Written submission from Highland Council

Thank you for the opportunity to comment on the Land Reform (Scotland) Bill and for the extension to the deadline for comment to Wednesday 19th August.

Highland Council has not had an opportunity to consider the detail of the proposals within the Bill but will do so via a Member workshop shortly. The Council hopes therefore that the Committee will be willing to consider further evidence from it, and that to facilitate this; the Council will have an opportunity to provide oral evidence to the Committee in due course.

The Council also extends an invitation to the Rural Affairs, Climate Change and Environment Committee to gather evidence in Inverness. Such a session, if possible, would be hosted by the Highland Council.

At this time Highland Council generally supports the Bill and the progress the Scottish Government is making on land reform. The Council is aware that there are aspects of the Bill that need strengthening, particularly the provisions requiring landlords to engage with communities, the information that must be provided by owners and proprietors of land, and the focus on increased diversity of land ownership in Scotland as a goal. Specifically the Council notes that the opportunity to make provisions regulating which type of legal entity that can in future take ownership or a long lease over land in Scotland has not been progressed, despite being a feature of the original Bill consultation. Highland Council strongly supported this proposal and hopes there will be an opportunity to re-visit this with the Committee and as the Bill makes its way through the Scottish Parliament. Highland Council will seek the inclusion of these provisions in the resulting Act.

The Council is aware that further work progresses on the wide ranging recommendations of the Land Reform Review Group via other forums and it looks forward to the opportunity to contribute in response to further consultation on these issues in due course.

Measures designed to clarify core path planning processes are welcome although the Council would like to see additional focus on Section 73 – Court Applications. The opportunity to re-visit the wording of section 14 of the Land Reform (Scotland) Act 2003 would have been welcome. Highland Council and other Access Authorities have found difficulty with the phrase ‘for the purpose or main purpose of preventing or deterring any person entitled to exercise these rights’. It has proved extremely difficult to prove the intent of landowners who may be determined to restrict the exercise of access rights. As a result, action against landowners acting out with the requirements of the 2003 Act is extremely difficult to initiate.