Written submission from Plunkett Foundation

Plunkett Foundation

The Plunkett Foundation helps communities to take control of their challenges and overcome them together. We support people, predominantly in rural areas, to set up and run life-changing community co-operatives; enterprises that are owned and run democratically by large numbers of people in their community. They help people to tackle a range of issues, from social isolation and loneliness to poverty, and come in many forms including shops, cafes, pubs and land-based initiatives, and everything in between.

The Plunkett Foundation is grateful for this opportunity to provide written evidence to the RACCE Committee on the Scottish Government’s Land Reform (Scotland) Bill. Since the scope of the consultation is wide-ranging, we comment only on those sections which relate to our area of interest and experience; namely Parts 1 – 5.

General Comments

Plunkett Foundation welcomes the Scottish Government’s renewed commitment to continuing the impetus of land reform in Scotland, as an on-going process which encompasses urban, rural, terrestrial and marine environments. We believe that land ownership and access to land can play a crucial role in unlocking communities’ ability to find solutions to their own challenges. We endorse the Scottish Government’s own aspiration for land reform as outlined in the LRRG remit, namely that it should;

- Enable more people in rural and urban Scotland to have a stake in the ownership, governance, management and use of land, which will lead to a greater diversity of land ownership, and ownership types, in Scotland;

- Assist with the acquisition and management of land (and also land assets) by communities, to make stronger, more resilient, and independent communities which have an even greater stake in their development;

- Generate, support, promote, and deliver new relationships between land, people, economy and environment in Scotland.

Part 1: Land Rights and Responsibilities Statement

Plunkett Foundation notes the Bill’s provision for Scottish Ministers to publish a statement about their objectives for land reform, and set it before the Scottish Parliament. Although the Bill gives no details on what form this ‘statement’ may take, we note that the Scottish Government did previously draft Land Rights in 21st Century Scotland comprising a vision and seven guiding principles, which might yet comprise a first step towards a more comprehensive land policy for Scotland as
recommended by the LRRG. The current proposal for a statement of land rights and responsibilities could be a step in the right direction if it were to encompass land governance, policy and reform. However, if it is merely a statement of Ministers’ objectives for land reform, it will be of far less value. Having the statement debated by and endorsed by the Scottish Parliament would go some way to giving it the legal force and political commitment that a national land policy might have had.

Part 2: The Scottish Land Commission

We support the Bill’s provision for the establishment of a Scottish Land Commission including a Tenant Farming Commissioner, and we are broadly content with the range of powers, functions and working practices set out in the Bill. We do however note that there is no specific requirement for the Commission to consult widely on its work programme or strategic plan, which is surprising given the repeated emphasis on transparency that has emerged from the consultation process. We would expect the Bill to give some direction or guidance on how the Land Commission is expected to consult before determining its strategic plan or work programme.

We welcome the inclusion of the specific role for a Tenant Farming Commissioner, given the well-documented and complex issues surrounding this sector, and its importance to Scotland’s farming industry and the communities which depend upon it.

Part 3: Information about the control of land

Plunkett Foundation supports any provisions designed to increase transparency about the ownership and control of land, as this can contribute to better informed public debate on land reform, and more effective public policy.

Part 4: Engaging communities in decisions relating to land

Plunkett Foundation welcomes the Bill’s provisions to require Scottish Ministers to issue guidance about engaging communities in decisions about land which may affect them, and to consult widely before issuing such guidance, in the interests of furthering the sustainable development of such land. We believe that communities directly affected by the development of land are often the ones best placed to judge what constitutes truly sustainable development – socially and environmentally as well as economically.

Part 5: Right to Buy in furtherance of sustainable development

We welcome the proposal for a new Right to Buy linked to sustainable development, which is a significant new power to intervene in the land market in the public interest. Hitherto there has been a gap between the existing community right to buy (now extended through the Community Empowerment Bill), and the CPO powers open to certain public bodies, but rarely used. We support the proposal to allow communities to nominate a third party to take ownership of the land in question, as a novel and potentially useful way of unlocking investment in the public interest, where otherwise nothing might happen. We observe however that the extent to which communities are able to make use of these provisions, like those in the CEB, will depend upon...
their capacity to implement the complex and exacting procedures contained within the Bill, and the extent to which they are encouraged and supported to do so.