

THE HIGHLAND COUNCIL

CAITHNESS AND SUTHERLAND AREA COMMITTEE

11TH FEBRUARY 2014

LAND REFORM AND THE SUTHERLAND CONTEXT

Report by Director of Planning and Development

Agenda Item	3.
Report No	CS/1/14

SUMMARY

This paper summarises the Council's recent contributions in support of land reform and provides a brief overview for Sutherland. The paper sets out the Government's new target for community ownership, the work of the Government's Land Reform Review Group, the recent UK Scottish Affairs Committee briefing paper on land reform and the Council's links with Community Land Scotland. Committee is invited to:

- a) Note the extent of Council involvement in supporting land reform in the Highlands, and in the Sutherland context (appendices 1 and 2);
- b) Note that the report of the Land Reform Review Group is expected in April 2014; and
- c) Consider whether it wishes to invite the Group to present findings to the Committee at an appropriate time.

1. Introduction and context

- 1.1 Within the Economy theme of Working together for the Highlands 2012 – 2017 the Highland Council maintains its commitment to land reform.
- 1.2 On 7th June while attending the Community Land Scotland conference Scotland's First Minister announced the Scottish Government target that by 2020 there should be a further 500,000 acres of land in Scotland in community ownership. In short the Government wishes to see a doubling of the area of land in community ownership by 2020.

2 Land reform in the Sutherland context

- 2.1 **Appendix 1** provides a brief update on land reform in the Highlands and how the Highland Council is providing support.
- 2.2 **Appendix 2** list assets that have been transferred to community groups by the Council. Those in Sutherland are included in bold. The list is not exhaustive (being updated) but it does provide a good indication of the type of assets (and value) already transferred into community ownership. The Council continues to consider community proposals via its Asset Management Project Board and future transfers will be reported when appropriate.

At present land in Sutherland (1.52m acres) remains mainly within the control of large estates including for example:

- Westminster Estate (approx. 95,000 acres)
- Sutherland Estates (approx. 88,000 acres)

- Scourie Estate (approx.19,000 acres)
- Assynt Crofters Trust (approx. 21,000 acres)

3. Land Reform Review Group (LRRG)

- 3.1 The interim report of the LRRG was published on 10th May this year. Highland Council submitted a comprehensive response to the Group's initial call for evidence and a copy of the Group's interim report is available on the Committee bulletin for information.
- 3.2 The interim report was not well received by land reform campaigners, who felt that it did not go far enough and that the interim findings leaned too far towards improving community engagement rather than focus on the need to improve legislation; provide assistance, advice and support to communities; secure greater financial support for land reform; or tackle the more radical issues which are now the focus of the Scottish Affairs Committee briefing (below).
- 3.3 The Review Group is now concluding phase 3 of its evidence gathering and reporting process. It is expected to report in April of this year and that the final recommendations will take account of earlier disappointment in the interim findings.
- 3.4 Committee may wish to consider whether it wishes to invite the Land Reform Review Group to present its findings to an appropriate future Committee.

4. Community Land Scotland

- 4.1 Highland Council is an associate member of Community Land Scotland (CLS) and has committed itself to partnering the organisation to further the cause of land reform in the Highlands.
- 4.2 In light of the disappointing interim findings of the LRRG and the Scottish Government's new target for community land ownership by 2020, Highland Council has agreed to partner CLS in the delivery of a Highland seminar which will focus on four or five main issues that must be addressed if the Government's target is to be attainable. These could include, for example:
- The role of a land agency
 - The future of the Scottish Land Fund
 - The right legal framework
 - State aid and how it is interpreted
 - The public sector role in asset transfer
 - The provision of technical assistance
- 4.3 The Council has also agreed to partner CLS in the delivery of eight community seminars during the remainder of 2013/14 and during 2014/2015, the publication of guidance on the benefits of land ownership for communities, and the provision of technical advice and guidance at the planned seminars.
- 4.4 A representative of CLS will attend the Committee meeting and will be happy to discuss the organisation's role in promoting land reform and its partnership with the

Highland Council.

- 4.5 CLS membership in Sutherland currently includes:
- Assynt Foundation – 44,400 acres in community ownership
 - Durness Development Group – interest in MOD lands at Cape Wrath
 - Mackay Country Community Trust

5. UK Scottish Affairs Committee

- 5.1 Partly in response to the disappointing interim findings of the LRRG, and partly to reintroduce more radical aspects of land reform to the Scottish debate, the UK Scottish Affairs committee (SAC) published a briefing paper titled: '*Towards a comprehensive land reform agenda for Scotland*' The SAC sought evidence on a number of topics not thus far tackled by the Review Group including:

- Tenant farmer rights to buy
- The human rights dimension of land reform
- The Crown Estate in Scotland,
- Succession law
- Land value taxation

- 5.2 A copy of the SAC paper is available on the Committee bulletin for information. It has been drafted by Professor James Hunter, Peter Peacock, Andy Wightman and Dr Michael Foxley. Highland Council provided a written response in October 2013 and oral evidence when the Committee met in Inverness during December 2013.

6. Fit with the Programme for the Highland Council 2012 - 2017

- 6.1 The Council's involvement in land reform directly supports the Council maintain its support for land reform in the Highlands (Programme commitment - Economy 26 and 27).

7. Fit with the Single Outcome Agreement

- 7.1 Supporting land reform in the Highlands helps the Council deliver SOA objectives supporting:
- Empowering communities;
 - Tackling inequalities;

8. Equality, legal and risk implications

- 8.1 There are no equality, legal or risk implications arising from this report.

9. Resource implications

- 9.1 If approved, the additional financial support sought by Community Land Scotland can be accommodated within the Planning and Development Service revenue budget during 2013/14 and 2014/15.

10. Carbon Clever implications

10.1 There are no climate change or carbon clever implications attached to this report.

11. RECOMMENDATION

11.1 Committee is invited to consider the report and to:

- a) note the extent of Council involvement in supporting land reform in the Highlands, and in the Sutherland context (appendices 1 and 2);
- b) note that the report of the Land Reform Review Group is expected in April 2014; and
- c) consider whether it wishes to invite the Group to present findings to the Committee at an appropriate time.

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Date: 28th January 2014

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Highland Council
Caithness and Sutherland Area Committee
Tuesday 11th February 2014

Highland Council and land reform

1.0 Introduction

- Highland Council is committed to supporting land reform.
- The commitment appears within the 'Economy' theme of the Programme for the Highland Council – 'Working Together for the Highlands'. (Commitment 27)
- Within the theme focused on 'Empowering Communities' the Council is committed to maximising community benefit and supporting community businesses respectively. Both will support land reform. (Commitment 9 and 10)

2.0 Community ownership position in Highland (Sept 12)

- 92 assets in community ownership
- Assets defined as property including land, buildings, energy installations, sporting riparian or mineral rights.
- Highland leads in term of community owned assets – 22.4% of Scotland's total (376)
- There are 564km sq in community ownership in Highland (2.25 of Highland area)
- Details of ownership are currently being sought for HC records.

3.0 Highland Council activity

- Hosted the Land Reform Conference in March 2012, which among other initiatives prompted further review of the land reform legislation, the formation of Community Land Scotland and confirmation of a new Scottish Land Fund (£6M over 3 years).
- Highland Council is an associate member of Community Land Scotland (CLS) and has agreed to work with the organisation towards substantial reform of the LR(S) Act 2003.
- The Council and CLS worked jointly on the submission recently made in response to the call for evidence issued by the Scottish government Land Reform Review Group. (PED Jan 13)
- PED considered the interim report of the Review Working Group in September 2013 (response submitted)
- Highland Council sponsored the CLS conference in Sabhal Mòr Ostaig, Skye on 7th and 8th June 2013. Cllr Farlow welcomed delegates to the conference dinner.
- Since the CLS conference and the announcement of the First Minister's 1m acre target (by 2020) links have been established with the Development Trust Association Scotland and HIE with a view to working together on land reform.
- The Council in partnership with CLS is planning to host a series of workshop sessions around the Highlands. These will be designed for those interested in registering an

interest in land or assets and will take place during the remainder of 2013/14 and during 2014/15.

- Noting the 1m acres target, the HC Asset Management Project Board has an opportunity to promote HC asset transfer and indeed is already engaged in this on some HC sites where communities have expressed an interest. Details of interests and transfers are currently being collated.
- The production of a Community Assets Transfer Policy is currently programmed and will be progressed within the new Council structure.
- The Council has recently submitted a comprehensive response to the Government's Community Empowerment Bill consultation.

4.0 Direct support

- Highland Opportunity Limited (HOL) currently operates a Community Enterprise Loan Fund. The fund is available to support community enterprise projects including asset acquisition.
- Recently the fund provided £50K of loan funds to the Sleat Community Trust in support of their acquisition of the community forest at Tormore. The fund remains available to support other, similar projects.
- HOL may have a role to play in managing and delivering the Highland Regional Fund when and if community benefit funds become available from renewable energy developers. This fund would be ideally placed to assist asset acquisition as match funding for the Scottish Land Fund for example. Meantime communities are already benefiting from the £5,000/megawatt installed established by the Council.
- The announcement that the Ministry of Defence will not now be taking over the Northern Lighthouse Board site at Cape Wrath provided an opportunity for the Council to engage with the Durness Development Trust, which has indicated an interest in acquiring the site. The Council is in contact with the Trust to assess the position.

5.0 Linked policy

Allotment Policy

- Aims to increase the provision of allotments across the Highlands, and;
- Empower communities to manage allotment sites effectively

Community Benefit Policy

- Community benefit policy establishes the level of benefit funding expected from renewable energy developers on land and in the sea around the Highlands (£5K/MW). It also establishes a structure for managing funds at local, area and regional level. Communities are already benefiting and funding at all levels could be used by communities to support asset acquisition. HOL's role as regional fund manager is mentioned above.

Community Engagement and Empowerment Bill

Council response to the November 13 consultation on community engagement and empowerment supports:

- Community ownership and management.
- Transfer of the Crown Estate – to community ownership and management.

- Maximising community benefit funding which can support community purchase and development.

The Crown Estate

- Council seeks devolution of the Crown Estate and local management arrangements, including at the local community level and transfer of the foreshore to local authorities and properly constituted community groups.
- Meanwhile the Council is exploring the potential joint projects with the CEC, including for area management agreements establishing community management e.g. Portree Harbour.
- Council seeks an increased allocation from the Crown Estate into the Coastal Communities Fund and that local/regional priorities guide the allocation of the funds available. Fund is potential match for the acquisition of community assets and their subsequent development e.g. Portree Sailing Club in 2012.

29th January 2014

Disposal of Council Property to Community Groups from 1st April 2010

HC Ref	Property	Committee	Settled	Desktop Market Value	Actual Transfer Value	Discount
HC 06503A	Land at Abernethy Cemetery	RC 17/2/2010	12/10/2010	£480	£1	£479
HC 02276	Community Centre 20 Dunrobin Street Helmsdale	SCC 30/7/01	18/08/2011	£5,000	£1	£4,999
HC 02394	Smithton Hall Sinclair Terrace Smithton Inverness	RC 14/4/10	01/07/2011	£95,000	£1	£94,999
HC 02396	Fort Augustus Public Hall Bunoich Church Road Fort Augustus	RC 14/4/10	28/07/2011	£100,000	£1	£99,999
HC 02392	Cannich Hall Cannich Beauly	RC 14/4/10	01/04/2011	£80,000	£1	£79,999
HC 00943	Perrins Centre Bridgend Alness	RC 14/4/10	01/04/2011	£90,000	£1	£89,999
HC 00944	Saltburn Community Centre 6 Saltburn Invergordon	RC 14/4/10	30/06/2011	£50,000	£1	£49,999
HC 04583	Polnicol Hall Delny Invergordon	RC 14/4/10	01/07/2011	£65,000	£1	£64,999
HC 03710	Diamond Jubilee Hall Chapel Road Evanton	RC 14/4/10	29/09/2011	£80,000	£1	£79,999
HC 00803	Ardersier Library/Service Point Unit 2A Station Road Ardersier	tbc	19/09/2011	£180,000	£1	£179,999
HC 00072	Embo Community Centre	RC 11/6/08	01/11/2012	£95,000	£100	£94,900
HC 04586	Muir of Ord Hall Seaforth Road Muir of Ord	RC 14/4/10	14/05/2012	£85,000	£1	£84,999
HC 03684	Milnafua Hall Alness	RC 14/4/10	05/04/2012	£35,000	£1	£34,999
HC 00504	Gairloch Roads Depot	FHR 30/11/12	pending	£70,000	£1	£69,999
HC 00238	Former Dalchreichart Primary School Glenmoriston Inverness	FHR 30/1/12	pending	£120,000	£50,000	£70,000
HC 04514B	Site for new Hall Aultbea	RC 10/6/9	pending	£3,000	£1	£2,999
HC 01228	Kyle Centre Tongue	RC 15/2/12	12/08/2013	£25,000	£1	£24,999
HC 00580	Poolteil Pier & Slipway Glendale	RC 22/8/07	30/04/2013	£8,500	£1	£8,499
HC 06038	Land, Strathspey Industrial Estate, Woodlands Terrace, Grantown on Spey	RC 29/11/06	pending	£70,000	£1	£69,999
HC 00037	Kilearnan Schoolhouse and School, Muir of Ord	tbc	tbc	£80,000	£1	£79,999
HC 00372C	Former Outdoor Store Muir Of Ord	FHR 27/11/13	tbc	£70,000	£1	£69,999
HC 00149	Former Maryburgh PS	tbc	tbc	£305,000	£1	£304,999
HC 00730	Tongue Sub-Depot	AMPB/Ward Member approval	tbc	£5,000	£1	£4,999
HC 01195B	Site for National Nuclear Archive, Wick Industrial Estate, WICK KW1 4QS	RC 20/2/08	tbc	£245,000	£1	£244,999