any) to assist.

It would be extremely unfortunate if these welcome provisions to give the opportunity of more local input to the local development plan were not able to be taken, or taken in ways that may not be adequate to meet the needs of the local development plan, because the resources were not available to do this adequately.

Research currently being undertaken for Community Land Scotland by the *Inherit*¹ institute underlines this concern. The research report will be published in the coming months. Research interviews with key individuals in the community land sector and in relevant public bodies indicate widespread recognition of the potential value of a more direct and active role in plan making for community bodies. The research is also evidencing concern that any new responsibilities placed on community bodies are matched with support to enable them to develop the requisite knowledge, skills and human resource.

It would be appropriate that the Bill at this section gives powers to Ministers to be able to provide financial support to community bodies in making Local Place Plans.

c. An opportunity to strengthen the Bill and link to other government policy. The policy behind the Bill is on stronger planning, but also better delivery of progress on the development potential of the land as set out in the NPF and the local development plan. The Policy Memorandum to the Bill recognises that planning for the use of the land does not deliver its development, without further measures.

In the context of the Local Place Plans **it would seem appropriate that provision be made for the option that a community body seek from Scottish Ministers the right to buy land to deliver the use envisaged in the local place plan, where that envisaged development had not been acted on within a period of 3 years from the adoption of the plan.** This could be for the development of the land by the community body itself, or on behalf of a third party. There are well rehearsed procedures within both the Land Reform (Scotland) Act 2003 and the Land Reform

¹ www.inherit-institute.org

(Scotland) Act 2016 to be able to inform the suitable provisions here, which could be introduced by regulation, if the framework provision for this were included in this Bill.

d. In addition, to give further status to the Local Place Plan and practical help to the developments envisaged by the plan, **provision could be made for any land within the Local Place Plan which is identified for particular use, to be deemed as land for which there would be a presumption in favour of a Registration of Interest (as per the Land Reform (Scotland) Act 2003) when applied for by a community body.**

2. Requirements for policies to support the renewal of rural Scotland

Community owners of land are principally driven by the need for the social and economic development of their place. Many community land owners have seen their place decline over many years, sometimes centuries; with the threats this brings to a sustainable future, to their culture and local environment, to their very existence.

While community land owners place a lot of emphasis on the renewal of their place, its development and repopulation, and there is some evidence of success in this, the threat of continued depopulation, or impediments to repopulation, still remain.

In addition, there are many areas of Scotland, particularly (but by no means only) in the Highlands and Islands, where vast tracts of land are unpeopled as a result of the (often forcible) removal of people from the land in past centuries. The principal straths of Eastern Sutherland (Strathnaver, the Strath of Kildonan and Strathbrora), for example, contain the sites of between 150 and 200 separately named (and sometimes substantial) communities which have been entirely deserted since their occupants were evicted and their buildings levelled in the opening decades of the nineteenth century. Much the same is true of lots of similar localities. In the high hill country all around those areas, moreover, are the remnants of shieling communities that, for many hundreds of years, were occupied for several months each summer.

While not wishing to recreate the land-use patterns of former times, CLS has an ambition the reoccupation of at least some of Scotland's unpeopled places. At present, this would seem an unlikely proposition, partly, in our view, because land use planning policy does not really contemplate such a possibility. This in part is conditioned by landscape policy thinking, and more generally because this strategic land use opportunity has not received the policy attention it probably should have in the past.

This was not always so. During the 1890s, for instance, a royal commission was established to report on, and map, such depopulated land in the Highlands and Islands as might be suitable for reoccupation. The commission's findings helped shape subsequent legislation, most notably the Land Settlement (Scotland) Act 1919, which served to return a great deal of depopulated land to crofting occupation. Many of today's crofting communities – on the west side of the Uists and Harris, in the north and west of Skye, in Raasay and elsewhere – owe their existence to the early twentieth-century governments which took these resettlement initiatives.

While the creation of new smallholding and farming opportunities (along the lines of those facilitated by legislation of the 1919 type) could have a role in future resettlement, CLS wishes also to encourage policy-makers to think more widely about how resettlement might make it possible for people (who would not necessarily have direct involvement in agriculture, forestry or other land uses of that sort) simply to live and (not least by utilising new communications and other technologies) work in places where people lived before.

This Planning Bill is an opportunity to address these matters.

CLS would propose a number of free standing (but complementary) actions to address these questions:

a. That in considering the National Planning Framework (therefore including Scottish Planning Policy) Ministers must have regard to the desirability of:

i) the repopulation of rural Scotland, and,

- ii) the resettling of land (though long populated, is today largely or wholly unpopulated)
- b. Ministers are given powers to designate land for the purpose of its resettlement
- c. Ministers are given powers to purchase land for the purpose of its resettlement, and to grant such powers to others (local authorities), including compulsory purchase powers.
 - i) In addition Ministers should be given powers to grant a community right to buy under the Land Reform Act 2003 for the purpose of the resettlement of land to community bodies nearest to such land
- d. Ministers are given powers to grant to others powers that may be necessary to resettle land (as may be illustrated by the powers in the original creation of New Towns)
- e. Ministers be required to produce or cause to be produced a map of no-longer-existing communities in Scotland, having consulted on what criteria it would be suitable to apply to the creation of such a map. This map should be completed within 5 years of the Royal Assent of the Bill. In preparing future policy, Ministers may have regard to such a map.
- f. Ministers be required to issue new Guidance to planning authorities and to those statutory consultees to the planning process with responsibility for landscape, natural heritage and historic environment matters. This guidance should promote meaningful engagement with communities in statutory and non-statutory landscape, natural heritage and historic environment designation processes. It should also promote the meaningful participation of communities in the generation of landscape character and landscape quality information for use in planning and other contexts. Where participation and engagement provisions already exist in policy and guidance, the new guidance should promote their implementation.

Community Land Scotland
29 January 2018