



**TIME FOR CHANGE:**  
New institutions are needed to support community and crofting community acquisitions

# Radical boost to land reform vision

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focus



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**With the departure of key radicals, many observers feared that the Land Reform Review Group's final report would be a damp squib. CALUM MACLEOD finds that it is anything but...**

**T**HE LAND REFORM Review Group published its much-anticipated final report, 'The Land of Scotland and the Common Good', last week. The Scottish Government established the Group in July 2012 with a remit to develop "innovative and radical" land reform proposals addressing greater diversity of land ownership and ownership types, support for communities in land acquisition and management and new relationships between land, people, economy and environment in Scotland.

That's a daunting set of tasks, to say the least, particularly given the complex, contentious and multifaceted nature of land reform in Scotland. It's therefore to the LRRG's great credit that 'The Land of Scotland and the Common Good' largely succeeds in fulfilling its remit; all the more so given the group's much-maligned interim report published in May last year and lambasted by Brian Wilson in this newspaper at the time as "the most useless 52 pages ever committed to print" in relation to the 'Land Question'.

Admittedly that interim report was written at a time when the LRRG was going through a period of some disruption following the resignation, for personal reasons of Professor James Hunter, one of its two original vice-chairs. The other vice-chair, Dr Sarah Skerratt, resigned shortly after the interim report's publication. The departure of Professor Hunter in particular was seen as an ominous sign that whatever radical intent the group had originally harboured was exiting the review process with him. That fear has subsequently proven to be unfounded, judging by the contents of 'The Land of Scotland and the Common Good'.

A re-booted LRRG emerged from the debris of its interim report with the chair, Dr Alison Elliot, being joined by John Watt, Ian Cooke and Pip Tabor as new vice-chairs and Robin Callander as special advisor, all substantial and respected figures in relation to wide-ranging aspects of land reform, tenure and management. Shortly afterwards Mr Callander confirmed that the second and final phase of the LRRG's work would involve looking at the "broad sweep of what might be considered land reform issues in Scotland".

'The Land of Scotland and the Common Good' certainly does that. In 263 carefully-structured pages the report contextualises land reform in Scotland to date and presents background information, analysis and

recommendations on a host of inter-related issues pertaining to aspects of land ownership and use ranging from community and public ownership to local development, housing and agricultural land holdings.

A crucial overarching theme of the analysis is that Scotland's land tenure system should operate for the common good of the people of Scotland as a whole. Refreshingly, the report also provides a definition of land reform as encompassing "measures that modify or change the arrangements governing the possession and use of land in Scotland in the public interest". As land reform campaigner Andy Wightman has noted in his blog, the report's statement of that definition is important because it dispels the myth that 'land reform' is somehow the exclusive preserve of rural Scotland or, even more myopically, the Highlands and Islands.

The report isn't slow to debunk other myths either, notably the view routinely trotted out by Scotland's landed elite that it is land use rather than land ownership that matters. The report states:

"Ownership is the key determinant of how land is used, and the concentration of private ownership in rural Scotland can often stifle entrepreneurial ambition, local aspirations and the ability to address identified community need. The concentrated ownership of private land in rural communities places considerable power in the hands of relatively few individuals, which can in turn have a huge impact on the lives of local people and jars with the idea of Scotland being a modern democracy."

Nor does the report spare successive Scottish Governments for abdicating their responsibilities for continuing the contemporary land reform process put in motion by the UK Government-appointed Land Reform Policy Group in 1999. It states bluntly that land reform measures since 2003 were "specific responses to particular issues, rather than part of any wider land reform strategy or programme. Many of the measures were not generally seen as 'land reform' as such. This has resulted in a sense of loss of momentum in taking forward the type of broad, modernising land reform agenda covered by the LRRG's recommendations."

It is this failure to sustain momentum and establish a coherent policy framework for land reform, based on the common good and public interest, which informs much of the thinking underpinning the LRRG's recommendations. Indeed, considered in its totality, 'The Land of Scotland and the Common Good' may be viewed as an attempt to revitalise the LRRG's modernising agenda

of the late 1990s by placing land reform front and centre as an issue of public policy in Scotland.

This is reflected in the report's key recommendation calling for a National Land Policy with new institutions (Scottish Land and Property Commission, Community Land Agency, Housing Land Corporation) and adequate resources and amended legislation to support community and crofting community acquisitions. Additionally, the report makes a range of specific recommendations including completing the coverage of Scotland's Land Register to determine precisely who does own Scotland; devolving the Crown Estate Commissioners' powers to the Scottish Parliament, investigating the scope for introducing a Land Value Tax, capping the total amount of land in Scotland that can be held by a private landowner or single beneficial interest; modifying succession laws in the interests of social justice; and removing the universal exemption of agriculture, forestry and other land based business from non-domestic rates.

**I**N SOME QUARTERS the overall thrust of the LRRG's recommendations will doubtless be seen as a great leap backwards.

Scottish Land and Estates has called the report "extremely disappointing in that it does not reflect the very substantial social, economic, and environmental contribution made to Scotland by private landownership of all scales". The Scottish Gamekeepers Association, while concluding that some of the proposals are "sensible", has branded the report "a state-centred programme of recommendations which, if implemented, would greatly discourage private investment in Scotland". Predictably, too, some of land reform's more florid detractors in the media and elsewhere have wasted little time in denouncing the LRRG's report as a prelude to 'Mugabe-style land grabs' unless their interpretation of common sense prevails.

In contrast, many others will view the report as providing much-needed momentum for a more progressive approach to local democracy, development and social justice in Scotland that places land ownership and use at its centre. Community Land Scotland has stated that 'The Land of Scotland and the Common Good' contains "a number of very welcome ideas and recommendations which can be built into a comprehensive legislative agenda to bring about change to Scotland's anachronistic land ownership patterns". Similarly, the Scottish Tenant Farmers Association has described the report as

"comprehensive, wide-ranging and powerful" containing "sensible and well considered recommendations to diversify land ownership and strengthen rural communities".

Ultimately, however, it is the response of Scotland's political elite to the report's proposals that will determine its fate. Scottish Labour and the Scottish Greens have already called for further and rapid action on land reform following its publication. There are certainly no constitutional obstacles to such action given that almost all of the 62 recommendations in the report can be implemented under devolution.

What, then, of the Scottish Government's initial response to the report? It issued a press release in which the Minister for Environment and Climate Change, Paul Wheelhouse, said: "We will study the report in depth and consider its recommendations. I am sure it will contain recommendations we agree with and some we do not but I welcome the overall vision and proposed direction of travel". One might be forgiven for thinking that sounds suspiciously like politician-speak for 'we're hedging our bets for the time being'.

Alternatively, one might argue that Mr Wheelhouse's rather anodyne response is the only sensible approach to take until the Scottish Government has fully digested the findings of a lengthy and detailed report. If so, it's curious that the Government should have apparently ruled out changes to agricultural business rates relief — a key LRRG recommendation — in the press release which contained that response.

Either way, it's interesting to compare the environment minister's words in that press release to an interview he gave for BBC Scotland's documentary on 'The Men Who Own Scotland' screened in January of this year. Back then, with the LRRG's report still some way in the distance, Mr Wheelhouse seemed pretty unequivocal in stating the SNP's appetite for radical change:

"My party genuinely believes that there should be a fair distribution of land, that communities should have access to land to fulfil their aspirations, and we are setting out a vision of what we want to achieve... If we don't see a fairer distribution of land then, as a Parliament, we will have failed the people of Scotland."

The Scottish Government wanted "innovative and radical" proposals on land reform from the Land Reform Review Group. Well, now it has them. It's time to replace talk with action.

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