

THE HIGHLAND COUNCIL

PLANNING, ENVIRONMENT AND DEVELOPMENT COMMITTEE

18TH SEPTEMBER 2013

LAND REFORM UPDATE AND WORK PROGRAMME

Report by Director of Planning and Development

Agenda Item	13
Report No	PED 62/13

SUMMARY

This paper summarises the Council's recent contributions in support of land reform in the Highlands. It introduces the Government's new target for community ownership and a recent UK Scottish Affairs Committee briefing paper. The paper then proposes a short term work programme undertaken jointly with Community Land Scotland, which will influence the final report of the Land Reform Review Group and increase awareness of the benefits of land reform. Committee is invited to:

- a) Note the extent of Council involvement in supporting land reform in the Highlands (Appendices 1 and 2);
- b) Approve the proposed autumn seminar themed around the Government's additional 500,000 acre target;
- c) Approve the request from Community Land Scotland for financial support and partnership for the delivery of 8 community seminars and the provision of practical advice and guidance to community groups during 2013/14 and 2014/15;
- d) Agree to seek a meeting with the authors of the UK Scottish Affairs Committee briefing paper to discuss their vision for land reform in Scotland.

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 2013, 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 Highland Council's recent contribution in support of land reform

- 2.1 Appendix 1 provides a brief update on land reform in the Highlands and how the Highland Council is providing its support.
- 2.2 Appendix 2 list assets that have been transferred to community groups by the Council. 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.

3. Land Reform Review Group (LRRG)

- 3.1 The interim report of the LRRG was published on 10th May this year. The Council had 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 in phase 3 of its evidence gathering and reporting process and there is an opportunity to influence the Group's draft final report, timetabled for 31st December 2013. The Review Group's final report is scheduled for April 2014. With this in mind, Community Land Scotland has proposed that the Council partner it in the delivery of an autumn seminar focused around the Government's 2020 target for community ownership, and how to get there.

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, Community Land Scotland has asked the Highland Council if it will support it to deliver an autumn seminar designed to focus on 4 or 5 main issues that must be addressed if the Government's target is to be attainable. Although not yet identified finally, 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 been asked to partner CLS in the delivery of 8 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. The Council has been asked to support this activity as delivery partners and via a financial contribution of £6,000 (maximum) in each of the financial years 2013/14 and 2014/15. If approved funding would be allocated from the Planning and Development Service revenue budget in each of these years.

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) has launched a briefing paper titled: '*Towards a comprehensive land reform agenda for Scotland*' The SAC seeks evidence (by 30th September) 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. It is suggested that the Committee Chair and Vice Chair, and the Council's Administration Leadership, meet with the report authors to discuss their vision for land reform in Scotland.

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

6.1 The Council's involvement in land reform directly supports the Council in maintaining 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. Climate change and 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 (Appendices 1 and 2);
- b) Approve the proposed autumn seminar themed around the Government's additional 500,000 acre target;
- c) Approve the request from Community Land Scotland for financial support and partnership for the delivery of 8 community seminars and the provision of practical advice and guidance to community groups during 2013/14 and 2014/15; and
- d) Agree to seek a meeting with the authors of the UK Scottish Affairs Committee briefing paper to discuss their vision for land reform in Scotland.

Designation: Director of Planning and Development

Date: 9th September 2013

Author: George Hamilton, Head of Environment and Development
(Ext 2252)

Highland Council
Planning, Environment and Development Committee
Wednesday 18th Sept 2013

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 will consider the interim report of the Review Working Group in November 2013 (details to be confirmed)
- The Council in partnership with CLS is planning to host an autumn workshop around the interim report recommendations of the Review Group. The result should feed into the stage 2 enquiry and final recommendations. Details to be confirmed with Members/CLS/LRRG.
- 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) a meeting has been organised with the Development Trust Association Scotland (3rd July) to discuss joint working potential.
- A further meeting is organised with HIE to consider the same. Both meetings will consider the potential for transfer of HC (and other public sector) assets where a business case can be made.
- 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.

4.0 Direct support

- Highland Opportunity Limited (HOL) operates a Community Enterprise Loan Fund. There is currently £350K available to support community enterprise projects including asset acquisition. Subject to negotiations with Highland Council Finance it is anticipated that the loan fund can be increased in value and that an accompanying promotional campaign will enhance the funds uptake within communities.
- Most 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 and the Council would wish to see its use expanded in this way.
- HOL has a role to play in managing and delivering the Highland Regional Fund when community benefit funds become available from renewable energy developers. This fund is 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 Council has recently transferred the Glendale slipway to community ownership (£1) and there may be an opportunity to assist the development of the slipway via European Fisheries Funding. Discussions are being taken forward by P&D on this.
- The recent announcement that the Ministry of Defence will not now be taking over the Northern Lighthouse Board site at Cape Wrath provides an opportunity for the Council to engage with the Durness Development Trust, which has indicated an interest in acquiring the site. P&D 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 12 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.

9th September 2013

Disposal of Council Property to Community Groups from 1st April 2010 (a/a 03/07/13)

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	pending	£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