Land for the Common Good
Community Land Scotland’s Manifesto for a Sustainable Scotland
“We need a renewed focus on land reform – encompassing changes to the ways in which land is owned and used in the public interest – as a crucial foundation stone from which to build towards a sustainable Scotland.”

Introduction

We live in unprecedented times. Covid-19 has laid bare our shared global interdependencies and vulnerabilities as never before. The pandemic has shone an unforgiving light on structural economic and social inequalities in Scotland, transformed our ways of working and living and undermined the livelihoods and life-chances of many of our people. Simultaneously the climate emergency remains the overarching, ever-present existential threat to the future of the planet, requiring urgent action for a just transition to a net zero carbon economy.

Against that backdrop the central challenge facing the Scottish Parliament after the Holyrood election in May 2021 will be to chart a path through the pandemic’s aftermath and the climate emergency towards a greener, fairer, more prosperous and sustainable Scotland. That necessitates a renewed focus on land reform – encompassing changes to the ways in which land is owned and used in the public interest – as a crucial foundation stone from which to build towards that better future with its emphasis on the common good.
Community Land Scotland’s manifesto for the Scottish Parliament Election presents bold and imaginative proposals that place communities’ relationship with land firmly at the heart of Scotland’s journey towards resilience and sustainability. Collectively they focus on the following interlinked themes:

- Controlling land monopolies to protect the public interest
- Empowering communities to build local resilience
- Tackling the climate emergency while ensuring a just transition to net zero carbon emissions
- Repopulating our rural places to help them thrive
- Developing a fiscal framework for a fair and sustainable Scotland
Scotland still has one of the most concentrated patterns of land ownership in the world, “dominated by just over 400 private owners (0.008% of the population) who have been estimated to own 50% of privately owned rural land”¹. That pattern of concentrated monopoly ownership matters because how land is owned and used and, crucially, who benefits from these arrangements, are central issues in determining Scotland’s progress towards becoming a greener, fairer, socially just and more sustainable nation.

Troublingly much of the market in private estates in Scotland is driven by conspicuous consumption rather than productive use. According to market analysis, for most private buyers “an estate is a luxury purchase to enjoy, not unlike a superyacht or a Lamborghini”². It is unacceptable that great swathes of Scotland’s rural land can be bought and sold as nothing more than the trophy playthings of the super-rich without a thought for the wider public interest.

It is equally unacceptable in early 21st century Scotland to tolerate the quasi-feudal power that some landowners exert over communities living on their land. In its 2019 research report on large-scale and concentrated rural land ownership³ the Scottish Land Commission documents evidence of fear of repercussions for “going against the landowner” which was “rooted firmly in the concentration of power in some communities and the perceived ability of landowners to inflict consequences such as eviction or blacklisting for employment/contracts on residents should they so wish”. The Scottish Land Commission’s report goes on to state, “Such fear is a clear impediment to innovation and

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² The Scotsman. 24th April 2018. ‘Changing mood increases sales of private estates’.
It’s time to remove the corrosive effects of monopoly land ownership on the fabric of our rural and urban communities. We need to assert the public interest as the governing principle for determining circumstances in which land ownership of large scale and/or concentration should be permitted in Scotland. Community Land Scotland therefore calls for a new Land Reform Act to be passed early in the next Parliament to implement the following proposals to protect the public interest:

- Introduction of a power for Scottish Ministers to apply a pre-purchase Public Interest Test to significant land purchases in terms of their scale and/or concentration of ownership to ensure such purchases serve the public interest and support sustainable development.

- Introduction of a power for Scottish Ministers to apply a Public Interest Test on existing significant land holdings in terms of their scale and/or concentration of ownership to ensure such land holdings serve the public interest and support sustainable development. Introduction of a related power for Scottish Ministers to apply a Compulsory Sale Order to require the sale of part or all of such land holdings – including by lot – in the event of the above Public Interest Test not being met in the view of Scottish Ministers.

- Introduction of a duty on Public Authorities to apply a Public Interest Test when disposing of land assets over a set area/value threshold to assess whether prospective purchasers’ future plans for the assets serve the public interest and support sustainable development.

- Introduction of a mechanism to regulate the creation of monopoly ownership(s) of land by any one individual acting alone or in consortia with specified beneficial interests by permitting a control on the total amount of land in Scotland that can be held in such ownership.
• Amendment of the Land and Buildings Transaction Tax to include an escalating supplement on sales of land holdings over a specific scale to private purchasers as a disincentive to creation of monopoly land holdings, with the generated supplementary revenue being added to the Scottish Land Fund to support community land ownership.

• Introduction of a statutory Land Rights and Responsibilities review process for landowners where there is evidence of adverse impacts on the sustainable development of their land holdings, with scope to apply a range of sanctions as appropriate.
We know that community land ownership works as a way of making better rural and urban places. Over the last 10 years the community of West Harris in the Outer Hebrides has transformed its prospects through ownership of the land on which it lives; reversing decades of population decline, providing affordable housing, good quality jobs and a renewed sense of confidence for the area. On Glasgow’s Southside, the Kinning Park Complex is a fantastic multi-use community space bringing people together, reducing isolation and building a real sense of community through its affordable halls, kitchen, office space and studios. These are two of the many examples of rural and urban resilience-building from the bottom up, driven by communities for communities.

Community Land Scotland’s and Community Woodlands Association’s recent joint report titled ‘Built-In Resilience: Community Landowners’ Responses to the Covid-19 Crisis’ shows how Community Trusts have played a vital role in supporting local people during the pandemic in their role as ‘anchor’ organisations within their communities. They’ve brought locally sourced food and medicines to the vulnerable, built connections with local suppliers and helped businesses get back on their feet. The report confirms Community Trusts’ importance as key contributors to community wealth-building and the foundational economy.

We need to keep empowering communities to build much more local resilience. That requires scaling up community land and asset ownership by retaining and further developing the financial, legislative and organisational support that enables that resilience to flourish. Community Land Scotland therefore calls for:

- Retention of the Scottish Land Fund for the duration of the next Parliament with an increased annual budget of £20 million.
- Review and amendment of the existing suite of Community Rights to Buy and the Community Asset Transfer Scheme to ensure they are fit for purpose.
- Increased support from Scotland’s Enterprise Agencies for a more skilled and sustainable community landowning sector via Community Trust development staff and Board training, business planning support and continuing capital funding to enable communities to purchase and develop land and other assets.
- Funding models within the new Scottish National Investment Bank that are appropriate and accessible to communities and the allocation of a significant proportion of the Bank’s available funds for community-led development that supports social renewal and a green economic recovery.
- Granting a right to communities to take ownership of the foreshore within their communities which is currently owned by the Crown.
- Introduction of Compulsory Sale Orders to enable public authorities to bring derelict or unused sites or buildings into productive use.
“We must retain the economic and social value of natural capital within communities for their wellbeing whilst simultaneously delivering wider public benefits to address the climate emergency.”

Land reform has a vital role to play in a just transition to net zero carbon emissions by diversifying how land and other natural assets are owned and used in the public interest and for the common good.

In recently published advice to the Scottish Government on a green recovery from the Covid-19 pandemic the Just Transition Commission\(^5\) emphasises the importance of community involvement and land tenure in managing land use changes to address the climate emergency. The Commission also highlights the need to invest in local communities to support new employment opportunities in areas such as forestry and peatlands restoration. It further notes that rural areas face long-standing issues including depopulation, lack of affordable housing and concentrated land ownership, making recovery from the pandemic harder still.

We need to end the scope for extracting natural capital’s economic value from our rural communities through subsidies and other payments to monopoly private landowners without significant concomitant local community investment on the part of such landowners. Instead, the focus must be on retaining the economic and social value of natural capital within communities for their wellbeing whilst simultaneously delivering wider public benefits.

Community Land Scotland therefore calls for the following legislative, financial and other support measures to enable that to happen:

- Introduction of a compulsory Community Right to Buy to further Climate Change Adaptation and Mitigation.
- Introduction of a Community Carbon Land Fund to enable tree planting, peatland restoration and management, and renewable energy initiatives and other carbon mitigation projects on community owned land.
- Support for development and installation of community led renewable energy initiatives via introduction of a feed-in tariff specifically for such initiatives.
- Introduction of incentives for private renewable energy developers to involve communities more fully in renewables schemes in order to generate significant community benefits.
“Many of Scotland’s rural communities are experiencing a depopulation crisis that threatens their future if we don’t take action now.”

Many of Scotland’s rural communities are experiencing a depopulation crisis that threatens their future if we don’t take action now. The seriousness of the issue is underscored in Scottish Government-funded research by The James Hutton Institute indicating that “in the absence of intervention”, Scotland’s sparsely populated area — covering almost half of Scotland’s land area but containing less than three per cent of the nation’s population — faces losing more than a quarter of its overall population and, more disturbingly, a third of its working age population by 2046. According to the research, this “implies serious challenges for economic development, and consequences for its landscape and ecology which are poorly understood”. A shortage of affordable housing, an absence of good and secure jobs, poor quality broadband and limited access to services further undermines the resilience of many of our rural communities.

Community Land Scotland was instrumental in ensuring that “increasing the population of rural areas of Scotland” is one of six high level outcomes for National Planning Framework 4 as a consequence of provisions contained in the Planning (Scotland) Act 2019. However, much more still needs to be done to repopulate our rural places and help them thrive.

7. Scottish Government (2020). ‘What is the National Planning Framework?’
Community Land Scotland therefore calls for:

• Placing a duty on all Public Authorities with a rural development remit to include measures to further rural repopulation as part of their operations by producing rural repopulation strategies and associated indicators of progress, including the transfer of land assets to community ownership.

• Retaining the Rural and Islands Housing Fund for the duration of the next Parliament with a budget of at least £30 million over the lifetime of the Parliament and with a simplified structure to make it more accessible to communities.

• Introduction of legislation to grant a range of powers to local authorities to take actions which will protect housing in rural areas for local residential use, including designating control areas within which different regulatory arrangements may apply to minimise scope for holiday and/or second home ownership.
“Land should be valued as a resource for the common good of Scotland rather than as an exclusive commodity for the privileged few.”

Scotland needs a fiscal framework that enables our communities to both contribute to and experience a post-Covid economy that places fairness, sustainability and local community wealth-building and retention at its heart. That entails creating market conditions enabling land to be valued as a resource for the common good of Scotland rather than as an exclusive commodity for the privileged few. It also entails ensuring that fiscal measures and public funding relating to land management are framed to deliver the public interest.

Community Land Scotland therefore calls for:

• An urgent review into how land is valued in Scotland to ensure a functioning land market in which communities and individuals of ordinary means can realistically compete and which values land for its use to further the common good.

• Commitment to devolution of power over Capital Gains Tax and Inheritance Tax to Scotland to enable implementation of measures that can positively impact on the sustainable management of Scotland's land.

• Introduction of a requirement that in any replacement for Common Agricultural Policy funding (Pillars 1 & 2), receipt of all land management grants is contingent upon preparation of an approved land management plan involving community consultation for land holdings over a given threshold.
Land reform is crucial for a greener, fairer, more prosperous and sustainable Scotland. ‘Business as usual’ is no longer a credible option.

There is no ‘one-size fits all’ solution to the challenges facing Scotland as we strive to ensure a greener, fairer, more prosperous and sustainable future. Nevertheless, land reform is a crucial and necessary part of that journey precisely because of its emphasis on land as a shared asset to be owned and used in the public interest to deliver the common good. Community Land Scotland’s manifesto proposals are designed to help turn that vision into reality. ‘Business as usual’ is no longer a credible option.
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www.scottishcommunityalliance.org.uk