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Chair.  
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**Professor Jim Skea**

Chair  
Just Transition Commission

**Via email**

13<sup>th</sup> July 2020

**Copied to:**

**Roseanna Cunningham MSP**

Cabinet Secretary for Environment,  
Climate Change and Land Reform

**Dr Fiona Harrison**

Deputy Director, Future Rural Policy Frameworks, Land  
Use and Land Reform

Dear Professor Skea,

**Advice to Ministers on a Green Recovery from the Covid-19 Pandemic**

Thank you for the opportunity afforded to Community Land Scotland to participate in the roundtable discussion of July 7<sup>th</sup> on the rural economy as part of the Just Transition Commission's development of advice to Ministers on priorities for a green recovery from the Covid-19 pandemic. I'm writing to reiterate Community Land Scotland's view as expressed by our Policy Director, Dr Calum MacLeod, during the roundtable discussion that land reform needs to be an essential component of Scotland's green economic recovery.

As the Commission will be aware, land reform has been an important area of public policy in Scotland since devolution. In its 2014 final report, *'The Land of Scotland and the Common Good'*, the Scottish Government-appointed Land Reform Review Group (LRRG) defined land reform as *"measures that modify or change the arrangements governing the possession and use of land in Scotland in the public interest"*. In his foreword to the LRRG's report, the then Environment Minister, Paul Wheelhouse MSP stated *"The relationship between the land and the people of Scotland is fundamental to the wellbeing, economic success, environmental sustainability and social justice of Scotland and her communities. The structure and system of land ownership is a defining factor in that relationship: it can facilitate and promote development, but it can also hinder it"*.

As the Commission will also be aware, the Scottish Parliament has passed several key pieces of land reform legislation since devolution, including the Land Reform (Scotland) Act 2003; the Community Empowerment (Scotland) Act 2015; and the Land Reform (Scotland) Act 2016. The latter introduced the Scottish Land Rights and Responsibilities Statement, the overarching principle of which is that:

*"The overall framework of land rights, responsibilities and public policies should promote, fulfil and respect relevant human rights in relation to land, contribute to public interest and wellbeing, and balance public and private interests. The framework should support sustainable economic development, protect and enhance the environment, help achieve social justice and build a fairer society"*.

The second of the Land Rights and Responsibilities Statement's six principles states that *"there should be a more diverse pattern of land ownership and tenure, with more opportunities for citizens to own, lease and have access to land"*.

It is against that wider policy background that Community Land Scotland argues that land reform must feature as part of a just transition to a green recovery and net zero emissions. Indeed, we find it inconceivable that a genuinely just transition which comprehensively addresses equity concerns, as the Commission's Interim Report advocates, could do otherwise.

The Commission has understandably and rightly taken a sectoral focus on the transition to Net Zero, given the current structural patterns of carbon emissions. Its Interim Report also calls for a more joined up approach to be taken to integrating equity considerations into decisions across portfolio areas in support of climate policy. Community Land Scotland fully supports that approach. Indeed, in our submission to the Advisory Group on Economic Recovery, which we sent to the Commission prior to last week's roundtable discussion, Community Land Scotland calls for the development of a post-pandemic *'Rural New Deal'* that tackles the economically and socially damaging structural issues of concentrated

land ownership and unsustainable rural demographic change and depopulation in a cross-cutting way . Our proposals in that regard include:

- Applying a public interest test as regards the suitability of prospective private purchasers of rural land over a certain scale. As you will know, that is a recommendation made by the Scottish Land Commission following its review of scale and concentration of land ownership in March 2019 which the Scottish Government has accepted in principle. We propose that assessing the impacts of such purchases in relation to a just transition to net zero emissions should form part of that public interest test.
- Retaining the existing Scottish Land Fund with an increased budget of £20 million annually to support community buyouts of land and other assets with a more explicit focus on climate action as part of the Fund's strategic assessment criteria.
- Introducing a supplementary charge to the Land and Buildings Transactions Tax for private sales of rural estates over specific sizes, with the generated revenue being used in addition to support from the Scottish Land Fund to help finance community buyouts and provide ongoing development support to community landowners to undertake net-zero initiatives.

Aside from the above measures, Scotland's land reform process has a vital role to play in a just transition to net zero emissions by diversifying how land and other natural assets such as forests and marine resources are owned and used. Enabling that to happen necessitates providing the fiscal, legislative and wider support mechanisms for communities to deliver public and community climate benefits through land ownership (for example via peatlands restoration and management and woodlands creation and management). Similarly, the introduction of a specific Feed In Tariff Scheme for renewable energy production specifically for community-generated renewables (and ensuring provision of interconnector infrastructure throughout Scotland to enable export of surplus energy to the National Grid) would ensure that such investment remains in Scotland, enable the further development of Local Energy Systems, provide for community reinvestment of revenues and contribute to Scotland's net zero emissions target. All of these measures would contribute to retaining the economic and wider social value of natural capital within communities for their wellbeing whilst simultaneously delivering wider public benefits. Such an approach is in sharp contrast to the current situation whereby the economic value of natural capital is all too often extracted from rural communities as a consequence of subsidies and other payments being channelled to monopoly private landownership for delivery of public goods without concomitant local investment.

A final area to which we would like to draw the Commission's attention relates to the important 'anchor' role that landowning Community Trusts perform within their communities. *'Built-In Resilience: Community Landowners' Response to the Covid-19 Crisis'*, a recent joint report by Community Land Scotland and Scottish Woodlands Association shows that 'anchor' Community Trusts were able to respond with flexibility and agility to the crisis because of their organisational infrastructure and capacity and by virtue of being embedded within their local communities. That 'anchor' function offers considerable scope for Community Landowning Trusts to help shape a green economic recovery at the local level by working with partners to deliver community-led net zero solutions. For example, in relation to provision of local transport services and infrastructure (electric, hybrid); fuel poverty reduction; and affordable, energy efficient housing.

In its Interim Report the Commission rightly highlights the importance of ensuring that communities' voices are heard, their expectations met and opportunities for local economic development not missed in the process of making a just transition to net zero. Landowning Community Trusts' 'anchor' role leaves them well placed to undertake tailored local engagement through which to amplify their communities' aspirations and needs regarding a just transition and contributing to its implementation in practice in the ways described in the preceding.

In closing, I hope that the Commission finds the above to be useful as additional reference points in helping formulate its recommendations to Ministers as regards priorities for a green recovery.

Please don't hesitate to get in touch should you wish to discuss any of the above in more detail.

Regards,

Ailsa Raeburn,  
Chair, Community Land Scotland