

Land Reform Review

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I intend today to say a few words about the issue of Land reform. The Land Reform Review Group was appointed by the Scottish Government in May last year, and took evidence over the winter months. The Group presented its interim report in May. This group's remit is to re-examine the Land Reform Scotland Act 2003 and propose new and additional ways to achieve land reform. The group is independent, and is chaired by Dr Alison Elliot, former Moderator of the Church of Scotland. Both the group's other original appointees, Sarah Skerratt and Jim Hunter, have resigned, – one being replaced by Ian Cooke and further appointments are expected that may take the group up to 5 in number. Dr Elliot sees this very much as her report, and is keen to stress her independence from Government. Next year she will present the group's recommendations and Government will then adopt those recommendations or not as it sees fit.

It is fair to say that no one was happy with the content of the interim report.

The land reformists don't think the recommendations go nearly far enough and have described land reform on the basis of the interim report as 'dead in the water'. Scottish Labour takes that view also. They also want radical.

Scottish Land & Estates (SL&E) encouraged a good level of response to the consultation – of the 475 responses to phase one, two fifths of these were classed as from estate, farm owner and landowner interests. SL&E submitted a massive amount of 'evidence' in its own response. So what are the main outcomes in our view?

Basically this stage clearly didn't grab the attentions of an urban audience at all. There was only one response from a predominantly urban local authority, and one from an urban local community organization, and yet the review is meant to address both urban and rural. Consequently, phase two will spend more time addressing the urban context.

Views on land ownership were inevitably polarized, some saying that it's inequitable and unjust; others that the status quo is fine and working, and there was a lack of evidence for further reform.

There is a definite fixation with community land ownership, or community involvement in the management of land. There is a move towards some type of extension to the community right to buy, or right to be involved. Dr Elliot has however said that whilst more communities should be in control this must be in a real-world environment, and this inevitably means that some will fail. There is to be consideration of a new land agency to negotiate purchases of land from private owners by community groups.

There was a call for better communication between landowners, communities and authorities – even though there is strong evidence that communities are now far better engaged than ever before.

Other themes emerging included the old chestnuts of land value taxation and changes to succession rights to break the pattern of land ownership. Woodland and forestry (and in particular community ownership), rural affordable housing, and crofting, including the unworkability of the crofting community right to buy were also raised.

Whilst the Review Group deferred all decisions on the future of Scotland's tenant farming structure to the Tenant Farming Forum, Cabinet Secretary Richard Lochhead subsequently announced at the end of May that he will undertake a top to bottom review of the agricultural holdings legislation in 2014.

On access, the status quo was widely felt to be working although there was some criticism either way.

SL&E, in its response to the interim report, was discontent expressing disappointment at the continuing view that the pattern of land ownership in Scotland is unfair and unjust when landowners are in fact a force for good. There was concern at the perceived need for further scrutiny of landowners' affairs, particularly given the amount of regulation and reporting already in place, and there was opposition to the suggestion for mandatory standards and sanctions for non-compliance in community engagement.

There was reaffirmation that the sale or transfer of an asset should be on a 'willing seller – willing buyer' basis and there was no need for a new national land agency to oversee this. SL&E also tellingly said that it could see no evidence that significant demand exists for land reform across much of Scotland, and urged caution against the tendency to manufacture it.

A far greater threat than the Land Reform Review Group would appear to lie in Scottish Labour's bid to trump the LRRG's recommendations. Johann Lamont, Scottish Labour leader, has called for land reform by expropriation if this is what is meant by: "if it is in the public interest (that phrase again), communities will have the right to purchase land, even when the land owner is not a willing seller." Those calls were echoed in a Labour-led debate in the Scottish Parliament on 5 June with the SNP Government accused of stalling on land reform until after the independence referendum.

In response to these accusations that it has lost the plot, the Scottish Government said that a £6 million injection of cash into the Scottish Land Fund is evidence of its commitment to the cause.

Meanwhile, Dr Elliot, with or without a full team, will be very much on track for her independent group to deliver its recommendations in 2014.