

## Consultation Questions &amp; Respondent Information Form

## A Consultation on the Future of Land Reform in Scotland



The Scottish Government  
Riaghaltas na h-Alba

## RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

## 1. Name/Organisation

Organisation Name

Mission and Ministry Board of the General Synod of the Scottish Episcopal Church

Title Mr  Ms  Mrs  Miss  Dr  Please tick as appropriate

Surname

Stuart

Forename

John

## 2. Postal Address

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## 3. Permissions - I am responding as...

Individual / Group/Organisation

Please tick as appropriate

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate  Yes  No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

Yes, make my response available, but not my name and address

Yes, make my response and name available, but not my address

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate  Yes  No

**(d)** We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

*Please tick as appropriate*

Yes

No

# CONSULTATION QUESTIONS

## **Draft Land Rights and Responsibilities Policy**

Q 1. Do you agree that the Scottish Government should have a stated land rights and responsibilities policy?

Yes  No

Q 2. Do you have any comments on the draft land rights and responsibilities policy?

### Comments

The following is by way of general introduction and background to our comments on the entirety of the Consultation. In general our comments in this response paper are comments in response to the proposals enunciated in the Consultation document, rather than to the specific questions.

The Scottish Episcopal Church (SEC) is present throughout Scotland and rural issues have long been an important part of our witness. The question of land reform has long been an issue in economic ethics but has now taken on a new dimension in the context of environmental sustainability. There is a moral tension in the right to hold land and in the way that it is used and shared by all people. The SEC therefore welcomes this consultation on the future of land reform in Scotland as part of defining the vision and process of developing a democratically accountable and transparent system of land rights.

Whilst the vision and principles underpinning public policy in this area are well stated in the consultation document, we feel that insufficient emphasis has been placed on the question of agricultural land use and availability. There is a relative scarcity of productive land in Scotland and, having regard to the urgent need to establish a food supply that will be resilient to the effects of climate change, we feel that this important aspect is muted within the general expression “environmental sustainability, economic prosperity and social justice”.

### **Land Rights in a 21st Century Scotland**

#### **Overview**

Private ownership of land is legitimate but not unqualified and embodies two key principles, sharing and justice. Viewed through a broader human rights lens, land is seen as a national asset but with key questions arising of how to strike the most appropriate balance between the legitimate rights of landowners and the wider public interest. Whilst we would regard the expression of rights and responsibilities to be beyond the scope of specific legislation, given the diversity of public policy areas, nevertheless we feel

that some form of over-arching statement needs to be publicly agreed that will guide future administrations in shaping policy.

*Aspirations for the Future*

Q. 3. Considering your long term aspirations for land reform in Scotland, what are the top three actions that you think the Scottish Government should take?

Action 1:

Action 2:

Action 3:

**Proposals for inclusion in a Land Reform Bill**

*Proposal 1 - A Scottish Land Reform Commission*

Q. 4. Do you agree that a Scottish Land Reform Commission would help ensure Scotland continues to make progress on land reform and has the ability to respond to emergent issues?

Yes  No

Q. 5. What do you think the advantages or disadvantages of having a Scottish Land Reform Commission would be?

Comments

We agree with this proposal. Given the background that there is a concentration of ownership in the hands of a few, against the paramount economic interests of the smaller units of Scottish society, the structural and legal instruments necessary to achieving land reform will require overview. An independent facilitator who will maintain the momentum of land reform and whilst remaining a respected mediator in areas of dispute is therefore essential.

Q. 6. Do you have any thoughts on the structure, type or remit of any Scottish Land Reform Commission?

Comments

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

Q. 7. Do you agree that restricting the type of legal entities that can, in future, take ownership or a long lease over land in Scotland would help improve the transparency of land ownership in Scotland?

Yes  No

Q. 8. Do you agree that in future land should only be owned (or a long lease taken over land) by individuals or by a legal entity formed in accordance with the law of a Member State of the EU?

Yes  No



Q. 9. What do you think the advantages or disadvantages of such a restriction would be?

Comments

We agree with this proposal for the purposes of improving transparency of ownership

Q. 10. How should any restriction operate and be enforced, and what consequences might follow if the restriction is breached?

Comments

*Proposal 3 - Information on land, its value and ownership*

Q. 11. Do you agree that better co-ordination of information on land, its value and ownership would lead to better decision making for both the private and public sectors?

Yes  No

Q. 12. Do you hold data you could share or is there any data you would wish to access?

Comments

Whilst there is a considerable amount of information available in the public domain we agree that better management of the information held by various bodies is needed.

Q. 13. What do you think the advantages or disadvantages of wider and more flexible sharing of land information would be and do you have any recommendations about how this can best be achieved?

Comments





Proposal 4 - Sustainable development test for land governance

Q. 14. Do you agree that there should be powers given to Scottish Ministers or another public body to direct private landowners to take action to overcome barriers to sustainable development in an area?

Yes  No

Q. 15. What do you think the benefits would be and do you have any recommendations about how these can best be achieved?

Comments

Q. 16. Do you have any concerns or alternative ways to achieve the same aim?

Comments

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

Q. 17. Do you agree that public sector bodies, such as Forestry Commission Scotland, should be able to engage in a wider range of management activities in order to promote more integrated range of social, economic and environmental outcomes?

Yes  No

Q. 18. What do you think the benefits would be and do you have any recommendations about how this can best be achieved?

Comments

Q. 19. Do you have any concerns or alternative ways to achieve the same aim?

Comments

*Proposal 6 - Duty of community engagement on land management decisions to be placed on charitable trustees*

Q. 20. Do you think a trustee of a charity should be required to engage with the local community before taking a decision on the management, use or transfer of land under the charity's control?

Yes  No

Q. 21. What do you think the advantages or disadvantages would be?

Comments

We oppose this proposal principally on the basis that the Paper does not provide any justification as to why charities should be singled out this way. Charities already require in carrying out of their charitable purposes to provide public benefit. It is unclear from the paper what "land" is intended to include, how the "local community" would be defined, nor what the expectations of "engagement" on the part of charity trustees would be.

Q. 22. How should "community" be defined?

Comments

Q. 23. What remedies should be available should a trustee of a charity fail to engage appropriately with the local community?

Comments



Proposal 7 - Removal of the exemption from business rates for shooting and deerstalking

Q. 24. Should the current business rate exemptions for shootings and deer forests be ended?

Yes  No

Q. 25. What do you think the advantages would be?

Comments

We would agree that this is a sensible provision for the equality of treatment in the local tax system.

Q. 26. What do you think the disadvantages would be?

Comments

Proposal 8 - Common Good

Q. 27. Do you agree that the need for court approval for disposals or changes of use of common good property, where this currently exists, should be removed?

Comments

Q. 28. If removed, what should take the place of court approval?

Comments

Q. 29. Should there be a new legal definition of common good?

Yes  No

Q. 30. What might any new legal definition of common good look like?

Comments

Q. 31. Do you have any other comments?

Comments

*Proposal 9 - Agricultural Holdings*

Q. 32. Do you agree that the Scottish Government should take forward some of the recommendations of the Agricultural Holdings Legislation Review Group within the Land Reform Bill?

Yes  No

Q. 33. What do you think the advantages would be?

Comments

Q. 34. What do you think the disadvantages would be?

Comments

Proposal 10 – Wild Deer

Q. 35. Do you agree that further deer management regulation measures should be introduced to be available in the event that the present arrangements are assessed as not protecting the public interest?

Yes  No

Q. 36. What do you think the advantages would be?

Comments

Q. 37. What do you think the disadvantages would be?

Comments

Proposal 11 - Public Access: clarifying core paths planning process

Q. 38. At present, section 18 of the Land Reform (Scotland) 2003 Act is silent on the issue of resolving objections to a core path plan consultation. Do you agree that access authorities should be required, in the interests of transparency, to conduct a further limited consultation about proposed changes arising from objections?

Yes  No

Q. 39. Do you agree that section 20 of the 2003 Act should be clarified so that Ministerial direction is not required when an access authority initiates a core path plan review?

Yes  No

Q. 40. Do you think that the process for a minor amendment to core path plan (as set out in section 20 of the 2003 Act) should be simplified to make it less onerous than that for a full review of a core path plan?

Yes  No

## **Assessing impact**

### **Equality Impact Assessment**

Q. 41. Please tell us about any potential impacts, either positive or negative, you feel the draft Land Rights and Responsibilities Policy or any of the proposals for the Bill may have on particular groups of people, with reference to the “protected characteristics” listed above. Please be as specific as possible.

Comments

Q. 42. What differences might there be in the impact of the Bill on individuals and communities with different levels of advantage or deprivation? How can we make sure that all individuals and communities can access the benefits of these proposals?

Comments

### **Business and Regulatory Impact Assessment**

Q. 43. Please tell us about any potential costs or savings that may occur as a result of the proposals for the Bill, and any increase or reduction in the burden of regulation for any sector. Please be as specific as possible.

Comments

*Privacy Impact Assessment*

Q. 44. Please tell us about any potential impacts upon the privacy of individuals that may arise as a result of any of the proposals contained in this consultation. Please be as specific as possible.

Comments

*Strategic Environmental Assessment*

Q. 45. Please tell us about any potential impacts, either positive or negative, you feel any of the proposals contained in this consultation may have on the environment. Please be as specific as possible.

Comments