



The Church of Scotland

Church and Society Council

## Official Response

**SUBJECT:** Land Reform (Scotland) Bill – Stage One Call for Evidence  
**REQUESTED BY:** The Scottish Parliament’s Rural Affairs, Climate Change and Environment Committee  
**REFERENCE:** OR-2015/08  
**DATE:** 19 August 2015  
**SUBMITTED BY:** Martin Johnstone, Council Secretary, Church and Society Council  
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The Church of Scotland welcomes the Bill. The Church has a longstanding commitment to land reform and has debated the subject in the General Assembly on several occasions. The Church submitted evidence both to the Review of Land Reform<sup>1</sup> chaired by Dr Alison Elliot and, earlier this year, to the Scottish Government consultation.<sup>2</sup> We are grateful for the opportunity to respond to the Parliamentary stage of the legislative process and would offer to give oral evidence if that would help the Committee.

We understand that at the heart of today’s land reform debate are two driving principles. First, land reform should help promote more diverse ownership with a commensurate reduction in the current concentration of ownership and management arrangements. Second, it should help ensure increased community involvement in the way that land is owned and used so that local people are not excluded from decisions which affect them as individuals and as communities.

The Church has supported land reform for a number of reasons including to combat injustice and inequality, promote better land management, greater transparency of ownership and to support local democracy. In 2013 we identified land reform as an option to help promote community renewables both to reduce carbon emissions and to help address fuel poverty, a point which we repeated in our response to a Scottish Government consultation on the community energy policy statement in November 2014.<sup>3</sup> The highest levels of fuel poverty in Scotland are in rural areas and community energy projects offer one of the best opportunities to tackle this problem. We are currently investigating this issue and will report to the General Assembly 2016.

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<sup>1</sup> <http://www.actsparl.org/media/146576/or-cos-land%20reform%20review-jan13.pdf>

<sup>2</sup> <http://www.actsparl.org/media/222951/2%20-%20land%20reform.pdf>

<sup>3</sup> <http://www.actsparl.org/media/199217/or-cos%20-community%20energy%20policy%20statement%20nov14.pdf>

## Scottish Land Reform Commission

The Church supports the creation of a Scottish Land Commission. As previously stated, we are of the opinion that the aims of the land reform should be to contribute to a fairer society and promote economic equality, social and environmental justice. We believe that the Commission should be clearly directed towards these aims.

In this context the proposal to place a legal requirement on the Scottish Government to publish a statement on land rights and responsibilities and to update that statement every 5 years looks sensible and proportionate.

## Greater Transparency

We support, in principle, plans to improve the transparency of land ownership in Scotland by working towards a target to complete the Land Register for the whole of Scotland by 2024, with registration of all public sector land by 2019. We are, however, concerned that the resources to achieve this outcome may not be in place.

## Sustainable Development

In the Policy Memorandum accompanying the Bill a definition of sustainable development is given as: “development that is planned with appropriate regard for its longer term consequences, and is geared towards assisting social and economic advancement that can lead to further opportunities and a higher quality of life for people whilst protecting the environment. Sustainable development requires an integrated approach to social, economic and environmental outcomes.”<sup>4</sup>

We recommend the Committee scrutinises this definition in the light of the Sustainable Development Goals of the United Nations<sup>5</sup>, particularly as the Scottish Government was keen to publicise its support for the process and content of the global SDGs.<sup>6</sup> It would strengthen the basis of sustainable development if it was linked to an agreed international definition in this way.

## Empowering local communities

The Church strongly supports this principle and draws attention to its own structure of governance in which every local parish has a kirk session that has powers to determine a range of local church issues. We would point to our own practice, through for example: the work of *Chance to Thrive* ([www.carnegieuktrust.org.uk/changing-minds/people---place/chance-to-thrive](http://www.carnegieuktrust.org.uk/changing-minds/people---place/chance-to-thrive)); our use of asset-based community development; and our close working relationship with *Faith in Community Scotland* and the *Poverty Truth Commission*.

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<sup>4</sup> [http://www.scottish.parliament.uk/S4\\_Bills/Land%20Reform%20\(Scotland\)%20Bill/b76s4-introd-pm.pdf](http://www.scottish.parliament.uk/S4_Bills/Land%20Reform%20(Scotland)%20Bill/b76s4-introd-pm.pdf), p. 26

<sup>5</sup> <https://sustainabledevelopment.un.org/>

<sup>6</sup> <http://news.scotland.gov.uk/News/Leading-the-way-in-tackling-inequality-1b49.aspx>

We welcome the proposal to promote and support community ownership of land by extending the Scottish Land Fund over the 2016-2020 spending period and developing a strategy to achieve the Scottish Government's target to have 1 million acres in community ownership by 2020.<sup>7</sup> Throughout our work, the Church of Scotland has a clear commitment to develop and deliver policy and practice which has a commitment to the poorest and most marginalised in our society and the proposal for more community land ownership should be clearly related to the benefits it will bring to the poorest and most marginalised. Community land management is not about punishing landowners ; it is about empowering local communities to manage the land for the benefit of all

### **Encouraging interaction and communication between communities and landowners.**

This Bill proposes measures to place a duty on Scottish Ministers to publish guidance directed at owners and tenants of land about engaging with communities on decisions relating to land that may affect those communities. The Church of Scotland, with its geographical reach to every part of Scotland and its established community development practice, would be in a good position to contribute effectively to this process.

### **The Common Good**

The notion of common good comes across in the proposals to extend community ownership targets and the granting of more powers to transfer land to community bodies. The proposal to complete the Land Register by 2024 is also welcome. It will increase transparency and accountability of land ownership, something very much in the public interest. It is good to see the Scottish Government placing an obligation upon itself to update its Land Rights and Responsibilities statement every 5 years. This is recognition that Land Reform is a continuous process, and that proper stewardship of land should be a key ongoing concern and commitment.

### **Some parts of the Bill will impact on the Church as a landowner**

Landowners and communities are to be encouraged to negotiate over sustainable development of land. The Church is often in the unique situation as an important part of the local community and landowner.

The consultation had raised the possibility that charities, including the Church, might be required to consult the local community before making any decision related to the management of its land. The Bill does not include this measure but rather emphasises the need for greater dialogue between owners of land and local communities. This seems a sensible and constructive proposal and one to which the Church of Scotland would be committed.

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<sup>7</sup> <http://www.gov.scot/Topics/Environment/land-reform/MillionAcres>