

Vital staging post on land reform journey

AN SUILEACHAN: A monument on the community-owned Bhaltois estate in Lewis designed by Will Maclean and Marian Leven to reflect the history of the clearances, land raids and land reform



Photograph: ANDREW MCVEAN

Dr Calum MacLeod analyses last week's Scottish Land Commission report and the subsequent debate in the Scottish Parliament



CALUM MACLEOD
newsdesk@whfp.com

Last week was an important one for Scotland's ongoing land reform journey.

On Wednesday the Scottish Land Commission published the report of its 'Investigation into the Issues Associated with Large Scale and Concentrated Land Ownership in Scotland'. That was followed on Thursday by a land reform debate in the Scottish Parliament, initiated by the Scottish Government on the topic of 'Land Reform in Scotland – Delivering for Now and the Future'.

Both of these developments are significant because they give strong indications of where land reform might go next in policy and practical terms.

The Scottish Land Commission was created in April 2017 as a result of the Land Reform (Scotland) Act 2016 with a remit to ensure that land reform does not stage one of its periodic vanishing acts from Scotland's public policy agenda as has happened in the past. That's a scenario unlikely to occur any time soon, given the substance of the commission's report and the political reaction to it.

The report is the most substantial investigation to date into issues associated with large-scale and concentrated land ownership in Scotland. It follows a call for evidence by the commission in 2018 for people to share their everyday experiences of living or working in parts of rural Scotland where most of the land is owned by a small number of people. A total of 407 people responded to the call, including landowners and land managers, community representatives and individuals.

Back in 2014 the Scottish Government-appointed Land Reform Review Group broadly defined land reform in its report, 'The Land of Scotland and the Common Good' as "measures that modify or change the arrangements governing the possession and use of land in Scotland in the public interest". That definition is instructive because it confirms the significance of land reform as a multi-

faceted issue cutting across individual public policy areas in Scotland and places public interest considerations firmly at its centre.

The commission's new report is equally instructive because it contradicts the jaded mantra of land reform's opponents that it is how land is used, rather than who owns it, that matters. It also confirms that Scotland's 'land question' is ultimately a question of power.

THE REPORT makes a distinction between the concentration and scale of land ownership, noting that: "There is no automatic link between large-scale land holdings and poor rural development outcomes but there is convincing evidence that highly-concentrated landownership can have a detrimental effect on rural development outcomes. These effects arise because landowners have the power to decide who can access land, when, for what purpose and at what price. This power is created by the current system of private property rights and is therefore directly linked to land ownership."

The detrimental effects of concentrated landed power on rural outcomes are laid bare in evidence presented in the commission's report.

The most frequently-identified theme in the evidence relates to the influence of concentrated land ownership on local economic development opportunities. The report finds that economies of scale – another argument for large-scale landholdings routinely trotted out by advocates of the status quo – appear to be "more theoretical than real and more likely to benefit landowners than communities".

It also finds that the irresponsible exercise of landed power enables landowners to block business development by determining whether and on what basis land is made available for such activity.

Worryingly, the report also notes that approximately a quarter of those

who submitted evidence feel that Scotland's pattern of concentrated landownership has a negative impact on the ability to meet local housing needs. It states that "these experiences were all connected by a common narrative in which the power of a dominant landowner to control the supply of housing was a key driver of depopulation and economic decline".

More troublingly still, the report highlights the corrosive effect of landed power on community and social cohesion. The evidence indicates fear of repercussions for "going against the landowner" by some respondents. As the commission's report notes: "this fear 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 commission report confirms that Scotland's 'land question' is ultimately a question of power

MUCH OF the evidence regarding other themes in the report also paints a dispiriting picture of the scope for concentrated land ownership to skew power relationships between landowners and communities in favour of the former.

The report challenges the "weak" assertion that landscape-scale environmental management requires large-scale land ownership. It also documents the "perceived unilateral approach to decision-making adopted by some landowners (often NGOs) and perceptions of poor land

management practices that can arise from this".

Against that background, the commission concludes that "there is an urgent need for formal mechanisms to be put in place that would enable harmful land monopolies to be identified and changes in either ownership and/or management practice to be implemented that would protect fragile rural communities from the irresponsible exercise of power".

To that end, the commission recommends specific statutory action including the introduction of a public interest test for significant land transfers/acquisitions; requiring land holdings over a certain scale to engage on and publish a management plan; and legislating for a new land rights and responsibilities review process, to take effect when there is evidence of adverse impact.

The commission also calls for the effects of concentrated ownership to be accounted for in the implementation of the forthcoming Community Right to Buy to further sustainable development established in the Land Reform (Scotland) Act 2016. Other recommendations include promoting more diverse patterns of private land ownership to help achieve land reform objectives and local engagement in land use change.

IT IS HARDLY SURPRISING, then, the commission's report dominated last Thursday's Land Reform debate in the Scottish Parliament.

The Scottish Conservatives expressed disappointment at both the report's focus and content, questioning the basis of the evidence and reiterating that the focus of policy should be on land use rather than land ownership.

The Liberal Democrats were happy to support the report's findings but considered it premature to call on the government to accept all of the commission's recommendations.

The SNP, Scottish Labour and the Scottish Greens gave the report a more enthusiastic reception. Together they ensured that Parliament passed a wide-

ranging motion which amongst other things "urges the Scottish Government to support the recommendations of the Scottish Land Commission on how to deliver interventions in the operation of Scotland's land markets and ownerships that will provide disincentives to the future accrual of large privately-owned land holdings and help deliver a more equitable distribution in the ownership of Scotland's land assets in the public interest".

THE DUST is still settling after publication of the Scottish Land Commission's report. Nevertheless, important points are already coming into sharp focus.

The report and its carefully crafted, evidence-based analysis of the inextricable links between concentrated land ownership, land use and the exercise of power feels like a vital staging post in the next phase of Scotland's land reform journey.

Viewing the issues of land ownership scale and, particularly, concentration through the twin lenses of monopolistic practices and their corrosive impacts on the public interest has significant policy and practical implications. Such a perspective underscores the potential for the commission's recommendations to contribute to a policy route map away from the debilitating exercise of landed power highlighted in its report and towards a more progressive, socially just and sustainable relationship between Scotland's people and land.

Parliament has endorsed these recommendations and the Scottish Government has stated its support for them in principle. In the coming months both will have the opportunity to transform their warm words into tangible policy action.

DR CALUM MACLEOD is a sustainable development consultant and policy director of Community Land Scotland. This article is written in a personal capacity. Twitter@CalumMacleod07