

### **Community Land Scotland – statement on the delay to the Land Reform Bill**

Community Land Scotland was disappointed to learn of the further delay to the Land Reform Bill, particularly considering the urgent need for reform to tackle the rapidly moving and unregulated land market. However, we can potentially see merit in the delay, but only if it leads to a significant strengthening of the proposals to reflect consultation responses and the obvious public mood in favour of robust reform, as recent news coverage has demonstrated. The proposals in the Bill must be robust enough to address the substantial problems of the scale *and* concentration of landownership in Scotland.

If the opportunity is taken to strengthen the proposals this could provide a crucial opportunity to ensure that the Bill can work for all of Scotland's communities and will deliver meaningful change. These proposals will help provide further improve transparency of land ownership, help ensure land holdings of significance deliver in the public interest and empower communities by providing more opportunities to own land.

**A - The development of robust criteria for identifying landholdings of significance**, where excessive power is acting against the public interest – as opposed to a blunt 3000Ha limit which will affect so few landholdings (less than 3 per year based on current market trends) and does not address the issues identified by the Scottish Land Commission.

Criteria for identifying **landholdings of significance** should be:

1. 500 hectares
2. 25% of an inhabited island
3. Land and assets of community significance, confirmed by Scottish Ministers as of significance in relation to the public interest.

Such criteria would introduce greater oversight on landholdings of significance, introducing effective governance in the public interest, including for diversifying land ownership. These criteria would maintain the equality of treatment between urban and rural land reform established in the 2015 Community Empowerment Act and ensure that the Bill works for all of Scotland's communities, whether they live in rural, peri-urban or urban Scotland.

Furthermore these criteria would prevent situations such as those at Taymouth Castle and Kenmore, where the acquisition of important Kenmore amenities by Discovery Land Company has concentrated significant power in the hands of one landowner who is ignoring their Land Rights and Responsibilities, as well as considerable local community concern about what is taking place.

### **B - Applying a Public Interest Test**

When a landholding of significance is sold, a test will be conducted by, or on behalf of, Ministers to determine if the **proposed new ownership** is in the public interest. This test can apply to vacant and derelict land (through 3. above) and will provide positive steps to achieve better use of the land in the public interest. This could include introducing the mechanism of a Compulsory Sales Order, long advised by the Scottish Land Commission.



### **C – Implementation through effective Community Right to Buy**

A prior notification of sale for landholdings of significance is proposed in the Bill. If this was more widely applied to the three criteria as outlined above (not just 3000Ha) this could be significant. However it will not achieve more community ownership without changes to the Community Right to Buy (CRTB) mechanisms. Community Land Scotland have proposed well developed minor changes to the current CRTB mechanisms that would hugely improve the ability of all communities, especially those with less access to skills and resources to make use of the current CRTB provisions. The two stage process needs to be amended to focus on simplification and proportionality, [as reflected in a recent blog by the Community Land Leadership Group on 13<sup>th</sup> December](#).

### **D - There should be a presumed (not absolute) limit on landownership of 500ha (individually or combined) to ensure land above this limit is owned and managed in the public interest**

This would provide a much firmer policy framing for the Public Interest Test. It would secure more democratic influence on landownership over time and help address the urgent issues of scale and concentration of existing landholdings. In effect, any land owned over 500ha would become regulated land, as permission to own would be on condition of delivery of the vision for the land that showed the ownership and management was in the public interest.

These are our core proposals for the Bill and we look forward to an opportunity to discuss these and other issues with policy makers and legislators who wants to see fairness and opportunity rooted into this new legislation. We will work with allies in the community, environmental and social justice sectors to ensure the Bill is impactful and relevant for communities across all of Scotland.

