Thank you for providing the Scottish Environment Protection Agency (SEPA) with the opportunity to provide comments on the Land Reform (Scotland) Bill to the Rural Affairs, Climate Change and Environment Committee.

We welcome the Scottish Government’s vision for a strong relationship between the people of Scotland and the land of Scotland. SEPA strongly supports efforts to ensure that the use of land delivers greater public benefits. In order to do this, it is crucial to address not just the pattern of ownership, but also the management and use of land.

SEPA considers that the environmental impacts of the land reform proposals will be positive provided its vision and principles are implemented with an adequate emphasis on ensuring that land ownership, management and use contributes to sustainable development. This is important given that land management has such a key influence on climate change mitigation and adaptation, soil and water quality and flood risk.

As a public body committed to openness and transparency, SEPA feels it is appropriate that this response be placed on the public record.

General comments

We welcome the Scottish Government’s vision for a strong relationship between the people of Scotland and the land of Scotland, where ownership and use of the land delivers greater public benefits.

From SEPA’s perspective the key issue related to land reform is land management, which is not necessarily related to the type of land ownership. As land management affects the environment either positively or negatively, it is important that the Bill will ensure that environmental implications are a key consideration in decisions made regarding land use.

The environmental impacts of the land reform proposals will be positive provided its vision and principles are implemented with an adequate emphasis on ensuring that land management and use contributes to sustainable development. The encouragement and take-up of best practices in land management are key requirements to ensure sustainability – a key component of this Bill. The ownership or management of land brings with it important responsibilities, including the environmental stewardship of land. Land reform should use all appropriate mechanisms to ensure that all land owners and managers understand and observe defined environmental rights and responsibilities. Mechanisms include incentives, guidance and advice, regulation and enforcement.
Specific comments

Part 1: Statement on land rights and responsibilities
The Bill introduces a legal requirement on Scottish Government to publish a Land Rights and Responsibilities Statement (“the Statement”).

SEPA supports the development and promotion of the Statement which should be seen as providing a strong basis for the development of all policy relating to land ownership and management. The efficacy of the Statement will clearly depend on its wording, which the Bill does not address. The Bill should give more information about how the Statement will be produced and consulted on.

SEPA supported the draft land rights and responsibilities policy, and proposed vision and principles given in the Scottish Government’s Consultation on the Future of Land Reform in Scotland in December 2014. These are in line with the equity principle of sustainable development\(^1\). The principles could be further enhanced by placing greater emphasis on the environmental limits principle of sustainable development\(^2\). SEPA would therefore like to see the Statement incorporate all the principles that were proposed in the earlier consultation paper.

SEPA would also like to see the Statement make explicit reference to the benefits from nature (also known as ecosystem services) that people obtain from properly functioning, well managed and good quality land. Land provides a stock of potential resources and assets, or natural capital. This produces value and on-going benefits to Scotland’s people, environment and economy, if managed appropriately. The Statement provides an opportunity to ensure that all of those who have rights relating to land in Scotland are bound by responsibilities to maintain, protect and enhance its natural capital.

The Bill also does not specify who the Statement will apply to – whether to those who own land or those who use land, those who have control over land or to all of the above. This should be described. SEPA recommends that the Statement should apply to all land and therefore to all those who manage, own, use or control it.

Part 4 – ENGAGING COMMUNITIES IN DECISIONS RELATING TO LAND

37. Guidance on engaging communities in decisions relating to land
SEPA welcomes the fact that communities will be engaged in decisions relating to land. Scotland has developed useful approaches to help communities engage in discussions about land use and management (e.g. the SNH and SEPA Carse of Stirling project\(^3\)) and this technique has merits for land reform. This approach enables communities and land owners to discuss the benefits that they get from the land in a constructive manner.

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\(^1\) UK Shared Framework as ‘ensuring a strong, healthy and just society’ and re-endorsed by the Scottish Government in its Scottish Planning Policy 2014.

\(^2\) UK Shared Framework for Sustainable Development as ‘living within environmental limits’

\(^3\) http://my.stirling.gov.uk/services/community-life-and-leisure/your-community/community-information/stirling-carse?theme=MyStirling
42. Community Bodies

Subsection 9 restricts the definition of ‘community’ to a geographical context. SEPA recommends the Committee considers other types of communities, such as communities of interest, who may wish to acquire land for sustainable development purposes such as greenspace, recreation and conservation, to establish ‘intentional communities’⁴, etc.

⁴http://www.ic.org/