

Community Land Scotland notes the publication of the Land Reform Review Group Interim Report and while there are some welcome aspects of the interim report, there are significant concerns about other aspects and the direction of travel.

The clear recognition in the report that current land ownership patterns in Scotland represent a “material inequality” is welcome.

The recognition that there is a wider human rights dimension to the land ownership question than just the European Convention on Human Rights and this dimension *‘can enhance the possibility of achieving greater human rights in the country’* (quote from interim report) is also welcome.

Our experience that individuals and communities in Scotland can be *‘fearful of speaking at open meetings, or even putting their concerns on paper, because of possible recriminations’* (quote from interim report) should their landowner hear they were expressing views is also recognised by the LRRG in their interim report. We regard it as deplorable that people in Scotland can still feel such a perceived threat from landowners as we enter the second decade of the 21st century.

The proposals we put forward for a land agency, mediated negotiations to secure land transfer, backed up by an extended right to buy will receive further consideration as the proposal - *‘has the merit of both changing the culture of developing community ownership while also addressing the difficulties posed where the public interest is not well served by the present [ownership] arrangements’* (quote from interim report). It is welcome that this proposal will now receive full consideration in the next phase of work, but we believe it needs to be clearly recognised that there is no prospect whatever of the land agency and mediated negotiations delivering further change in ownership patterns without strong legislative powers being in place to create the incentives to negotiate change and appropriate powers for a land agency and mediated negotiations to work. The Land Reform Review Group, the Scottish Government and the Scottish Parliament should be under no illusions about the key to the success in driving real change is to have an extension of the right to buy, even where there is not a willing seller, when that can be shown to be in the public interest.

We have concerns that despite the interim report making it clear the Land Reform Review Group seeks to take an outcomes based approach which it asserts means that *‘land reform sits within the complexities of empowerment rather than solely reflecting concerns about land use’* (quote from interim report), the report then devotes considerable space to better land use planning systems, better community engagement in relation to governance, management and the use of land. Almost without exception these significant references are in fact about influencing land use and not about what we would regard as real community empowerment.

We have concerns that in the interim report’s description of more people having a ‘stake’ in the land is limited almost exclusively to communities having a greater say in land use, not the economic ‘stake’ in the land we think is vital in developing more resilient and sustainable communities. There is a substantial difference in achieving outcomes a community and a private owner may share, such as achieving the creation of more affordable housing or local workshop units, through influencing a private owner, or when achieved through community ownership. For the community owner, achieving such outcomes is simply one facet of a much bigger economic equation that will help the community to achieve the capacity to deliver wider benefits, building ever greater economic strength, greater resilience and sustainability, and where the returns are shared by the community.

An emphasis on better community engagement is highlighted as a significant part of the future work proposed and this would represent a considerable distraction from the real issues. Such community engagement does not represent land reform as envisaged in the original remit of the LRRG with its emphasis on ownership and acquisition of land by communities. Private landowners will willingly busy themselves in discussion about how to better engage and develop mechanistic tools such as codes of practice on engagement, accreditation systems, and good practice guides, precisely because they know it means no change in the basic structures of ownership and the economic power that goes with ownership.

The tenant farming issues that have been raised with the LRRG have probably been raised because the previous forum for debate on these issues has been unsuccessful in bringing about change and the issues need to be seen in the context of wider land reform, as do other issues in relation to land taxation, the powers of the Crown Estate, common land and the like. Any narrowing of the further work of the LRRG to exclude further consideration of these important issues would be regrettable.

We believe the arguments for further land reform need to move quickly to the detail of how to achieve the radical shift we believe the Scottish Government wanted in establishing the Land Reform Review Group. We will seek to work closely with what has been revealed to be the very wide range of other supporters of land reform to argue for that.

Scotland needs to confront the need for a radical change in land ownership. It is time to move forward to provide the basis for advancing greater social justice and opportunity for communities and individuals to develop their own ideas, ideas which in some cases have been held back for generations.

Community Land Scotland notes the analysis of the submissions reveals very powerful arguments and considerable backing for significant change in land ownership arrangements from a wide range of people rooted in rural communities. In contrast to that diverse and wide support for change, the analysis also reveals that the organised private landowning interests have been out in force to try and sway the evidence toward maintaining the status quo. The wealth and the power of the private landowning interests and their motivation in maintaining the status quo needs to be fully recognised and understood as the debate progresses from here.

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