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The Scottish government's recent programme for government included proposals for land reform. Please consider the impact these proposals might have on the sustainable management of land by communities and social enterprises, and the potential for developing a similar land reform agenda in the rest of the U.K.

Scotland's Opportunity for Equitable and Sustainable Land Policies

Currently in [consultation](#), the “radical” [land reforms](#) proposed by Scotland's First Minister Nicola represent a strong step forward to establishing a more equitable and flexible land management system for Scotland, but at the same time, land advocates argue that the reforms only begin to scratch the surface at addressing historic disparities in land holding in Scotland. Followed to their full extent, as suggested by the First Minister and the consultation language, the proposed land reforms represent an opportunity to make deep, if slow, reform to the Scottish land management system by enhancing accountability, transparency, landowner responsibility and the opportunity for strong community action to improve sustainable land management—socially, economically and environmentally.

The stated vision for the land reform states:

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 through a democratically accountable and transparent system of land rights that promotes fairness and social justice, environmental sustainability and economic prosperity.

From an American perspective, the opportunity for this level of reform is a startling opportunity to push more equitable policies, even in the face of such gross historic disparities. Such a comprehensive and principled reform of land management, if successful, will have major implications for more flexible land management schemes by communities, third parties and social enterprises. By acknowledging the [link between land and social and economic well-being](#), those entities, such as local communities and social enterprises are given a strong opportunity to fill an acknowledged void in the current system of management. The following is a review of the proposals and the opportunity for positive impact on sustainable land management by these types of entities.

Proposal 1: Establishment of a Scottish Land Reform Commission

As indicated in the consultation document, “land reform is not an event but a process” (paragraph 41). An independent body with its sole purpose to focus on the stated vision of fairness, social justice, environmental sustainability and economic prosperity allows a level of accountability and transparency heretofore not found. It also allows integration into existing policies and activities, coordinated responses and a responsible party helpful in establishing new policies and limitations and able to understand the roles of communities and other parties in implementing reform.

Proposal 2: Limiting the legal entities that can own land in Scotland

A major barrier to partnerships with landowners is the ability to identify the entity with whom to partner, particularly in cases where neglect of land or other negative land management activities is the problem. While the requirement for new landowners to be legal entities within the EU increases accountability in the future, it does not apply to existing landowners, nor does it apply to individuals. This leaves a gap in accountability that would make it difficult for communities and social enterprises to establish partnerships.

Proposal 3: Information on land, its value and ownership

Information is power and consistent, equitable access to it levels the playing field for the various groups interested in land management, and opens it to additional actors by reducing the barrier to entry and information asymmetry. Centralized information will improve accountability and transparency for existing landowners and allow outsiders to assess land. Communities and social enterprises can assess it for social and environmental opportunity; private entities can assess for economic development; public bodies can assess for all of the above, as well as strategically plan, manage, incentivize and analyze action.

Proposal 4: Sustainable development test for land governance

One potentially very powerful proposal is the ability for ministers to intervene where the scale of land ownership or the conduct of a landowner is a barrier to sustainable development. In this case, to protect the rights of the landowner, but also to provide consistent opportunity for the communities and other entities that could step in, it is important to clearly define what a “barrier to sustainable development” is. To support communities and the common interest, this definition

should include environmental and socially poor management practices by existing landowners and valid competing interest from communities and third parties against negligent or mismanaged landowners.

Proposal 5: A more proactive role for public sector land management

While putting more land in the hands of the public sector may not in itself increase the potential for sustainable land management, the ideas suggested in the consultation document indicate a desire to enhance the flexibility of the public sector to work more creatively. This is suggested by the desire to cut bureaucracy to improve flexibility and creativity and creating space for more meaningful social enterprise and local community partnerships.

Proposal 6: Duty of community engagement on charitable trustees when taking decisions on land management

The specific proposals related to charitable trustees acts as an extension of improving accountability of private landowners by requiring these entities that receive financial benefits through exemptions to ensure that their actions are in line with charitable missions. The language here could be stronger in suggesting the ways that charitable organizations should engage local communities and controlling more strictly how these landowners are able to obtain that status.

Proposal 7: Removal of the exemption from business rates for shooting and Deerstalking

One of the more controversial proposals as reflected in the [defensive positions undertaken by landowners](#), removing the exemption from business rates that other entities must pay makes complete sense from an equity standpoint, while also improving revenue generation ability. While [landowners claim to be responsible stewards of the land](#), evidence does not exist that public entities, local communities or social enterprises could not be better, more accountable stewards. The [arguments levied by landowners](#) recalls the public relations greenwashing spin commonly committed by corporations in the U.S.

Proposal 8: Common Good

While still vague, language in the consultation document about how the “legal framework around common good needs to be modernised to meet modern circumstances and the expectations of communities” (paragraph 81) appears to reflect an acknowledgment of newer, more creative forms of sustainable land management that could be furthered if formally supported.

Overall, the government’s vision for reform and the specific proposals would do much to begin to adjust the Scottish system to support community and social enterprise management models. The breaking up of land ownership opens land to new development and growth, especially if done responsibly. Improving the ability of common good land management opens up opportunities for environmental reform not possible by disjointed landownership, such as wind power, addressing problem land needing environmental remediation, catchment based approaches to water management and managing forest and other unique ecosystems.

Opening the door to community ownership without guidance or support, however, could lead to similar problems as exist now. There need to be structures, checks and balances or other guidance in place to ensure that local communities or social enterprises that take on land management have the appropriate capacity to take advantage of land opportunities, generate revenue to support their activities and sustain long-term management. They need to be held to the same requirements for equity and accountability and transparency as others, and provided support for their activities.

The potential for developing a similar land reform agenda for the rest of the U.K., while alluring, is not as immediately promising, however. Scotland’s unique land management history has led to [strong land reform advocates and agendas](#), empowering elected representatives to push for reform strongly. The political landscape more broadly in the U.K. seems less amendable to such sweeping reform. Not to say that this could not be done in more piecemeal fashion in the U.K., but Scotland’s ability to use the rhetoric of righting historic wrongs allows politically for a stronger, more redistributive stance. The success of such reform in the U.K. would require a more deliberate policy strategy, incorporating framing for the conservative agenda.