UCT fully support the principles outlined in the consultation document and endorse the submission from DTAS. We therefore mainly restrict our response to providing factual experiences in the second half of 2014 to underline the long overdue need for action to bring about effective land reform and to submit a proposal for the progressive use of taxation to further land reform.

We see reference to human rights (as a justification and driver of land reform) being included in the principles as an essential requirement. The current position where a land owner can wave a “red card” to any community proposal is, in our view, a breach of community rights under the Human Rights Act. This issue must be addressed by new legislation or be tested in the Courts. As DTAS states, it is implicit within the principles that land reform has universal application. Given the historic understanding of land reform as a rural development issue we feel that the importance of land reform to all people and to all communities could and should be made more explicit.

These principles should be used as a basis for the development of a land policy which expands on how these rights and responsibilities can advance the economic, social and environmental well-being of Scotland.

In furthering this land policy we urge the Scottish Government to make full use of its recently devolved tax powers on Land and Buildings transactions (formerly stamp duty) to encourage wider land ownership.

This will also have implications with regard to scarcity of land for home building, vastly inflated property prices and a real and urgent shortage of good quality housing. Every year a large number of young locals struggle to find suitable homes and are forced to leave the area. It is hoped that Land Reform will help to improve outcomes for young families from rural backgrounds.

Examples of problems experienced by UCT relating to Community Right to Buy opportunities and an FCS Renewables development during the second half of 2014

- When a mixed use property recently came on the market, members of the Trust asked the Board to consider a Community Right to Buy. The selling agents were contacted for information and this established that a sale had been concluded within days of the property coming onto the market. We understand the seller has emigrated and the thus far anonymous buyer paid a significantly inflated price.

Comment: Present arrangements severely restrict the ability of a community to act when land is put up for sale and there appears to be no incentive for the seller to consider a sale to the community. We suggest the development of a system whereby a community has a two week opportunity from the date a land sale is advertised to give notification of interest. A holding period of 2 to 3 months should follow. During this time owners could still talk to prospective buyers to establish the level of the market, but it would allow time for a community to show interest and submit a proposal and registration.
A largely derelict local property is currently subject to court proceedings for vacant possession (although there is one inhabited property on the site). Applications for a Community Right to Buy have been submitted to the Scottish Government’s Community Right to Buy Branch.

After considerable efforts to identify the owners it was established that there were two properties involved, each with a different but connected owner. Telephone contact with a partner in the representing firm was not well received and the response was dismissive. Subsequent written contact has not been responded to.

Comments: This situation highlights the scale of the obstacles to be overcome by communities where stark short term commercial interests and timescale issues are serious issues under current arrangements.

- UCT is currently progressing proposals for two hydro projects through the National Forest Land Scheme. The best options for both streams involved limited encroachment onto an adjacent estate for the siting of the intakes. The estate owner has resolutely refused any partnership arrangement or a lease to UCT.

The consequences have been a delay in progress, significantly reduced generating opportunities on one stream and the likelihood that development on the other stream will not proceed because all viable options there require the intake to be outwith the agreed land.

Comment: We believe the landowner’s actions are a clear expression of a complete lack of community interest and show how significant community and environmental benefits can be given a “red card” in a very unreasonable but apparently lawful manner.