Written submission from the National Trust for Scotland

Thank you for your invitation to submit evidence on the proposed Land Reform bill. The National Trust for Scotland brings together more than 330,000 citizens who care for Scotland’s special places, our areas of natural beauty and historic interest, and which are enjoyed by more than two million visitors each year. The Scottish Government’s proposals to improve the management of land and property in Scotland are therefore of great interest to our members.

Conserving our heritage, and providing access to it, strengthens our society through individual and community enjoyment of our heritage, sustains our valued habitats and species and underpins a variety of economic activities.

We would therefore ask the Committee to consider our evidence on the following bill proposals:

Part 1: Land rights and responsibilities statement

- The conservation of our heritage is central to a sustainable Scotland. We believe that the conservation of heritage should form part of the policy statement.

Part 2: The Scottish Land Commission

- The qualifications for the Land Commissioners should also include knowledge of conservation practice or environmental management, and experience of land management.
- The process for penalties, as a civil rather than a criminal matter, should be developed.
- The purpose of the Commission in owning and disposing of land needs to be clarified.

Part 3: Information about control of land

- Requirements to provide information should be proportionate and not be unduly onerous.
- “Control of land” needs to recognise parties other than owners who may have effective control (e.g. farming and crofting tenants, lease holders, etc.).

Part 4: Engaging communities in decisions relating to land

- Communities are not limited by postcode, and the definition should be extended to include communities of interest, as is recognised in the Community Empowerment Act and the Scottish planning system (PAN 3/2010).
- The relationship of this proposal with the existing planning system should be clarified.
- The bill should build on existing good practice in community engagement, with clear objectives and robust processes. The requirement would apply to all
property owners, from householders to multi-national businesses, and engagement should be proportionate to the changes envisaged.

Part 5: Right to buy land to further sustainable development

- Sustainable development, which is for the whole of society rather than private individuals, should be defined according to international standards, drawing on the five principles of living within environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly (One Future - Different Path: The UK’s Shared Framework for Sustainable Development, 2005)

- The Trust would be pleased to provide the Committee with further evidence on how the conservation of our natural and historic environment can provide the foundation for social and economic development.

- Consideration should be given to understanding what is community value and what is public value, noting both the convergent and divergent elements in these.

- The rationale for excluding croft land from community purchase needs to be assessed as the majority of land in Scotland is in some form of agricultural use.

- The public safeguards of inalienability, which provide an extra level of scrutiny for decisions, should be maintained. For NTS, this protection is set out in our founding legislation, the National Trust for Scotland Order 1935, and reconfirmed in the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947.

- If inalienability is undermined, then donors and grant-givers may be less likely to give support, and land and property previously held for public benefit may be lost to the public.

Part 6: Entry in valuation roll of shootings and deer forests

- The implications of business rates on effective deer management and stocking densities need to be considered.

Part 7: Common Good land

- Proposals to change the use of Common Good land should be publicised and communities given the opportunity to submit evidence.

Part 8: Deer management

- The implications of a requirement to manage the welfare of deer, a wild animal, need to be considered.

Part 9: Access rights

- The process for making emergency path repairs should be simplified.

Part 10 Agricultural holdings
Consideration should be given to broadening the range of available tenancy types, including the introduction of a conservation or environmental tenancy.

For parity, tenants should also be bound to respect obligations, for example in keeping land in Good Agricultural and Environmental Condition.

Other comments

The Policy memorandum should be updated to remove references to sustainable economic growth in Points 2 and 5.