

# **Scottish Land Rights and Responsibilities Statement 2022**

## **Advisory Notes**

**September 2022**

## **Part 1 - Overview of the 2022 Scottish Land Rights and Responsibilities Statement Advisory Notes**

Land reform in Scotland, including matters relating to the ownership, use and management of land and associated rights and responsibilities, is continually evolving. The [2022 Land Rights and Responsibilities Statement](#) ('the Statement') seeks to inform policy and practice around land issues in Scotland, operating in concert with other relevant strategies and policies. It applies to all urban and rural land, buildings and other infrastructure in Scotland, and it is equally relevant to all the people and communities of Scotland, whether land owner, land manager, tenant or land user.

The Statement comprises a Vision and seven Principles and is supported by advisory notes and case study examples. The Vision and Principles are high-level and ambitious and, together, provide a goal to work towards. The Statement intentionally does not define how land rights and responsibilities should apply in specific or day-to-day situations.

The Statement was published in September 2022 following a statutory review, which included wide ranging consultation with individuals and organisations, and it replaces the first Statement which was published in 2017.

These accompanying Advisory Notes and case studies provide further background and explanation of how the Vision and each of the seven Principles can apply in practice, and how they link to other policies. They are not intended to be comprehensive or prescriptive.

While the revision of the Statement is statutory, these supporting advisory notes are a separate document that is not statutory, and are designed to provide further background and aid compliance. To ensure that they remain relevant, they are intended as a 'live document', and will be updated regularly.

### **Overview of Statement**

The principles within the Statement are intended to be mutually supportive. They underpin the Scottish Government's vision for a stronger relationship between the people of Scotland and the land, where ownership and use of land delivers greater public benefits through a democratically accountable and transparent system of land rights and responsibilities.

The Scottish Government must, under the Land Reform (Scotland) Act 2016, promote the principles in the Statement when exercising its functions, so far as this is reasonably practicable. However, for the Statement to be an effective catalyst for change, all those with decision-making powers in relation to land have an important role in the realisation of the principles.

The Scottish Land Commission (SLC) is required, among other things, to have regard to the Statement in exercising its functions. The Statement and the Scottish

Land Commission are important elements of our commitment to ensure that land reform continues to progress.

While the publication of the Statement is the responsibility of Scottish Ministers, the Land Commissioners will play a key role in supporting the development and realisation of the Statement's principles through the provision of expert guidance and advice. Their work helped inform the 2022 review of the Statement, and will help inform future reviews.

## **Aims of the Statement**

The aims of the Statement are as follows:

**Firstly**, to inform the development of Government policy and action in relation to land, whether that be in planning, housing provision, urban regeneration, farming, caring for the environment or any other Government activities that relate to land. The Statement interrelates with many existing strategies and policies, and it will help inform future iterations of Scotland's National Strategy for Economic Transformation, the Land Use Strategy, and the National Planning Framework.

**Secondly**, to encourage and support others with significant responsibilities over land, such as local authorities and large private land owners, to consider how their decision-making powers could contribute to realising the vision in the Statement. Many of those who own and manage land in Scotland are already delivering significant benefits and working successfully with local communities but good practice is not yet universal.

Decisions about land ownership, use and management can help address some key issues we face in the 21st century, such as housing shortages, inequality, and threats to the environment.

Private land owners in this context include not only private individuals, but companies, trusts, non-governmental organisations, charities, and community land owners.

**Thirdly**, to encourage all of us to recognise our responsibilities as well as our rights in relation to land. Decisions that we take as individuals, families, businesses and other groups can have a significant impact on the land and the rights of others who make use of land for legitimate reasons such as business or recreational purposes.

## **Meaning of the term "land"**

The Land Reform (Scotland) Act 2016 does not define the meaning of "land" for the purposes of the Scottish Land Rights and Responsibilities Statement.

Schedule 1 of the Interpretation and Legislative Reform (Scotland) Act 2010 applies: this provides that "'land" includes buildings and other structures, land covered with water, and any right or interest in or over land'.

## **Part 2 – 2022 Land Rights and Responsibilities Statement**

### **Vision**

A Scotland with a strong and dynamic relationship between its land and people, where all land contributes to a modern, sustainable and successful country, supports a just transition to net zero, and where rights and responsibilities in relation to land and its natural capital are fully recognised and fulfilled.

### **Principles**

1. The overall framework of land rights, responsibilities and public policies should promote, fulfil and respect relevant human rights in relation to land, contribute to public interest and wellbeing, and balance public and private interests. The framework should support sustainable economic development, protect and enhance the environment, support a just transition to net zero, help achieve social justice and build a fairer society for the common good.
2. There should be a more diverse pattern of land ownership and tenure, with more opportunities for citizens to own, lease and have access to land.
3. More local communities should have the opportunity to own, lease or use buildings and land which can contribute to their community's wellbeing and future development.
4. The holders of land rights should exercise these rights in ways that take account of their responsibilities to meet high standards of land ownership, management and use. Acting as the stewards of Scotland's land resource for future generations they should contribute to wider public benefit, sustainable growth and a modern, successful country.
5. Land ownership, management and use should deliver a wide range of social, environmental, economic and cultural benefits.
6. There should be transparency about the ownership, use and management of land, and this information should be publicly available, clear and contain relevant detail.
7. There should be meaningful collaboration and community engagement in decisions about land.

## Part 3 - Advisory Notes and Case Studies

### Vision:

**A Scotland with a strong and dynamic relationship between its land and people, where all land contributes to a modern, sustainable and successful country and supports a just transition to net zero, and where rights and responsibilities in relation to land and its natural capital are fully recognised and fulfilled.**

The Vision and Principles are based on a human rights approach, recognising that the way land is owned and used contributes to the fulfilment of many human rights.

Scottish Ministers want to see a strong and dynamic relationship between the people of Scotland and its land which benefits everyone, and where land is a resource that can be used to support social progress and help communities and individuals to thrive. Scotland has a strong record of progressive land reform, but there is further progress to be made.

The core purpose of the Scottish Government is to improve the lives of the people of Scotland and we focus government and public services on the purpose and outcomes set out in the [National Performance Framework](#) (NPF), to create a more successful country, with opportunities for all of Scotland to flourish, through increased wellbeing, and sustainable and inclusive economic growth. The Scottish Government believes this will only be achieved by making the most of all the resources available in Scotland, including land. The desire for Scotland's economy to be more prosperous, productive and equitable sits at the heart of the Scottish Government's ambitions as set out in [Scotland's National Strategy for Economic Transformation](#) (NSET) for a wellbeing economy and the community wealth building economic development model supports the achievement of these ambitions.

Community Wealth Building is a people-centred approach to local economic development which redirects wealth back into local communities and puts the control and benefits of assets and resources in the hands of local people. Community Wealth Building takes a whole place collaborative approach to local places and supports democratic and collective ownership of local economies. How we collectively own and use land is key to achieving this fundamental economic transformation, and a Community Wealth Building approach aligned with the principles of the Land Rights and Responsibilities Statement offers a helpful framework for how to put this into practice.

Land has an important role to play in building a wellbeing economy that promotes inclusive economic growth, reduces inequality, supports climate action, and empowers people and communities to bring about positive changes. As we work towards a just transition to net zero and tackling our biodiversity and climate crises, we will see significant land use change. It is imperative that these changes are made in a careful and considered way, taking into account the impacts on our people and communities.

A just transition means reaching a nature-rich, net-zero future with a climate resilient economy in a way that is fair and tackles injustice and inequality. The process and the outcome should both be fair, considering the impact on people and the sharing of any benefits that arise. The ways we own, manage and invest in natural capital and carbon play an important role in this. Natural capital is defined by the [Scottish Forum on Natural Capital](#) as “the stocks of natural assets which include geology, soil, air, water and all living things”. Land might be managed for natural capital to produce food, sequester carbon, reduce emissions or increase biodiversity, for example through planting trees or restoring peatland. Managing the living and non-living aspects of our land can help to deliver economic, social and environmental outcomes so responsible practice and alignment of local and national policies with the Land Rights and Responsibilities Statement is vital to ensure a sustainable and fair future for everyone.

People in Scotland exercise a wide range of land rights and use land in many ways. These range from rights governing access to rights covering ownership, tenancy, and business and personal use of land.

With all rights come responsibilities. Many land rights and responsibilities are already defined in legislation and guidelines. For example, the rights and obligations connected with being a landlord of residential or farming property, and the rights and responsibilities of applicants, communities and local authorities involved in planning decisions.

Other responsibilities are voluntary and may be seen as ethical or moral obligations. For example, where people feel an obligation towards the care of the land and a sense of responsibility towards their neighbours. It is important that those exercising land rights recognise their responsibilities, both to the land and to others including to those who have rights in relation to the land.

Many day-to-day activities in relation to land are not regulated in detail, and it is for the persons involved to use their good judgement and appropriate communication with others who may be affected in taking decisions relating to their use of land. Consideration of the seven principles should help to inform an appropriate course of action.

A range of guidance exists to help individuals and businesses take decisions and encourage voluntary good practice in relation to land and buildings. The ongoing leadership shown by sector membership organisations in raising awareness and encouraging voluntary good practice in furthering the Statement is essential. The Scottish Land Commission has a set of protocols which explain how to put land rights and responsibilities into practice.

On-going, ambitious land reform will help to increase the contribution of Scotland's land to sustainable economic growth, which is at the heart of the Scottish Government's purpose. Land reform also has the potential to empower greater numbers of people and, over time, to change patterns of ownership in Scotland to ensure a greater diversity of ownership, greater diversity of investment and further sustainable development.

Today there is a heightened understanding that while historic reforms have been beneficial, Scotland as a modern nation needs the ability to frame the governance of its land for the 21st century, and to ensure the on-going consideration of how land and rights over land are owned, used and managed.

The principles within this statement are intended to be mutually supportive, and all principles should be read alongside each other. For example, all those who own and manage land are encouraged to practice high standards of land ownership and stewardship as outlined in Principle 4, and in doing so they are expected to collaborate, under Principle 7, with communities, other landowners, and public authorities. All landowners are valuable partners in promoting sustainable development and better land use, and are expected to support more diverse ownership and tenure (Principle 2).

## Principle 1:

**The overall framework of land rights, responsibilities and public policies should promote, fulfil and respect relevant human rights in relation to land, contribute to public interest and wellbeing, and balance public and private interests. The framework should support sustainable economic development, protect and enhance the environment, support a just transition to net zero, help achieve social justice and build a fairer society for the common good.**

Scotland's land, both publicly and privately owned, is a resource for all of Scotland's people. This resource should contribute to a sustainable, inclusive and successful country, fulfil human rights and support a just transition to a net zero economy. Land can be used and enjoyed in many ways that bring broad benefits to a wide range of people while building community wealth by growing the economic, financial, social, and ecological benefits that local communities gain from land assets. How we own, manage, and use our land is key to community wealth building and forms one of five pillars of the Community Wealth Building approach: spending, inclusive ownership, fair work, finance, and land and property. Responsible stewardship of land can play an important role in restoring the natural environment.

The discharge of land rights and responsibilities and public policy can help land to provide wider public benefit. This is referred to in this principle as Common Good – a land reform term which describes a comprehensive and complex concept which brings into its embrace questions of social justice, human rights, democracy, citizenship, stewardship and economic development. Bringing them together under the common good helps to point towards outcomes that are healthy, rounded and robust. Whether land is owned, leased or accessed, it can provide valuable opportunities for leisure and recreation, contribute to health and wellbeing, provide raw materials, food, market goods and housing, support healthy environments and biodiversity, and deliver public goods, such as a healthy water supply.

Land rights are central to the realisation of key human rights, particularly economic, social and cultural rights. Human rights in relation to land go beyond the protection of property rights. Land is a source of livelihood, an important social and cultural asset, and central to the wellbeing of our people, our environment and our economy. People have the right to an adequate standard of living, including housing and food, and to healthy natural environments, with access to clean air and water. Scotland was one of the first countries in the world to adopt the United Nation's [Sustainable Development Goals](#) (SDGs), a global effort to tackle poverty and inequality and promote sustainable development for all. Scotland's [National Performance Framework](#) (NPF) integrates the SDGs alongside the National Outcomes and plays an important part of Scotland's localisation of the UN 2030 Agenda for Sustainable Development. The human rights basis to the Statement is discussed in detail at Annex A.



Since the Statement was first published in 2017, various policies have been developed and implemented to help promote inclusive growth, realise human rights, support greater social justice, and further empower communities. Further details on these are included at Annex B. These add to existing guidance and policy on health, planning and pollution, aimed at promoting the public interest and wellbeing, and supporting and enabling healthy ecosystems. The Scottish Government has also since accepted all of the recommendations in the first Just Transition Commission's final report, setting out its approach to just transition planning in the National Just Transition Planning Framework in September 2021. This centres around working in partnership to make the changes needed to achieve a climate resilient and sustainable economy in a way that is fair and tackles inequality and injustice.

While all those who own, manage and use land have rights and responsibilities, under the Community Empowerment (Scotland) Act 2015 organisations who carry out public functions must have particular regard to the National Outcomes set out in our National Performance Framework. Owning, using and managing land in ways that are fair and accountable, in line with the principles in this Statement, can contribute to meeting these outcomes and give people confidence that there is a fair and balanced system of decision making in relation to land. Alignment of public policy with the principles of the Statement and taking actions in line with this approach enables people to collaborate in, be engaged in and benefit from decisions that impact on them and their local natural and man-made environments.

In the context of the Statement, public interest should not be thought of in opposition to private interest. There are many examples, such as farming, industry, natural capital, house ownership and rental, where the public interest and private interest coincide. For example:

- farming and woodland creation can each support the delivery of both economic returns and a wide range of social and environmental benefits.
- sustainable agricultural practices make a significant contribution to the public interest, providing us with food while protecting the environment.
- supporting the transfer of land into community ownership to help achieve community objectives. Both parties can benefit from such an arrangement, provided that they each discharge their obligations fairly and with due respect to the rights and needs of the other party.
- the delivery of nature-based solutions for climate change such as woodland creation and peatland restoration. These can generate income for investors through carbon credits which could be shared with local communities alongside their wider environmental and socioeconomic benefits.
- support for those seeking home ownership through the Open Market Share Equity scheme for first-time buyers and priority access groups. This has enabled more than 13,000 people to buy affordable homes in places where they want to live since the scheme was launched.

What is vitally important is that those with decision making powers in relation to land recognise and act in accordance with their responsibilities as well as their rights.

## What we are doing

- [Scotland's National Strategy for Economic Transformation](#) (NSET) has a wellbeing economy as its vision. That is, an economic system that prioritises the wellbeing of current and future generations, delivering prosperity for all of Scotland's people and places, within safe environmental limits. With fair work and a just transition at its heart, the strategy builds on the Covid Recovery Strategy and will support progress towards net zero, help restore the natural environment, stimulate innovation and create jobs.
- The draft fourth [National Planning Framework](#) (NPF4) sets out how our approach to planning and development will help to achieve a net zero, sustainable Scotland by 2045. It sets out a vision for how our places will change in the future, reflecting priorities across Scottish Government portfolios and brings together a wide range of plans, programmes and policies and explaining how we will work together to build sustainable, liveable and productive places. NPF4, when adopted, will differ from previous National Planning Frameworks as it will incorporate Scottish Planning Policy and the National Planning Framework into a single document and will form part of the development plan.
- Community Wealth Building has been adopted by the Scottish Government as the practical means by which we can achieve our Wellbeing Economy ambitions. As set out in the 2021 Programme for Government and reiterated in [Scotland's National Strategy for Economic Transformation](#), legislation will be developed and introduced in this parliamentary term. Community Wealth Building is a people-centred approach to local economic development, which redirects wealth back into the local economy, and places control and benefits of assets and resources into the hands of local people. Putting people at the centre of our local economies is at the heart of Community Wealth Building: making sure that control of assets and resources, and the benefits they bring, are in the hands of the local people can help keep the wealth generated in the local economy – creating a fairer, greener, and more equal Scotland that empowers communities to bring about positive changes.
- A developing network of [Community Climate Action Hubs](#) support communities across Scotland to come together and engage in collective action on climate change, supporting the transition to low carbon and climate ready living. The hubs raise awareness of the climate emergency, promote peer-to-peer learning and help communities explore and adopt low carbon behaviours.
- The Forestry and Land Management (Scotland) Act 2018 required that a Forestry Strategy be prepared that had regard to the Land Rights and Responsibilities Statement. [Scotland's Forestry Strategy 2019-2029](#) presents a 50-year vision and 10-year framework for action, articulating Scotland's ambition to have more forests and woodlands and for them to deliver more economic, social and environmental benefits to the people of Scotland. [Scotland's Forestry Strategy Implementation Plan 2022 to 2025](#) sets out the

actions that the Scottish Government and its partners will deliver over the next 3 years to continue to progress the realisation of the Strategy.

- The Scottish Government's [Regeneration Strategy](#) provides a framework for local community led action to tackle area inequality, create opportunities and improve communities as well as supporting a just transition to net zero, community wealth building and the delivery of 20 minute neighbourhoods, regeneration of places including towns and cities. The strategy is supported by the Place Principle, the Town Centre First Principle, the Place Based Investment Framework and targeted funding streams aimed at meeting the needs of communities.
- The [Place Based Investment Programme](#) (PBIP) is being used to link and align place-based funding initiatives, helping to tackle inequalities and support inclusive economic development in disadvantaged and fragile communities across Scotland. The aim is to ensure that all place based investments are shaped by the needs and aspirations of local communities and accelerate our ambitions for place, 20-minute neighbourhoods, town centre action, community led regeneration and community wealth building. The PBIP is £325m over 5 years.
- The PBIP includes a direct allocation to local authorities and the [Regeneration Capital Grant Fund](#) delivered in partnership with COSLA and local government, supports locally developed place based regeneration projects that involve local communities, creating new or refurbished assets, helping to tackle inequalities and deliver inclusive growth in deprived, disadvantaged and fragile remote communities across Scotland.
- [The Place Principle](#) was adopted by Scottish Government and COSLA as a basis for collaborative working to ensure that future local investment is relevant to local communities for the benefit of local people. Bringing relevant services, enterprise, and communities together to make our towns, villages, and neighbourhoods more viable.
- [The Town Centre First Principle](#) was also adopted by Scottish Government and COSLA and the joint response to the independent review of [the Town Centre Action Plan](#) includes actions to reinvigorate the Town Centre First Principle as a means to deliver the Town Centre Vision.
- [The Place Based Investment Framework](#) seeks to achieve a consistent appraisal process for all local capital investments. It proposes that before investing in a place it is first necessary to have established a shared plan for that place, a shared route map and a meaningful oversight structure.
- Scotland's [National Marine Plan](#) (NMP), adopted in 2015, is the statutory framework for the sustainable management of Scotland's marine activities, setting out a series of policies to inform decision-making on the use of the marine space out to 200 nautical miles. As such, the NMP is a key mechanism for delivering against the six outcomes in [Scotland's Blue Economy Vision for 2045](#) (published in 2022). The NMP applies to all

decisions taken by the public authorities that affect Scotland's marine area: Marine Scotland, wider Scottish Government, Local Government Authorities, other public bodies including statutory advisors, regulators and agencies. Policy consistency between marine and terrestrial plans is crucial, particularly for those policy areas which have significant implications for both marine and terrestrial environments, such as renewable energy development, electricity networks, aquaculture, flood defences, ports and harbours, etc. The [2015 Planning Circular](#) sets out the relationship between marine and terrestrial planning, noting the overlap in jurisdictions and calling for alignment of planning frameworks to ensure consistent decision making.

- Scotland supports the United Nations Sustainable Development Goals internationally via our [International Development Fund](#) and [Climate Justice Fund](#).

### **Case Study - Dalmarnock: a masterplanning approach**

Clyde Gateway is a public urban regeneration agency in Glasgow's east end and Rutherglen. It began work on the South Dalmarnock Integrated Urban Infrastructure Framework in 2009, the aim of which was to develop a masterplan to unlock development opportunities in an area that has witnessed significant post-industrial decline and dereliction. Community engagement was an essential but challenging task, given the mix of land uses, community groups, land ownerships and other ongoing consultations. A four stage strategy was prepared, with a focus on good communications throughout.

#### **Networking**

Contact with diverse local community groups including showpeople, other residents, local businesses and property owners. This was involved individual face to face discussions, and meetings with the community council, community planning community reference group, the local housing association, etc.

#### **Orientation and Updating**

Engagement with the wider local community to ask about their place and how things could be improved. Workshops, walkabouts and youth events were held over two days, covering housing, integration of new residents, sites for showpeople, river management, remediation, public transport and communications.

#### **Options Testing**

Three community sessions exploring emerging development options that tackled community priorities like employment, retail and services, rail station, showpeople sites and a community/ commercial hub at Dalmarnock Cross.

#### **Preview Emerging Framework**

Review of the final framework with the community. The Framework acted as the platform for subsequent development. What was important was that community groups had the opportunity to shape the future of their place. The way that proposals emerged through community engagement meant that people felt that they had some ownership of how things would be developed. The Clyde Gateway team orchestrated events, informed people about technical constraints where necessary, and

maintained project momentum. After the Framework was complete, a series of ongoing engagement sessions was organised on specific delivery projects which were being taken forward.

This layering of engagement throughout the development process proved to be an important aspect of keeping people informed of progress, maintaining good community relationships, building trust, and helping people to understand that their voice counts.

Find out more about [Clyde Gateway](#) and the [South Dalmarnock Integrated Urban Infrastructure Framework](#).

## Principle 2:

**There should be a more diverse pattern of land ownership and tenure, with more opportunities for citizens to own, lease and have access to land.**

[Scotland's National Strategy for Economic Transformation](#) sets out an ambition for a successful country with a strong economy that has secure and well-paid jobs, thriving businesses, and resilient supply chains supported by entrepreneurship and innovation. Being able to own, lease and use land and buildings for a variety of activities is a vital part of achieving this vision for a wellbeing economy. More inclusive and diverse ownership and management of land and buildings will enable more of the wealth generated by those assets to be retained locally, strengthening the local economy and creating more sustainable places.

The Scottish Land Commission has carried out research which shows that a concentration of social, economic, and decision-making power can significantly impact rural communities and be a barrier to sustainable development. A wide and diverse availability of land and buildings, along with a range of inclusive ownership and governance models, allows businesses, organisations, social enterprises, individuals, and communities, to pursue projects of all scales and purposes.

In our rural and island communities a varied mix of types of tenure can encourage activity and build resilience. From crofts, small landholdings and smallholdings to larger tenant and owner-occupier farms, as well as private, public and community owned estates, access to land can provide a range of benefits. Agricultural tenancies are an important part of this mix and there is a variety of options for short- and longer-term farm tenancies. In addition to croft tenancies and owner-occupied crofts, an individual can occupy land held under crofting tenure on a short-term lease or sublet.

Diverse ownership and use of land is also important in our towns and cities, with access to local services and greenspaces contributing to healthier and more liveable places and a better quality of life. The ambition for 20-minute neighbourhoods in Scotland, in both urban and rural areas, can be supported by more diverse patterns of ownership and tenure which can make it easier to provide services and infrastructure in the places where people live.

All those who own, use and manage land have the potential to proactively support their local areas by identifying where land and buildings could meet local needs and aspirations, including through engagement, co-production and democratic participation. Public bodies in particular play a key role in local economies, with substantial impact through spending, investment, employment, and use of land and buildings. When taking a community wealth building approach to local economic development, public bodies acting as anchor institutions play an important part in setting examples, influencing behaviour, fostering collaboration and partnership, and enabling good practice. The Scottish Land Commission have developed a [guide to Community Wealth Building](#).

Diverse patterns of ownership and tenure also matter for our homes and communities. The Scottish Government's aim is for all people in Scotland to live in high-quality, sustainable and affordable homes that meet their needs in the place they want to be. Through continued investment, including private investment, and taking a place-based approach, the [Housing to 2040](#) Vision will help to increase the number of homes in Scotland and ensure the availability of a variety of tenure and ownership options which cater for the full range of people's needs.

Access to land and buildings helps ensure that our communities have adequate housing to meet their needs, supports local economic development, provides spaces for social and amenity activities, and gives people access to green spaces. Offering more people the opportunity to own and lease land can also contribute to a fairer Scotland and enables more people to enjoy land and the rights, opportunities and responsibilities that go with it. For land owners, diversifying land holdings can contribute to a more diversified asset base, generate funds to reinvest elsewhere, improve public profiles and relationships with the community, and provide opportunities for innovation and collaboration.

### What we are doing

- [Housing to 2040](#), Scotland's first long term housing strategy was published in 2021. Its aims to deliver our ambition for everyone to have a safe, good quality and affordable home that meets their needs in the place they want to be. Work has also started on delivery of our new ambitious target of 110,000 affordable homes by 2032, of which at least 70% will be available for social rent and 10% will be in our remote, rural and island communities. This includes support of up to £30m for the continuation of the Rural and Island Housing Fund, providing an additional funding route for communities and organisations not able to access traditional affordable housing funding. Collectively this support will contribute about £18 billion in total investment and up to 15,000 jobs a year.
- The [Crofters \(Scotland\) Act 1993](#) grants crofters an absolute right to remove land from crofting tenure for the purposes of a croft house site and garden ground.
- Crofting plays a vital role in maintaining the population in rural and island areas, including the retention of young people and families. The [Croft House Grant](#) provides grants towards the cost of new house builds and house improvements. Since 2007, the Croft House Grant has approved over £23m in funding, helping build and improve over 1,090 homes for crofters and their families in our rural and island crofting communities.
- Crofting is fundamentally important to Scotland's rural and remote rural mainland and island communities. As crofting regulator, the [Crofting Commission](#) is allocated an annual budget by the Scottish Government in order to regulate and reorganise crofting, and protect crofting for future generations. The Crofting Commission's development work helps create



opportunities for new entrants, and supports and encourages the active management of common grazings and more active use of crofts.

- Crofting exists in areas where agricultural production and investment costs are traditionally high, and therefore there are a number of support mechanisms available to crofters.
  - The [Crofting Agricultural Grant Scheme](#) provide grants to crofting agricultural businesses. Funding supports crofters in carrying out individual or collective investments that reduce production costs, improve quality, preserve and improve the natural environment, and hygiene conditions and animal welfare standards.
  - The Crofting Cattle Improvement Scheme offers a subsidised rate for crofters to hire high-health status bulls.
  - The Highlands and Islands Veterinary Support Services Scheme provides crofters access to subsidised veterinary services.
  - The Scottish Government's Farm Advisory Service (FAS) supports crofters and farmers through the One-to-One and the One-to-Many services. The FAS aims to improve the environment, biodiversity, resilience and profitability of croft businesses. This is achieved through helping crofters work co-operatively to improve common grazings, supporting high nature value friendly crofting, providing clear and accessible information and guidance, and encouraging croft land and infrastructure development.
  - Support is also available to crofters through basic Pillar 1 type payments.
- Since 2007, using EC funding, the Scottish Rural Development Programme's [LEADER](#) programme has supported over 2,200 initiatives across rural Scotland, including such diverse areas as food, tourism, transport, digital, access, biodiversity, landscape, culture, health, employment, leisure, youth services, regeneration and historic environment. As EC funding is no longer available from December 2021, Scottish Government funding is now being used to support rural and island projects through the [Community Led Local Development](#) (CLLD) Programme, thereby ensuring the continuation of the LEADER ethos of funding what rural communities say they need, rather than other bodies think they need. The Scottish Government have committed £11.6m for financial year 2022-23 to support CLLD across rural and island Scotland. £7.6m has been allocated to Local Action Groups (LAG) to support CLLD within their areas. The [Rural and Islands Communities Ideas into Action Fund](#) will provide £3m of funding for rural community groups to deliver community led solutions in their area.
- We are committed to bringing forward an ambitious new Land Reform Bill in 2023. This new Bill will build on our land reform measures to date and will further tackle Scotland's historically iniquitous patterns of land ownership, while also seeking to ensure that our land is owned, managed and used in ways that rise to the challenges of today: net zero, nature restoration and a just transition.



- Ongoing implementation of [Part 1 of the Land Reform \(Scotland\) Act 2003](#) provides for a right of responsible access to land and inland water throughout Scotland which is world-leading in terms of extent, scope and clarity. Those taking access must follow the guidance provided in the [Scottish Outdoor Access Code](#). Land managers must respect access rights when managing land and inland water. Local authorities and National Park Authorities help integrate access and land management.
- The low carbon [Vacant and Derelict Land Investment Programme \(VDLIP\)](#) provides £50m funding for local authorities working with communities to bring forward ambitious proposals for the reuse of vacant and derelict land. By prioritising the reuse of persistent vacant and derelict land, and protecting our existing natural capital and assets, we can ensure that investment goes into areas where it is needed the most, supporting shared ambitions for place, community led regeneration, town centres, and 20 minute neighbourhoods.
- In addition, the Scottish Government works with public, private and third sector partners to deliver a range of initiatives to encourage business start-ups and grow existing businesses, including supporting Business Improvement Districts and the provision of financial support and advice.

### **Case Study - Doune Ponds – Managing The Land In Partnership: Moray Estates and Doune Community Woodland Group**

A former gravel and sand quarry, Doune Ponds is a 40-acre Local Nature Reserve owned by Moray Estates and managed in partnership with Doune Community Woodland Group (DCWG) since 2014.

Moray Estates initially approached the community through the Kilmadock Community Council (CC) to explore local involvement, and after positive response DCWG was set up.

#### **Approach**

Doune Ponds is actively managed by DCWG, Kilmadock CC, and Moray Estates. A ten-year Management Agreement (2014-2024) is in place between Moray Estates and DCWG, with a focus on restoration, access and conservation. A nine-member Management Group was created to hold overall responsibility: Moray Estates hold a permanent place along with two CC representatives. Monthly meetings have resulted in an effective partnership between landowner and community, sharing liability, investment, skills and ideas and working towards their 10-year plan.

#### **Achievements and Benefits**

The active management of Doune Ponds has seen an area of neglected land regenerated into an accessible, well-used community greenspace: 1,400 metres of new footpath, steps, footbridges, bird hides and picnic benches have been installed and many existing paths refurbished. A haven for wildlife and biodiversity, the reserve is home to ducks, swans, roe deer, red squirrels, pike and perch, as well as being an important site for fungi.

Active involvement has given the community a strong sense of ownership. Used daily by walkers and regularly by groups including the school, Doune Ponds is a valued public amenity: it won the Small Community Woodland Award in 2017 and was Highly Commended in 2019 at the Scottish Finest Woods Awards.

A key benefit of land-owners and communities working side-by-side is the opportunity it allows both to get to know each other, building a relationship based on open, regular communication. Moray Estates recognises that this has led to further partnership working with the Doune community and is committed to community engagement on future development plans for the estate.

Volunteers are the lynchpin of the partnership's success. DCWG currently has 45 members who have volunteered 7,000 hours to date. The majority are retirees who take pride in developing a site that has value for the wider community and environment. Wednesdays have become 'site day' where volunteers gather, share the workload and enjoy the company – a valuable social benefit in itself. Lady Moray often joins them for a cup of tea and chat.

Moray Estates invests financially and through in-kind support from staff, while DCWG has accessed grants, community benefit funding from a local windfarm, community donations, and in-kind plant hire and materials. Combined with volunteer hours, this has transformed the site in a very short time. The shared liability for Doune Ponds is valued by both Moray Estates and DCWG.

### **What's Next**

Happy with the relationship and way of working, Moray Estates and DCWG believe that this model would benefit landowners, communities and the sustainable management of small woodlands across Scotland. Having identified few challenges, the Management Group is focusing on volunteer succession, proactively planning and recruiting for this. There is a long-term commitment to continue managing Doune Ponds in partnership, maintaining it as a productive, valued community asset.

### **Principle 3:**

#### **More local communities should have the opportunity to own, lease or use buildings and land which can contribute to their community's wellbeing and future development.**

Land is a key asset for supporting local and national economic growth and social, cultural and environmental aspirations and objectives. Land and buildings are required to meet many different needs for local communities such as housing, food production, renewable energy generation, and many forms of business activity, including social and community enterprises. Land, and its associated natural resources, also provide a basis for many public goods, including air quality, water supply, flood management and carbon sinks.

All types of landowners, public and private, can help to contribute to sustainable development but community-based organisations are particularly well placed to identify and understand the needs and aspirations of local people. The ownership or lease of land and buildings can support community wellbeing and resilience and empower people by strengthening their voices in the decisions about the resources and services that matter to them. Ownership and lease of assets provides communities with opportunities to create jobs through enterprise, support vulnerable people, build homes for local residents, bring vacant and derelict sites back into use, support health and wellbeing, protect heritage assets, deliver vital local services, tackle depopulation, and celebrate local culture.

Having control over land and buildings can help communities to tackle the issues that affect them, enabling and empowering them to develop plans to adapt to changing circumstances. This is especially important in remote rural and island areas, many of which are impacted by population decline and demographic challenges that threaten sustainability. Community ownership has made and continues to make significant contributions to these areas and is a key part of achieving a green recovery and long-term sustainability.

Opportunities for communities in urban areas to own, lease and use land and buildings are also important. The Community Empowerment (Scotland) Act 2015 and the Land Reform (Scotland) Act 2016 introduced new rights for communities, including those in urban areas, to buy land and to have a say in how land is used and managed. Since these rights were introduced, many urban communities have taken ownership or control of local assets to deliver important services and activities for the people of their area. Although these rights are important, it is also helpful for landowners and managers to consider when they can negotiate the sale, use or lease of a building with a community.

Landowners and managers of all kinds can and do play an important role in supporting communities to own, lease and use buildings and land. They do this by taking a proactive approach to building relationships and working with communities, and by considering the wider social, cultural, environmental or economic benefits that can be delivered when selling, leasing, or developing assets. Public bodies play

a key part in creating an environment that supports this and providing practical support for communities to build capacity and explore suitable opportunities. Taking a community wealth building approach to local economic development and using the Place Principle, public bodies and other anchor institutions can support democratic and collective ownership of assets and enable communities to benefit from local land and buildings. Underpinned by the Land Rights and Responsibilities Statement, the land and property pillar encourages management of land and buildings in a socially just way that grows the economic, financial, social and environmental value that local communities gain from assets.

All landowners, including community landowners, have responsibilities as well as rights relating to their land. They play a vital part in tackling the climate and nature crises, contributing to a successful wellbeing economy and in meeting the economic and social challenges we face as a nation and as world citizens.

### **What we are doing**

- We have committed to doubling the [Scottish Land Fund](#) (from £10m each year to £20m) by 2026 and in the year ahead, we will work with stakeholder organisations and communities to build the pipeline of projects to take advantage of the fund as it increases.
- Under the [Community Empowerment \(Scotland\) Act 2015](#) the Community Right to Buy powers have been extended to urban Scotland, so that every local community has the opportunity to benefit from the advantages of community ownership under this right to buy.
- Forestry and Land Scotland's [Community Asset Transfer Scheme](#) (CATS) for Scotland's national forests and land, launched in 2017, delivers the rights for communities under the Community Empowerment (Scotland) Act 2015 to request to lease or buy part of the national forests and land. The 19 transfers completed since 2017 include community woodlands, sites for community hub, mountain bike skills trails and community hydro projects, with an ongoing pipeline of projects at various stages of development.
- [Part 5 of the Land Reform \(Scotland\) Act 2016](#) establishes a community right to buy land to further sustainable development.
- Asset Transfer powers in the [Community Empowerment \(Scotland\) Act 2015](#) give community organisations a right to request the transfer of ownership or other rights in land from public sector bodies, where they can make better use of that land.
- Community Right to Buy legislation (Part 2 of the [Land Reform \(Scotland\) Act 2003](#), as amended by Part 4 of the [Community Empowerment \(Scotland\) Act 2015](#)) allows community organisations to apply to register their interest in buying land and building assets that would help them in achieving their aims.

- Scotland has a strong focus on climate justice because those who are suffering the worst impacts of climate change have often done the least to cause it. The report [Mapping Flood Disadvantage in Scotland 2015](#) assesses social vulnerability against flood risk to ensure flood disadvantage metrics inform people working in flood risk management, resilience, emergency services, public health, social care, housing, and the environment.
- The Scottish Government's [Local Energy Policy Statement](#) has set a target for 2 GW of operational renewable energy capacity to be community or locally owned by 2030. The [Community and Renewable Energy Scheme \(CARES\)](#) is the main mechanism for supporting delivery and that the scheme supports communities to engage, participate and benefit from the energy transition to net zero.
- Our [Place Based Investment Programme](#) provides capital investment to support community led regeneration. This includes the [Regeneration Capital Grant Fund](#), and is supported by the [Vacant and Derelict Land Investment Programme](#) and the [Empowering Communities Programme](#). The Empowering Communities Programme supports community-led regeneration activity throughout the country to help tackle inequality, empowering communities to deliver on the priorities that matter to them most. It supports a wide range of place based community led regeneration.
- The Empowering Communities Programme also includes funding to deliver the [Community Ownership Support Service](#) which provides advice and information to those communities considering asset ownership.
- [South of Scotland Enterprise](#) (SOSE) is committed to supporting enterprising communities in its region and has a team of advisors and specialists focused on helping communities achieve their ambitions, including to acquire assets and manage them sustainably to contribute to their wellbeing. SOSE's support is tailored to the needs of the local community and advisors work closely with the community to understand and respond to those needs. Over the last two financial years SOSE has made a £3.9m investment in capital assets and projects.
- [Forestry and Land Scotland](#) (FLS) works in partnership with many communities to manage land, providing an alternative to communities who do not want to take full ownership through asset transfer. As well as consulting with communities on woodland creation and land management, a huge range of community activities are freely carried out on the national forests land. Groups can also get permissions for activities which require more formal arrangements, such as sporting events, habitat management, or path maintenance to improve access to a woodland. FLS also work with communities to carry out projects and longer-term activities through agreements and leases. These range from woodland management agreements, community buildings, and wildlife conservation. Presently, FLS have around 90 formal leases and agreements with communities.

## **Case Study - Portgordon Harbour**

Portgordon Community Trust was established in 2021 to drive regeneration in Portgordon through making best use of village assets. The Trust, originating from the former Portgordon Community Harbour Group, acts as an umbrella organisation for local groups and has bold plans which will see the community take ownership of the local harbour, a key part of the identity and regeneration of Portgordon, while also creating a community hub.

Portgordon Harbour is currently owned by Crown Estate Scotland, the body responsible for managing Scottish Crown Estate assets. The historic stone harbour was officially closed in 1947 and there have been a series of feasibility studies and proposals over the last 20 years aiming to find a solution to securing the harbour structure in the long-term. These have included a feasibility study in 2005 on the potential to develop a marina facility and a 2011 study to locate a new village hall on land adjacent to the harbour.

Past offers of transfer of the harbour to the community have foundered due to concerns over the liabilities for maintaining the infrastructure; as is often the case with small trust ports the key challenges have been volunteer capacity, revenues to support operations and access to finance for infrastructure work. As a non-operational harbour, repair and maintenance has generally been limited to health and safety works, however in 2015 substantial repairs to the harbour's east pier were made following a storm induced collapse of a portion of that pier.

### **Approach**

Building on previous work and local engagement by Portgordon Community Harbour Group, Moray Council supported a Planning for Real exercise in 2017 to help clarify and distil community aspirations. Following an unsuccessful application under Crown Estate Scotland's Local Management Pilot Scheme in 2019 to take on management of the harbour, Crown Estate Scotland provided contractor assistance to support community capacity for future governance and to further investigate options and recommendations.

Since 2021, asset transfer of the harbour estate to community ownership has been progressing well. An MoU has been signed between Crown Estate Scotland and Portgordon Community Trust outlining how the organisations will work together towards a shared vision. Crown Estate Scotland and Highlands and Islands Enterprise are also co-funding a Development Officer role to help drive forward the asset transfer, source funding, and further develop the Trust's action plan.

A key milestone set out in the MoU was the purchase of a former pub opposite the harbour by Crown Estate Scotland following community-led consultation. Purchase of the pub forms part of an overall funding package to help facilitate community ownership, and the building will be transferred along with other harbour assets to the community by the end of 2023 enabling a more economically resilient model for ownership. The new community hub will generate income for the Trust through a café and visitor accommodation and will also act as a base for local services and groups – a key priority identified during previous fact-finding surveys.

## **Learning**

Formalising commitments through an MoU was an important step in agreeing joint aims and a way forward. This included establishing regular meetings of a Harbour Management Advisory Group as a platform for information sharing and discussion between Portgordon Community Trust, Crown Estate Scotland, Moray Council and Highlands and Islands Enterprise. This has allowed the group to agree a programme of repair works to the harbour, and importantly for the community to inform on local priorities and insights.

Recruitment of a Development Officer was also crucial in helping to turn the Trust's vision into a reality for the community. The Trust is a key anchor locally and has many projects and plans which will benefit people living, working and visiting the area, however as a volunteer-led organisation, capacity is an issue and so having a dedicated staff resource is important.

## **What Next?**

The key to success of this joint venture will be working with openness and transparency. We have an opportunity to develop a model with strong foundations, drawing upon each other to build capacity through the sharing of knowledge, signposting opportunities and ensuring that none is left behind.

The ability to connect with other communities who have undergone similar ventures will be essential in our own growth and understanding of how we can generate an economy and sustain the assets for which we will be responsible.

## **Principle 4:**

**The holders of land rights should exercise these rights in ways that take account of their responsibilities to meet high standards of land ownership, management and use. Acting as the stewards of Scotland's land resource for future generations they should contribute to wider public benefit, sustainable growth and a modern, successful country.**

All of those who hold land rights, whether through ownership, lease, partnership, use or other decision-making powers, have a responsibility to ensure that our land and its resources are looked after for public benefit both now and with consideration to the future. Its application to buildings and urban environments is just as important as in rural environments.

High standards of land management mean promoting the sustainable development of land by contributing to better and more productive economic, social, cultural and environmental outcomes, and in general considering the public good and delivery of wider public benefits as well as the good of those who own land. Many holders of land rights make significant contributions to the public good. This includes the provision of food, timber, recreational opportunities, environmental management and nature conservation, land for housing and industry, and many other activities. Good stewardship and high standards of land management, focused on sustainable development, support and enhance these activities. Decisions made with a focus on good stewardship are made with consideration for the long-term needs and wellbeing of local communities and places.

The holders of land rights already have duties under legislation designed to protect people and the environment, such as pollution control and building safety regulations. However, for the purpose of this Statement, meeting high standards of ownership, management and use, goes further in saying that landowners should take decisions about their land in ways that support social and economic development and protect and enhance the environment. Responsible investment recognises land as a resource that can support a sustainable future, continued prosperity and greater social justice.

Those who own, manage or use land are responsible for the good stewardship of that land, and ensuring that, in line with sustainable development, Scotland's land and associated buildings and infrastructure are well looked after and, where possible, improved. It is important to avoid damaging our land and mitigate any negative social or environmental impacts of the ways in which we use land. Land should not be left in a condition that is less favourable. We have a finite availability of land which makes the re-use of vacant and derelict sites an important issue, particularly in urban areas. If more of these sites were brought back into productive use, they could help to tackle climate change, improve health and wellbeing, create more resilient communities, and make an important contribution to local economies.



Responsibilities should be carefully considered where land is managed for natural capital and carbon management. Our natural capital is an essential resource which needs to be valued, protected and invested in for the future. Much of our natural capital has been lost or is degraded. We need to undertake significant restoration of natural capital to reach our net zero targets and to ensure that our stocks of natural capital can support the wellbeing of future generations. This investment in nature restoration needs to be a collective effort for the good of all. It is vital to ensure that we minimise our use of non-renewable natural capital sources (such as oil) and where renewable sources of natural capital are being used (such as trees), we do not deplete our stock to a point where it cannot be regenerated. We need to ensure that where investment or other action taken to reduce carbon emissions from natural capital, such as peatland, or to sequester carbon, such as through tree planting, we are not using this as a replacement for other actions to avoid, reduce or mitigate emissions at source. This is in line with targets and transition plans in the Paris Agreement, a global, internationally legally-binding deal to stop dangerous climate change. Carbon accounting should be both measurable and verifiable, such as through the government-backed Woodland Carbon Code and the Peatland Code.

When taking forward natural capital and carbon management projects, landowners and managers should work with the local community to identify opportunities to share the benefits with them and to support local priorities and aspirations. It is recommended that landowners and managers consider opportunities to contribute to community wealth through procurement, fair work, and inclusive ownership and consider the establishment of a community benefit fund to provide direct financial returns to local communities. The Scottish Land Commission's [Protocol on Responsible Natural Capital and Carbon Management](#) sets out helpful information to help people understand their rights and responsibilities in relation to land.

Part 1 of the Land Reform (Scotland) Act 2003 gives everyone statutory rights of responsible access to most land and inland water. People only have these rights if they exercise them responsibly by respecting people's privacy, safety and livelihoods, and Scotland's environment. Equally, land managers have to manage their land and water responsibly in relation to access rights. The Scottish Outdoor Access Code provides detailed guidance on the responsibilities of those exercising access rights and of those managing land and water, facilitating access with corresponding benefits we seek for health and wellbeing, tourism, local economy and sustainable transport.

The interrelation of property and tenure rights with wider human rights underpins the Food and Agriculture Organisation of the United Nations' *Voluntary Guidelines on the Responsible Governance of Tenure (VGGTs)*. The goal of the VGGTs is to support the progressive realisation of the right to adequate food and national food security. Within this context they promote secure tenure rights and equitable access to land, fisheries and forests, as a means of eradicating hunger and poverty, supporting sustainable development and enhancing the environment.

The VGGTs are voluntary guidelines and contain the principle of "responsible investment". They state that responsible investments "should do no harm" and are defined as recognising wider policy objectives around providing benefit to the country

and its people. Responsible investments should be acknowledged by Government and non-government bodies.

Positive long-term and strategic land planning which considers and contributes to broader sustainable development and delivery of public benefit is an important part of managing Scotland's land for the future. Proactive estate management helps to ensure make the most of our land and building assets, using these finite and valuable resources to provide a range of benefits. Taking a place based proactive approach can make it easier to plan and prioritise resources, maximise investment, identify opportunities to make better use of land and buildings, prevent vacant and derelict land, and ensure assets are used to add value to and meet all our needs.

### **What we are doing**

- Scotland's [National Food & Drink Policy - Becoming a Good Food Nation](#) reaffirms the Scottish Government's commitment to promoting the sustainable economic growth of the food and drink industry, which is underpinned by our farming and natural environment. The Good Food Nation (Scotland) Act 2022 requires Scottish Ministers to publish a national good food nation plan. This plan will set out the main outcomes to be achieved in relation to food-related issues; the policies needed to do this; and the measures we will use to assess progress.
- The [draft National Planning Framework \(NPF4\)](#) details our long term plan for what Scotland could be in 2045 and was the subject of Parliamentary consideration and public consultation from November 2021-March 2022. We are carefully considering the broad range of views shared with us and intend to lay a final version in the Scottish Parliament in autumn 2022.
- Since 2012, around 30,000 hectares of peatland has been put into restoration under the [Peatland ACTION Project](#).
- The [Scottish Plant Health Strategy](#) recognises that plant health is at the heart of Scotland's rural economy, natural environment and wellbeing and it sets out how, by working together, we can protect crops, trees, and other plants from new and existing pests and diseases.
- As outlined in the Programme for Government 2021-22, we are committed to modernising the compulsory purchase order process to make it clearer, fairer and faster for all parties, and to support the delivery of projects that are in the public interest. We will continue to engage with local authorities and other stakeholders to identify the most effective levers as the work progresses.
- We are also considering the matter of compulsory sales orders as part of this. Any new powers would need to be compliant with the European Convention on Human Rights with careful consideration given to the compatibility with existing powers.

- The [Community Empowerment \(Scotland\) Act 2015](#) contains provisions to allow communities to apply to buy abandoned, neglected and detrimental land.
- The [2022/23 Islands Programme](#) is providing £4.45m across all six local authorities with inhabited islands, to enable us to work together to support critical projects and to help make our islands even better places to live, study, work and raise a family. This funding is complemented by ongoing planned investment which is designed to support those living on Scotland's islands and our funding is spread across 31 islands. Successful applications include projects directly supporting population retention and growth, new facilities to deliver services helping to alleviate child poverty, innovative circular economy solutions, measures to address climate change impacts, development of digital and community hubs, management of tourism impacts, iconic heritage projects, and support for key local services.

## **Case Study - Balmacara Stewardship**

Balmacara is a traditional crofting estate on the north shore of Lochalsh, near the Kyle of Lochalsh. Cared for by the National Trust for Scotland (NTS), the estate is home to crofting settlements, where people have worked the land for thousands of years, and which supports a rich natural and cultural environment.

Some 75% of the estate is under crofting tenure, with eight crofting townships. Crofting activity has remained relatively high in Balmacara, with the majority of the in-bye land being worked in some form, including extensive rotational cropping, and the rearing of cattle.

### **Approach**

Recognising the importance of crofting to the culture and identity of the communities within the estate, NTS has worked with the local community to help fund traditional crofting practices that support the wealth of biodiversity and shape the farmed landscape.

The Traditional Croft Management Scheme uses targeted payments, to encourage crofters to manage the land in a way that delivers the maximum benefit for biodiversity. Through a relatively small outlay, valuable environmental and amenity benefits are realised, that are not currently delivered through the mainline agricultural support from government.

To further promote the value of crofting, socially, culturally, economically and environmentally, the Trust has also supported the establishment of an education programme in the local high school. This helps children familiarise themselves with how the local countryside is shaped and managed, and will help ensure that the next generation of crofters have the skills and experience to carry the sector forward in the future.

Crofting as an activity is subject to increasing economic and social pressures, and through these measures the Trust are committed to supporting the local community

in caring for, and continuing to be good stewards of this distinctive cultural landscape.

### **Learning**

Crofting is a distinctive set of social and economic practices which has sustained populations in the Highlands, and created farmed landscapes of high nature value. The National Trust for Scotland's experience in operating its Traditional Croft Management Scheme has shown that relatively small amounts of investment, well-targeted, can help sustain valuable agricultural practices, helping support natural and cultural heritage.

There is the potential for replicating this approach in other crofting areas across the NTS estate, especially as the Scottish Government focuses on a public goods for public payments approach.

### **Next Steps**

The Traditional Croft Management Scheme forms part of the National Trust for Scotland's overall stewardship of Balmacara. Other activities have included working with the community to enable housing developments, shops and visitor attractions, along with the creation of new crofts. By sustaining crofting as the fundamental land use at Balmacara, NTS can create many other opportunities for the community.

## **Principle 5:**

### **Land ownership, management and use should deliver a wide range of social, environmental, economic and cultural benefits.**

Land is a finite resource and must meet a wide range of needs. Scotland's land and its landscapes, both urban and rural, are important to our culture and sense of identity and to our individual, social and economic wellbeing. When making decisions about land, a natural capital approach should be followed, viewing land as an asset that can deliver a wide range of social, cultural, economic and environmental benefits such as producing food and timber; providing housing and access to countryside and blue-greenspace; tackling climate change; creating employment opportunities; and contributing to nature conservation.

Addressing the global climate emergency and meeting our net zero targets requires immediate and sustained action which will require significant land use change. This needs to be taken forward in a socially just and responsible way that delivers benefits for everyone. One element of this is managing land in ways that recognise the multiple benefits it can bring and not for a singular purpose. It is important to consider the different ways in which land can meet needs and incorporate a mixture of these when undertaking land use planning. For example, creating new woodlands generates opportunities for the delivery of a wide range of benefits such as carbon sequestration; natural flood management; improved biodiversity and wildlife corridors; access for education, tourism and recreation; new green jobs; and the production of timber and wood products.

It is also important to consider the impacts of decisions relating to land at a wider scale than single landholdings, for example, across regions, landscapes or water catchment areas. Collaboration between landowners, public bodies, communities, businesses, and other parties can help to identify opportunities to deliver wider benefits and create better places. This can be particularly essential when considering nature and biodiversity improvements that may be more effectively delivered at scale, in flood and water management, as well as in understanding the wider impacts of decisions made at an individual landholding scale.

Responsible landowners, managers and investors can and do support a wide range of private and public benefits through their approach to investing in, owning and managing natural capital. While investment in Scotland's natural capital is vital to tackle the climate and nature emergencies, we must ensure that people and communities are not disadvantaged and indeed can benefit from the investments being made. It is important to consider the wider environmental, social, cultural and economic impacts and benefits that these decisions may have and the contribution they can make to deliver a just transition to net zero.

We have significant cultural connections to land in Scotland through our languages and our history and those making decisions about land should be sensitive to these.

Crofting is a form of land tenure that is unique to the Highlands and Islands of Scotland. A croft can either be held in tenancy or owned by the crofter (owner-occupier), and may come with a share in a common grazing. Crofting delivers real benefits: it sustains agricultural activity, supports the rural economy, enhances wildlife and the natural environment, and supports population retention in our remote rural and island communities. Alongside traditional crofting activities of livestock production, crofting activity has diversified into agri-tourism, woodland regeneration and creation, conservation, sustainable food production and restoration of degraded peatlands.

## What we are doing

- [Scotland's third Land Use Strategy - getting the best from our land: 2021 to 2026](#) sets out the long term vision, objectives and principles for sustainable land use. This third strategy focuses on the integrated nature of land use as it looks to demonstrate the range of demands and benefits we place upon and receive from our land. It introduces a new landscape based approach to help promote an understanding of the fine balance of activities that will be needed to allow our land and the natural capital it supports to contribute sustainably to our multiple long term national priorities.
- Our [National Just Transition Planning Framework](#) commits to an Agriculture and Land Use Just Transition Plan. We will develop this Just Transition Plan alongside the next draft Climate Change Plan.
- The Scottish Government supports Gaelic communities by funding a number of initiatives, such as Gaelic Development Officers, to ensure that they have the level of support needed to protect the linguistic and cultural aspects of community life. We have also supported a number of communities with capital to allow the creation of community assets following land purchase.
- The Scottish Government has made large long-term commitments to investment in natural capital to address climate change. This includes £250m over ten years for peatland restoration and an additional £100m over the next five years allocated to Scottish Forestry for new woodland creation. However, we know that both public and responsible private investment in Scotland's natural capital will be essential to deliver on our climate change targets, the reversal of biodiversity loss and wider land use policy objectives. That is why, in our [National Strategy for Economic Transformation](#) published in February 2022, we have committed to the development of a values-led, high integrity market for responsible investment in natural capital in Scotland. This commitment is now underpinned by the [Interim Principles for Responsible Investment in Natural Capital](#) which were published on 31 March 2022.
- We are adopting a three-part approach to developing a Strategic Framework which will transform our biodiversity and realise our long term goal of halting nature loss by 2030 and reversing it by 2045. First, our new Strategy will be a long-term, high level vision setting out the change we want to achieve. Second, the Strategy will be supported by shorter term, fluid and dynamic

Delivery Plans which set out specific actions that adapt in response to a new monitoring framework. Third, our new Natural Environment Bill will establish statutory targets for nature recovery for the first time in Scotland. Included in this framework are two key commitments. First, to expanding and improving areas managed for nature, including protected areas, with an ambitious commitment to protect 30% of our land for nature by 2030, and secondly to creating new, locally driven projects that will improve ecological connectivity across Scotland and help deliver long-term restoration of nature.

- The [National Development Plan for Crofting](#) sets the long-term strategic direction for crofting, highlighting the core elements to ensure that crofting remains at the heart of our rural and island communities. Published in March 2021, it encourages croft diversification into agri-tourism, woodland regeneration and creation, local food networks and the restoration of degraded peatlands.
- The Scottish Government has provided grant funding to the Tweed Forum for the Eddleston Water Project. The project aims to reduce flood risk and restore the Eddleston Water for the benefit of the local community and wildlife by investigating the effectiveness of natural flood management techniques and habitat restoration measures at a catchment scale. The project provides evidence to support the assessment of the value, costs and benefits of restoring a typical Scottish river system through changes to land management practices, delivered across the whole catchment.
- As part of the Islands (Scotland) Act 2018, The Island Communities Impact Assessments (Publication and Review of Decisions) (Scotland) Regulations 2020 were laid on 3 November 2020 and came into force on 23 December 2020. This means that the duty to carry out Island Communities Impact Assessments became a legal requirement for relevant authorities and requires the Scottish Government to take island issues into account when developing or reviewing policies, strategies, services and legislation.
- The Scottish Government delivers support for the historic environment through sponsorship of Historic Environment Scotland (HES). HES leads and enables Scotland's first historic environment strategy 'Our Place in Time', which sets out how our historic environment will be managed. It ensures our historic environment is cared for, valued and enhanced, both now and for the future. This strategy is further strengthened by a [Green Recovery Statement](#), published by HES in April 2022, which supports the climate change principles set out by the Scottish Government and highlights key areas, including land management, where the historic environment can help deliver economic recovery. The Green Recovery Statement identifies the importance of responsible land use in order to build resilient landscapes.



## **Case Study - Affric Highlands – Trees for Life**

The Affric Highlands project, led by [Trees for Life](#), is bringing together landowners and communities from across the central Highlands to support nature, people, and businesses, and create a more progressive and sustainable local economy. The long-term vision for the area is to improve natural habitats to support biodiversity, to contribute to the growth and success of nature-based and sustainable businesses, and to strengthen and grow local communities.

The project is at an early stage, and Trees for Life are working with local landowners, in an area stretching from Glenelg in the west to Drumnadrochit in the east, to build relationships and identify common interests. A diverse range of just over twenty landowners – public, private, non-governmental organisations (NGO), large and small – have registered interest in the initiative, and discussions are ongoing with others. Those who sign up to the initiative are asked to identify commitments they can make to build on existing achievements and contribute to the vision that has been set out. The landowners' ability to make their own decisions about how they use and manage their land to achieve this in practice is unaffected.

Affric Highlands recognises that the project must open opportunities up for people who do not own the land and that local communities should benefit from actions being taken. The vision is for people to benefit as nature thrives, through nature-based employment and learning, new commercial investment and activity, and shared income.

Trees for Life hope that the different measures that are taken and the related income streams, including agroforestry, carbon sequestration, tourism, field sports and forestry-based products, will help increase local spending and strengthen people's ties to the local economy, maintaining populations and the facilities and services they need. The ultimate aim is to ensure that the project is sustainable and delivers for local people.

Appreciating that the project aims require long-term commitment and action, a key objective for Affric Highlands is involving children and young people. A youth engagement programme and youth leadership award are underway to raise awareness of and encourage involvement in local discussions about achieving sustainable, nature-focussed development. Climate anxiety and mental health are important themes of this work. This element of the project will be taken forward in partnership with High Life Highland, a charity that delivers culture, sport, leisure, health and wellbeing services across the Highlands, and local schools.

Affric Highlands also sees huge potential for peatland restoration and woodland carbon capture and recognises that there are opportunities for communities to benefit from this. Trees for Life is selling carbon credits related to woodland planting on Dundreggan Estate and has committed to sharing some of the income from these sales with two local communities. At a premium price, this may provide some insights for how carbon credits could be of mutual benefit to communities and landowners alike.



As with any long-term, large-scale proposal, there are challenges to face. Ensuring that people who are affected can participate and contribute to decisions is important. Issues like deer management have a long and difficult history which makes forming good relationships hard, especially at a time when new priorities like the climate emergency have emerged quickly to affect the debates around land use. Keeping people involved in the conversation, building trust, and being open and inclusive takes time, but it is vital to the success of the project. Affric Highlands understands the need for action to make sure that our natural environment flourishes alongside prosperous and healthy communities, and those involved are willing to put in the time and effort into ensuring this is done in a fair and inclusive way.

For more information [contact Trees for Life](#).

### **Case Study - St Kilda Management Plan**

St Kilda is an isolated archipelago situated around 40 miles west of North Uist, forming part of the Outer Hebrides of Scotland. It is the UK's only dual UNESCO World Heritage Site, having gained this prestigious status for both its natural and cultural heritage. St Kilda is also home to nearly one million seabirds, including the UK's largest colony of Atlantic puffins.

In August 2020, National Trust for Scotland (NTS) commemorated the 90th anniversary of the evacuation of the last remaining islanders. The 36 inhabitants of Hirta, St Kilda's main island, were taken to the Scottish mainland to begin new lives in the late summer of 1930.

Conserving the natural and cultural heritage, and supporting access to the islands is a continual challenge, exacerbated by remoteness and by a changing climate. While the National Trust for Scotland owns St Kilda, and has overall responsibility for the management of the archipelago, it is valued by both communities of place and communities of interest, and its management is informed by the views of many different groups, even though there are no permanent residents.

### **Approach**

As a UNESCO World Heritage Site, the National Trust for Scotland is required to conserve the site for its Outstanding Universal Values. NTS has taken a transparent and collaborative approach in developing a multi-year management plan for the site. Recognising the widespread interest in St Kilda, a thorough programme of stakeholder engagement has been undertaken. This has included discussions with those living on the surrounding Hebridean Islands, an online consultation open to all members of the public, work with the statutory agencies, expert consultations, as well as further engagement sessions across mainland Scotland. As guardians, NTS are always encouraged by the interest so many people take in the stories and heritage of St Kilda.

Following the engagement programme, the latest management plan has now been agreed by the key stakeholders, comprised of NTS, Historic Environment Scotland, NatureScot, Comhairle nan Eilean Siar and the Ministry of Defence. All stakeholders have committed to working together to implement the plan to protect and care for St Kilda over the next ten years.

**Learning**

The plan includes a vision for the conservation of the landscape and heritage, while enabling access, and will be delivered through outcomes including: monitoring, identifying and adapting to global challenges such as climate change, conserving the archipelago's biodiversity, and transparent, collaborative and effective management that is underpinned by sustainable practices.

The comprehensive engagement with communities – whether of place or interest – has helped create a network of parties interested in St Kilda and that can be drawn on during the life of the management plan.

**Next Steps**

By putting the management plan into action and achieving its outcomes, NTS will provide opportunities for more people to learn about and engage in caring for St Kilda, ensuring that its history is remembered and that this awe-inspiring cultural and natural landscape continues to be enjoyed by future generations.

## **Principle 6:**

**There should be transparency about the ownership, use and management of land, and this information should be publicly available, clear and contain relevant detail.**

Decisions about land can have significant impacts on many aspects of our lives, including on communities, local businesses, employment opportunities, and availability of housing and public services. Information about land and buildings provides the foundation for open and transparent decision-making by public and private sector organisations, communities, and individuals. Participation in these decisions, by individuals, communities and landowners, is a key component of taking a human rights approach to developing policy, and transparency of information can enable greater participation in decision-making about land and buildings.

Sharing information about land, in both urban and rural environments, can contribute to more informed decision-making, more efficient land use and management, and create benefits for the local economy, environment and society. For example, individuals or communities may wish to engage with landowners on a range of issues including access or development plans and may have useful information about the land that has implications for decision-making. Many landowners and decision-makers are open and actively engaged with their communities, but this is not universal. In some cases, it can be difficult to identify who an owner is or who makes decisions about land, which can hinder engagement, exploration of opportunities and resolution of issues.

To help people find information about land and who has significant influence or control in the decisions made about it, the Scottish Government created the Register of Persons Holding a Controlled Interest in Land which was launched in April 2022. The register will show those who influence or make decisions about land, along with their contact details. This increased transparency will enable communities to contact the people who makes decisions about land and property in their local area. The register complements existing registers and information, including the Land Register of Scotland, the valuation roll, the Crofting Register, and Companies House records.

Being able to access information about how land is used and managed, how decisions are made, and any plans for future use and management can empower people, giving them the opportunity to understand more about the land around them and how it can and does meet their needs. Land management plans are a helpful way to set out information about objectives and priorities for land. They can be beneficial for landowners and managers, as well as for communities and individuals, by providing a basis for communications and acting as a guide for future decision making.

This principle aims to ensure that reasonable and helpful information about land and land management is made available in a clear, timely and accessible fashion. Information should be helpful and relevant for local people and communities,

supporting them to tackle issues, identify opportunities and get involved in decision-making processes.

## What we are doing

- The Scottish Government's [Open Data Strategy](#) states our aim to make non-personal and non-commercially sensitive data available, via the internet, in a format which allows it to be easily used.
- [ScotLIS](#), the land and information system for Scotland was launched, by Register of Scotland, to business customers in October 2017. It provides easy and intuitive access to the information of the two operating property registers in Scotland, with a particular emphasis on improving map based access to underlying ownership information. In May 2019 a refreshed ScotLIS enabled members of the public to instantly access and where appropriate purchase information from the Land Register. In June 2022 additional capability was launched for business customers to instantly access previously recorded deeds, increasing speed of delivery and contributing to improvements within the conveyancing process.
- In May 2014, Scottish Ministers announced the target of registering the ownership of all of Scotland's land by 2024. Registers of Scotland are undertaking this work, and as of September 2022 50% of Scotland's land mass is now on the [Land Register of Scotland](#), equating to approximately 70% of addresses in Scotland.
- The [Register of Persons Holding a Controlled Interest in Land](#) was launched on 1 April 2022, which improves transparency in decision making about land by making information about persons who have a controlling interest in land publically available – those who ultimately make decisions about the management or use of land, even if they are not necessarily registered as the owner of the land. This Register, kept by Registers of Scotland, implements Part 3 of the Land Reform (Scotland) Act 2016, with a transition period until 1 April 2023 at which time criminal penalties will come into force for non-compliance or providing false information.
- Other publicly held data is made accessible by mapping tools such the National Biodiversity Network's [Atlas Scotland](#), and those managed by [Marine Scotland](#) and [Scotland's Environment Web](#).
- [The Community Empowerment \(Scotland\) Act 2015](#) requires all relevant authorities in Scotland to publish a register of the land and buildings they own or lease. For example Forestry and Land Scotland maintains an interactive map-based [Register of Land](#), showing the national forests and land, covering approximately 470,000 hectares, which are owned by Scottish Ministers on behalf of the people of Scotland and managed by Forestry and Land Scotland.

- [Part 8 of the Community Empowerment \(Scotland\) Act 2015](#) contained provisions requiring each local authority to establish a register of Common Good property and to consult communities before disposing of any Common Good property or changing its use. In fulfilling those duties councils are required to have regard to the [statutory guidance for local authorities](#) published by the Scottish Government in July 2018.

### **Case Study - Alvie and Dalraddy Estates**

The Land Register seeks to catalogue the ownership of all of Scotland's land by 2024. At present, when any land is sold it must be entered onto the register by the new owner. However, this does mean that much of the land is not registered due to it not having changed ownership during the lifetime of the register.

There are, however, land owners who see the benefits of registering their land and are making steps to do so of their own accord.

The Alvie and Dalraddy Estates, near Aviemore, are owned by the Williamson family and managed by Jamie Williamson. Following a meeting with Registers of Scotland (RoS) in 2015, Jamie began the process of registering his land.

Taking the initiative to register the land at Alvie and Dalraddy, Jamie has been able to oversee the whole process. In doing so he believes he will secure a favourable result for himself, his neighbours and the wider community.

Working closely with RoS, Jamie was guided as to the best way to complete the registration process and, with the help of his staff, successfully digitised old documents such as maps and titles so that they were ready for use by the RoS team.

This process has also highlighted some inconsistencies in terms of boundaries. These have resulted in discussions with the relevant neighbours to establish clarity about the exact extent of the estate.

In registering his land, Jamie sees advantages for both him and his neighbours. Having clear and agreed boundaries set out on the Land Register will make any future sales of land or buildings much more straightforward than otherwise might have been the case. This clarity helps to smooth such processes which, in turn, saves money and allows for a more efficient and easier to manage estate in the future.

## **Principle 7:**

### **There should be meaningful collaboration and community engagement in decisions about land.**

Decisions relating to land and buildings can have a range of social, economic and environmental impacts. Broad and meaningful engagement on decisions taken in relation to land and buildings is a key aspect of responsible management and use of land. It can help to build trust between landowners, land managers, communities and other stakeholders, and secure better outcomes for everyone involved. Participation is a key part of a human rights approach to decision making and an important factor in tackling inequalities. Being able to influence policies and decisions about land can build community capacity, confidence, and wellbeing.

Meaningful engagement is when those who might be impacted by the decisions being made have a genuine opportunity to learn about proposed changes and share their views. It involves open and honest conversations between those making the decisions and those who could be affected. It takes place at an early enough stage in the process that the views shared can influence what will happen next and is followed up by feedback and information about how the decisions have been made.

In practice, effective engagement supports communities to express themselves and influence the decisions that affect them. It also enables landowners, land managers and communities to develop positive and co-operative working relationships. This can lead to creative and innovative solutions to issues, and better economic, environmental, social and cultural outcomes for all parties. Working together offers the chance to define shared objectives and priorities, share information and data that can aid decision-making, identify and understand opportunities, build mutual understanding, share knowledge and skills, and align resources. Ultimately, it makes sure needs and aspirations are taken into account and increases local support for developments, in turn leading to stronger and more sustainable projects.

Local Place Plans, introduced by the Planning (Scotland) Act 2019, give communities a right to produce their own plans as part of the new Scottish planning system. These plans can set out the community's proposals for the development and use of land and offer a chance for a community-led and collaborative approach to creating resilient local places. These Local Place Plans will feed into and complement the preparation of local and planning authorities' Local Development Plans.

Participation plays an important role in tackling inequalities so it is vital to plan engagement and decision-making processes well and to remove barriers that might prevent people from getting involved. This could involve thinking beyond traditional methods of engagement, such as surveys and public meetings, and thinking about other ways to gather views and involve people, including through digital participation.

Where there are long-term and significant plans for change in an area, there may be a desire for more collaboration in land use decisions. Greater collaboration can be realised through use of participatory processes and democratic governance models.

Participation and deliberation are important aspects of decision-making that allow people to work together to explore ideas and find common purpose. They enable and empower those impacted by the way that land is owned, used and managed to shape the policies that are put in place and the decisions that are made. They also offer the chance to increase the capacity and skills of those involved.

It is important that landowners and communities look outward, to their neighbours, wider society and the interconnected world within which we all live. Wide ranging engagement and collaboration is necessary to make positive progress on land reform issues, in a mutually beneficial way. Sharing ideas, good practice and learning from previous experience, as well as from other people and communities, helps us to ensure that our land is being owned, used and managed in a way that contributes to an inclusive, modern and successful country.

### **What we are doing**

This principle is complemented by guidance on [Engaging communities in decisions relating to land](#), published in April 2018. Its primary aim is to help ensure that people have the opportunity to be involved in decisions about land that affect them. It contains guidelines on when and how engagement should take place and with whom, while recognising that it should be tailored to meet local circumstances. The first review of the Guidance and [report on the effectiveness of the Guidance](#) was published on 23 March 2021.

In addition, this principle is supported by the following policies and publications:

- The [National Standards for Community Engagement](#) act as a guide to support and inform the process of community engagement. They were reviewed in 2016 and again in 2020 to guide thinking on how to engage effectively with communities during the Covid-19 pandemic and in recovery.
- The National Standards for Community Engagement continue to be supported by [VOiCE](#), which is a digital tool to assist individuals, organisations and partnerships with delivering meaningful community engagement.
- The [Net Zero Nation: Public Engagement Strategy for Climate Change](#), published in September 2021, signals a raising of our ambition and our recognition of the vital role of public and community engagement in facilitating a societal transition to a net zero and climate resilient nation. The strategy sets out our framework for engaging the Scottish public on climate change: deepening understanding of the global climate emergency, enabling participation in policy design, and encouraging and normalising climate action. This includes engagement across all climate policies, including how land use and agriculture can support our just transition to a net zero nation.
- [Forestry Consultation Procedures](#) provides information on the current community engagement requirements in forestry. Forestry guidance for [woodland creation](#), [felling permissions](#) and [long-term management plans](#) provides further detail, [Scotland's Forestry Strategy Implementation Plan 2022-2025](#) includes an action to 'Work with the forestry sector and communities to promote the principles set out in the Land Rights and

Responsibilities Statement and improve the opportunities for communities to be involved with the development of forestry proposals and plans’.

- The Islands Programme was established to support delivery of the Scottish Government’s National Islands Plan – a landmark strategy to improve the quality of life for island communities. The Plan has 13 objectives, and over 100 specific commitments to address fuel poverty, population decline, tackle climate change and improve transport, housing and the delivery of public services, amongst others. The Islands Programme is designed to support those living on Scotland’s islands and involves communities in the decisions on how and where investments are made.
- The [Place Standard](#) is an assessment tool for evaluating the strengths and challenges that exist in a particular place, in order to support communities and the public sector, private sector and third sector to work together to deliver high quality, sustainable places. A series of additional resources to increase participation and engagement through the use of the Place Standard tool will be published in 2022. The partnership behind the Place Standard tool launched a new ‘Our Place’ website in January 2022 which contains information, tools and resources to help deliver sustainable places and improve engagement and empowerment.
- Our reform of Scotland’s planning system has a strong focus on improving how communities are engaged and involved in planning the future development of their local areas from the earliest stages. The Planning (Scotland) Act 2019 has created a statutory link between development planning and community planning. The 2019 Act also created a new right, which came into force in 2022, for communities to prepare their own local place plans, setting out a shared vision for how their community should develop in line with the local development plan.
- Under the [Local Government in Scotland Act 2003](#), local authorities, health boards, the enterprise networks, police, fire and regional transport partnerships have a duty to carry out Community Planning, working in concert with the community to plan and deliver better services.
- Scottish Government has introduced [Participation Requests](#), which help people start a dialogue about the things that matters to their community; to have their voice heard in policy and service development, through contributing to decision-making processes, and to challenge decisions and seek support for alternatives, which improve outcomes. Since 2017, 75 participation requests have been made. These include community participation for pier safety issues; local road improvements; the future of local police offices; and improvements to community halls.
- On 21 July 2022, Tom Arthur, Minister for Public Finance, Planning, and Community Wealth, launched the review of the Community Empowerment Act at the Loch Ness community hub. Part 3 of the Act which concerns participation requests will form a central part of the review, and we will look to



find further ways local people can be involved in the decisions about public land use in Scotland. The review is scheduled to conclude in Autumn 2023.

- We are piloting Regional Land Use Partnerships (RLUPs) across several regions of Scotland. The pilots aim to facilitate collaboration between local and national government, land owners, land managers and wider stakeholders. They will work at a regional level to enable natural capital-led consideration of how to maximise the contribution that our land can make to addressing the twin climate and environmental crises.
- The Scottish Government continue to support [participatory budgeting](#) (PB) as a tool for community empowerment. The National PB Strategic Group defines PB as a “democratic process in which citizens decide directly how to spend part of a public budget”. As part of the National PB Support Programme, we support a range of local, regional and national partners to raise awareness of PB and deliver it as a means to strengthen local decision making processes. The National PB Framework involves five themes, underpinned by sixteen priority recommendations, which looks at how PB can improve participatory democracy across issues such as climate justice, health and wellbeing and housing.

### **Case Study - Applecross Community Land Use Plan**

The Applecross peninsula is one of the most remote areas on the Scottish mainland. Twenty crofting township communities live dispersed over a large estate owned by a single owner, the Applecross Trust. Significant local housing needs have created a collaborative process engaging the community landowner, local authority, and public agencies to identify housing sites through a Community Land Use Plan.

In the past, the community and the Applecross Trust did not have a clear route for communications where everyone's views could be heard, leading to misconceptions and misunderstandings between the key players. Ground conditions, difficulties getting services and infrastructure in, and the amount of land under crofting tenure made it difficult to select suitable housing sites. The vast scale of the Local Development Plan area only has extremely broad place statements. Applecross therefore lacked a democratic process for selecting sites in a collaborative way.

### **Approach**

The Applecross Community Forum has been established recently which has brought together key stakeholders to ‘improve both local responsiveness and collaborative problem solving.’ Members of the forum include the major landowners, community organisations, Highland Small Communities Housing Trust developers, the local authority, and a range of other statutory bodies.

The forum has provided the central discussion group needed to bring the key parties together in a neutral and independently chaired space with a remit to ‘promote affordable development for land and housing, employment and community uses for local residents and those wishing to make a long term contribution to the Applecross community.’ PAS (Planning Aid Scotland) were brought in to lead on the

development of the Community Land Use Plan, endorsed by Highland Council as a material planning consideration.

### **Benefits and Lessons Learned**

The Applecross case study reflects a point in time in an ongoing process. The ultimate success will come when the houses needed are built. But several of the lessons so far could be applied in other parts of rural Scotland. These include:

- A fine-grained local housing survey to prove local housing needs.
- A neutral forum set up to improve communication between all parties.
- Production of a Community Land Use Plan using independent facilitator, and its adoption as a Material Planning Consideration by Highland Council as a strong example of a Local Place Plan (LPP) approach. This could be a model for LPPs to meet identified local need elsewhere.
- Ability to attract funding and other in-kind help to support a resource-intensive process.

More detail about the challenges and positive outcomes from this project are included in more detail in the report [The Role of Land in Enabling New Housing Supply in Rural Scotland](#).

### **Case Study - NorthWest2045 Project**

The NorthWest2045 project has been established by a diverse group of local organisations with a common desire to see a future where local communities thrive economically, socially, and environmentally. The project aims to create a collective, long-term vision for the future (to 2045), giving voice to the desires and needs of the people of the North West Highlands and working together to make their aspirations reality.

Since March 2020, a diverse team of volunteers, paid professionals and young local interviewers have been working with communities from Coigach up to Durness and round the North coast to Bettyhill to help develop this shared vision for the area. A consultation carried out online and in person (including an open survey, a young persons' survey, in-depth interviews and community workshops) attracted the attention of one in ten North West residents.

### **Approach**

NW2045 is the lead partner in one of several Regional Land Use Partnership (RLUP) pilots being implemented across Scotland. NW2045 are working out what a Land Use Partnership can be 'on the ground' and what it might meaningfully bring to the area.

So far, the RLUP is grappling with how to achieve and sustain collective communication and collaboration, working with partners including the Highland Council; Highlands and Islands Enterprise; NatureScot; the environmental non-governmental organisations; and landowners and community bodies such as The North West Highlands Geopark, Assynt Development Trust, Scourie Development Company and UpNorth!.

**RLUP led activities to date have included:**

- the commissioning of the first Natural Capital Assessment of the NW2045 area, which received input from a wide variety of public; private and community sources. To further understand what taking a 'place-based natural capital' approach might mean, a community council area was focussed on and input sought from the Grazing Committees; landowners; tenant farmers and community representatives.
- making connections, gathering ideas and sharing information through creative and cultural exchange by their participation in the inaugural Highland Climate Festival and the annual Durness Gathering in collaboration with NatureScot Peatland Action, North West Highlands Geopark and the North Highlands Climate Action Hub.
- collaborating with Flora and Fauna International to discuss a research project on one of the local sea lochs - helping to bridge the gap between academic situated research and critical community and stakeholder input.
- hosting a meeting by Ariane Burgess MSP with two major landowners to hear about their respective activities, including those to address repopulation.
- attending the Assynt Highland Games in partnership with Assynt Development Trust; the Land Reform Engagement event in Helmsdale; and meeting with Minister for Environment and Land Reform Mairi McAllan to give her the NW2045 Vision and a community generated reflection of their natural capital research.

**NW2045 RLUP activities under development include:**

- working with NatureScot on two pilots: one on *community engagement in landscape change* and the second on contributing to the co-design of a natural capital toolkit.
- working with the Scottish Government's Rural Payments and Inspections Division to explore how to use their data to generate an accessible set of NW2045 relevant information.
- working with the University of the Highlands and Islands to take forward community-led research.
- widening the reach and representation of the RLUP pilot and developing a Regional Land Use Framework.

It is challenging to determine relevance to geographically dispersed people and partners with diverse drivers and perceptions. This is underlined when attempting to discuss concepts like natural capital, a new topic to many. Making concepts like this into understood parts of community futures will enable communities to be active participants in discussions and possible developments.

**Learning**

The dispersed, networked nature NW2045 is reflected in the methodology of the initial research to inform the Vision and perpetuated through their work with a diverse range of local community representatives and community connectors.

While the NW2045-led RLUP pilot is keen to collaborate with key partners to deliver tangible, action-oriented activity, there are limits to their capacity, and they face challenges in bringing together such diverse community voices.

RLUPs are presently being piloted and their future role is being considered. However, land futures are pivotal to the NW2045 area, and NW2045 believes that with appropriate strategy, recognition and resources, RLUPs will going forwards be able to influence policy, place and people.

### **Next steps**

The first phase of the RLUPS pilot informs their ongoing work in an iterative way. It will be critical to optimise the resource-knowledge, connections and capital of the NW2045 partners and wider collaborators. Going forward, they intend to focus on communication and engagement, developing a hybrid approach to digital and in-person consolidated and coordinated working.

More information can be found on the [NorthWest2045 website](#).

## **ANNEX A - Human Rights Considerations**

### **Human Rights Treaties and International Principles relevant to the Scottish Land Rights and Responsibilities Statement**

Scotland is committed to implementing international treaties signed and ratified by the United Kingdom. These treaty obligations are directly relevant to the way modern Scottish society functions. Some of the most important commitments deal with human rights and with themes such as equality, dignity and social justice. This annex outlines how key human rights instruments and international goals are relevant to the way land is used, owned and managed in Scotland, and the associated rights and responsibilities. This annex was developed as part of the considerations for the first Land Rights and Responsibilities Statement in 2017 and has been updated to reflect the current human rights context.

Human rights in relation to land include both core civil and political rights (e.g. the protection of private property) and wider economic, social, cultural and environmental rights.

The Land Reform Act (Scotland) 2016 (the 2016 Act) defines relevant human rights as such human rights as the Scottish Ministers consider to be relevant to the preparation of the Statement. More specifically, it defines human rights as including the European Convention on Human Rights (within the meaning of section 1 of the Human Rights Act 1998), and other human rights contained in any international convention, treaty or other international instrument ratified by the United Kingdom, including the International Covenant on Economic, Social and Cultural Rights (ICESCR).

The 2016 Act also requires Scottish Ministers to have regard to the desirability of promoting respect for such internationally accepted principles and standards for responsible practices in relation to land as the Scottish Ministers consider to be relevant. This is to include the UN Voluntary Guidelines on the Responsible Governance of Tenure (VGGTs).

Having given consideration to various international human rights treaties and to international principles, the Scottish Government has decided that there are relevant human rights, for the purpose of the present Statement, within the European Convention on Human Rights (ECHR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

In terms of international principles, the Scottish Government considers that UN VGGTs and the UN Sustainable Development Goals are relevant.

### **European Convention on Human Rights (ECHR)**

Important human rights identified in the ECHR are an integral part of the law of Scotland. The Scotland Act 1998 requires that all legislation of the Scottish

Parliament and all actions of the Scottish Ministers are compatible with rights contained in the ECHR ("Convention rights"). In addition, the Human Rights Act 1998 requires every public authority in Scotland to act compatibly with the Convention rights and enables human rights cases to be heard in domestic courts.

The Scottish Government reviewed the Convention rights, and in preparing the Statement, took the decision that the following Convention rights were relevant:

### **Article 1 of Protocol 1 (A1P1)**

A1P1 protects the right of persons to enjoy their property peacefully.

In general the Scottish Government wants to use the Statement to promote a Scotland in which more people, including as home owners, are able to own and enjoy land and buildings, as forms of property, peacefully. This provides a sense of security for individuals and confidence for business, and informs Principle 1 of the Statement, which emphasises fairness and social justice, and Principle 2 of the Statement, which promotes more diversity of ownership.

A1P1 rights are not, however, absolute rights. Interference with this right can be permitted in certain circumstances if certain conditions are met, including that the interference is proportionate and in the public interest.

### **Article 14, Protection from Discrimination**

This parallels the requirement under section 1(3)(c) of the 2016 Act to have regard to the desirability of encouraging equal opportunities (within the meaning of Section L2 of Part 2 of schedule 5 of the Scotland Act 1998). As can be seen from Principle 1 of the Statement, one of its key aims is to promote fairness and social justice.

## **International Covenant on Economic, Social and Cultural Rights (ICESCR)**

Economic, social and cultural rights are fundamental to a life of dignity and to the fulfilment of a wide spectrum of other fundamental human rights.

The Scottish Government has committed to the introduction of a Human Rights Bill within this Parliamentary session (2021-26). The Human Rights Bill will incorporate ICESCR into Scots law, as far as it is currently possible within the limits of devolved competence. One of the principal practical effects will be that the rights identified in ICESCR will be enforceable in Scots law.

The Scottish Government took the decision that the following human rights in ICESCR are of particular relevance and should be taken into account in the Statement:

### **Articles 1, 2 and 3**

These three articles deal with fundamental human rights including the rights to self-determination, non-discrimination and equality. They parallel Article 1 of the

Universal Declaration of Human Rights (which is not in itself legally binding). Article 2 also requires states to take steps, to the maximum of their available resources, to implement the articles of ICESCR.

Articles 1, 2 and 3 are relevant for the Statement, insofar as land is an enabling resource to support individual and social development. In particular these three articles support Principle 1 of the Statement, which emphasises fairness and social justice.

### **Article 6 – The Right to Work**

This is defined as the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts. The state should take appropriate steps to safeguard this right. The steps to be taken by a state party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

Article 6 is relevant to the Statement insofar as land is a key enabling resource, and decisions about land can block or unblock economic opportunities, including the opportunity to work.

### **Article 11 – Standard of Living**

11.1 recognises the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.

11.2 recognises the fundamental right of everyone to be free from hunger, and requires states to take, individually and through international co-operation, the measures, including specific programmes, which are needed:

- (a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;
- (b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

Article 11 is important for the Statement because it relates directly to issues that land can have a bearing on, such as standard of living, food, clothing, housing and living conditions. In addition, land is a key resource in relation to how Scotland manages its food production systems, both internally and on the international stage.

### **Article 12 The Right to Health**

Article 12.1 is relevant. "The State Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health." It is the Scottish Government's view that Article 12.1 is relevant

because a high quality environment and the way land is used can have an impact on both individual health and wider public health goals. The availability and responsible management of land can, for example, help provide good housing, sustainable local food production, recreational opportunities, clean water, biodiversity and a healthy environment, together with many other important public goods. All of these can have a significant direct and indirect influence in achieving positive health outcomes.

### **Article 13 – The Right to Education**

Article 13 is relevant insofar as the way land is owned, used and managed can enable or restrict everything from the ability to build schools to opportunities to acquire vocational experience. Education should also be understood to encompass more than simply formal instruction in the classroom. Access to, and enjoyment of, Scotland's land and natural environment is also part of the way in which every member of society can take advantage of opportunities to develop and flourish by acquiring new knowledge, understanding, experiences and skills.

### **Article 15 – Cultural life and enjoyment of Scientific Benefits**

In particular the Scottish Government is of the view that Article 15.1(a) and (b) are relevant in the Statement context. 15.1 requires that State Parties to the covenant recognize the right of everyone:

- (a) To take part in cultural life;
- (b) To enjoy the benefits of scientific progress and its applications;
- (c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 15.1 (a) and (b) are particularly relevant to the Statement because land is a necessary ingredient in cultural life. This is not only for practical reasons, relating to provision of land for sports fields, outdoor recreation, community facilities, religious centres, local food production or opportunities for cultural enjoyment of the natural world. Land in Scotland also carries its own cultural significance both in a national context and for local communities. Land can, for instance, be central to our sense of identity as individuals, communities, and as a nation. For some communities in particular, land (including particular places) may be a key defining feature of their history, cultural life and long-term sense of cultural and community identity.

### **Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)**

The Human Rights Bill (as outlined above) will incorporate CEDAW into Scots law, as far as is currently possible within the limits of devolved competence.

**Article 14** – Makes specific reference to ending discrimination against women in rural areas. Article 14 includes specific acknowledgement of women's role in the non-monetised aspects of the economy, ensuring women benefit equally with men from any rural development programmes, and, among other things, that women have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reforms as well as in land resettlement schemes.



The Scottish Government took the view that Article 14 of CEDAW is important for the purposes of promotion via the Statement because of the need to ensure that women play a full social and economic role in rural life, and benefit from any government supported rural programmes. This approach is also consistent with the overall emphasis on equality and non-discrimination which is central to all international human rights treaties and to domestic human rights legislation.

## **United Nations Sustainable Development Goals (SDGs)**

Scotland was one of the first nations in the World to sign up to the United Nations Sustainable Development Goals (SDGs), and make a dual commitment to tackle poverty and inequality in Scotland, and to help developing countries to grow in a fair and sustainable manner.

The SDGs are not legal obligations and do not impose requirements on Scotland in the same way as the ECHR or formal international treaties. The Scottish Government will however work to implement the SDGs domestically through the National Performance Framework and through targeted, policy-specific action.

The 17 SDGs goals aim to tackle key barriers to sustainable development such as inequality, unsustainable consumption and production patterns, inadequate infrastructure and lack of adequate employment. These issues are also reflected in the Scottish Land Rights and Responsibilities Statement.

## **National Performance Framework (NPF)**

Scotland's [National Performance Framework](#) establishes National Outcomes which guide the work of all public authorities and provide a range of National Indicators which allow performance to be tracked at a national level. Both the Outcomes and Indicators reflect Scotland's international human rights obligations (including treaties such as ICESCR) and the SDGs.

All of the National Outcomes are of relevance in the context of the Statement (for example in relation to health, education, the economy, fair work and culture). The NPF include specific outcomes relating to human rights, communities and the environment.

“We respect, protect and fulfil human rights and live free from discrimination”.

“We live in communities that are inclusive, empowered, resilient and safe.”

“We value, enjoy, protect and enhance our environment”

## **United Nations' Voluntary Guidelines on the Responsible Governance of Tenure (VGGTs)**

The interrelation of property and tenure rights with wider human rights underpins the Food and Agriculture Organisation of the United Nations' Voluntary Guidelines on the Responsible Governance of Tenure (VGGTs). The goal of the VGGTs is to support the progressive realisation of the right to adequate food and national food security. Within this context they promote secure tenure rights and equitable access to land, fisheries and forests, as a means of eradicating hunger and poverty, supporting sustainable development and enhancing the environment. The VGGTs are voluntary guidelines and do not have any legal force. It is also important to note that national implementation will be guided by national circumstances. The VGGTs contain the principle of "responsible investment." They state that responsible investments "should do no harm," and are defined as recognising wider policy objectives around providing benefit to the country and its people; responsible investments should be acknowledged by Government and non-government bodies.

## **United Nations' Guiding Principles on Business and Human Rights**

Both the rural and urban activities of business enterprises can have impacts on human rights. The UN Guiding Principles on Business and Human Rights reach beyond the existing obligations of public authorities to respect, protect and fulfil human rights and recognise the important contribution which the private sector can also make.

Businesses need to comply with applicable laws and to act in ways that respect human rights. They also need to ensure that they have internal management systems which are effective in preventing potential abuses, and where problems do arise they should act promptly and effectively to resolve issues and provide a remedy.

Please see the following web link for more detail: [Protect, Respect and Remedy Framework for Business and Human Rights](#)

Scotland is currently working towards the creation of an implementation plan for the UN Guiding Principles.

### **Further Notes**

It should be noted that, in addition to human rights there are further rights related to land under Scots law.

For example, individuals have the right to responsible access to land, communities can apply for a pre-emptive right-to-buy, and a right-to-buy for the purposes of sustainable development under Part 5 of the Land Reform (Scotland) Act 2016, or request asset transfer from public sector bodies. Rights can also be granted by contracts, such as under tenancy or loan agreements and these may have a

significant bearing on how land is used. These rights can interact in complex ways. For instance landlords and tenants have A1P1 property rights and a community group may have rights both as a tenant, and through a pre-emptive right to buy.

This is not a comprehensive list and the Statement does not seek to provide detailed guidance on the balance of rights or how land rights and responsibilities might be interpreted in any particular case.

## ANNEX B - The Land Rights and Responsibilities Statement Policy Context

This table sets out the relationship between the Land Rights and Responsibilities Statement and other key Scottish Government policy and strategy documents. The table includes those documents most closely related to the Land Rights and Responsibilities Statement; however, due to breadth of policy areas and topics which are relevant to land, the table cannot be fully comprehensive. It should be noted that the influence of related policies and strategies may run up and down the vertical hierarchy, as well as horizontally. An asterisk (\*) indicates policies currently under development or review.

<b>Human Rights and International Standards</b>	<p>European Convention on Human Rights</p> <p>International Covenant on Economic, Social and Cultural Rights</p> <p>Convention on the Elimination of All Forms of Discrimination Against Women</p> <p>Voluntary Guidelines on the Governance of Tenure</p> <p>United Nations Sustainable Development Goals</p>
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<b>National Performance Framework</b>	<b>Purpose</b>	<p>The framework is for all of Scotland. We aim to:</p> <ul style="list-style-type: none"> <li>• create a more successful country</li> <li>• give opportunities to all people living in Scotland</li> <li>• increase the wellbeing of people living in Scotland</li> <li>• create sustainable and inclusive growth</li> <li>• reduce inequalities and give equal importance to economic, environmental and social progress</li> </ul>
	<b>Selected National Outcomes</b>	<ul style="list-style-type: none"> <li>• We have a globally competitive, entrepreneurial, inclusive and sustainable economy</li> <li>• We respect, protect and fulfil human rights and live free from discrimination</li> <li>• We tackle poverty by sharing opportunities, wealth and power more equally</li> <li>• We live in communities that are inclusive, empowered, resilient and safe</li> <li>• We have thriving and innovative businesses, with quality jobs and fair work for everyone</li> <li>• We are healthy and active</li> <li>• We value, enjoy, protect and enhance our environment</li> <li>• We are creative and our vibrant and diverse cultures are expressed and enjoyed widely</li> </ul>

<b>National Plans and Strategies</b>	National Strategy for Economic Transformation
	Covid Recovery Strategy
	Scotland's Second National Action Plan for Human Rights*
	Update to the Climate Change Plan 2018 - 2032

<b>Land Strategies</b>	Land Rights and Responsibilities Statement	Land Use Strategy	National Marine Plan	National Planning Framework 4
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<b>Related National Policies</b>	Scottish Biodiversity Strategy 2022*	The Place Principle	The Place Based Investment Framework	Guidance on Engaging Communities in Decisions Relating to Land	Community Wealth Building	Housing to 2040
	Active Scotland Delivery Plan	The Pollinator Strategy for Scotland 2017-2027	River Basin Management Plans	Scottish Rural Development Programme	Scotland's National Food & Drink Policy: Becoming a Good Food Nation	Interim Principles for Responsible Investment in Natural Capital
	Flood Risk Management Plan for Scotland	National Islands Plan	National Peatland Plan	Our Place in Time: the Historic Environment Strategy for Scotland*	Scotland's Forestry Strategy 2019-2029	Scottish Plant Health Strategy



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