

## THE HIGHLAND COUNCIL

### PLANNING, DEVELOPMENT AND INFRASTRUCTURE COMMITTEE

20<sup>th</sup> August 2014

|             |           |
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| Agenda Item | 14        |
| Report No   | PDI 31/14 |

## THE LAND OF SCOTLAND AND THE COMMON GOOD: REPORT OF THE LAND REFORM REVIEW GROUP

### Report by the Director of Development and Infrastructure

#### Summary

'Working Together for the Highlands 2012 - 2017' commits the Council to continue supporting the cause of land reform. Delivering this commitment includes engaging in the land reform debate in Scotland and at UK levels and to date this is something the Council has been careful to ensure. The Council contributed to the Scottish Government's Land Reform Review Group (LRRG) enquiry and the eagerly awaited report of the Group has now been published. Containing sixty two recommendations, the report addresses many of the issues previously raised by the Council as important if the Scottish Government's 2020 target of 1million acres in community ownership is to be achieved. This report introduces the recommendations of the LRRG, including those of particular relevance to local authorities. Committee is invited to:

- note the extensive remit of the Scottish Government's Land Reform Review Group and the wide ranging recommendations made by the Group;
- commit to working with the Scottish Government, and others, wherever appropriate to extend the impacts and benefits of land reform in Scotland;
- agree that the Council seek a place on the proposed short term working group to be set up to develop the strategy for delivery of the Scottish Government's 1million acre target by 2020; and
- agree that a Members' workshop be organised in the autumn 2014 with Community Land Scotland partners, to consider in more detail the recommendations of the Land Reform Review Group, the benefits of land reform and how the Council can contribute most effectively going forward.

#### **1. The Land Reform Review Group**

1.1 The Land Reform Review Group was an independent review group established by the Scottish Government in 2012 with remit to:

- enable more people in rural and urban Scotland to have a stake in the ownership, governance, management and use of land, which will lead to a greater diversity of land ownership, and ownership types, in Scotland;
- assist with the acquisition and management of land (and also land assets) by communities, to make stronger, more resilient, and independent communities which have an even greater stake in their development; and
- generate, support, promote, and deliver new relationships between land, people, economy and environment in Scotland.

- 1.2 The Review Group issued a call for evidence during October 2012 and by the close in January 2013 had received 484 submissions from a wide range of sources. During the call the Group visited a number of locations to gather evidence first hand, including Fort William in December 2013. Highland Council contributed written evidence in January 2013 having previously attended the public event in Fort William.
- 1.3 The final report of the Review Group was published in May 2014 and is available on the Committee bulletin for information. Two copies are also available in the Members' library.

## **2. Recommendations of the Review Group**

- 2.1 The review group makes sixty two recommendations in all. These range across a wide spectrum of land reform topics including:
  - the ownership of land
  - public land ownership
  - local community land ownership
  - land development and housing
  - land ownership and use
  - agricultural land holdings
  - common property resources
- 2.2 Within these broad topics there are some radical recommendations on:
  - succession law
  - compulsory purchase
  - crown property rights
  - land taxation, payments and markets
- 2.3 In addition to topic based recommendations the Review Group identifies two important features it considers necessary to ensuring the way forward:
  - that the Scottish Government should have an integrated programme of land measures to take forward the changes required to modernise and reform Scotland's system of land ownership; and
  - that the Scottish Government should establish a Land and Property Commission.
- 2.4 The full list of recommendations made by the Review Group is attached as an appendix to this report.
- 2.5 Scottish Government Ministers will now take time to review the recommendations of the Review Group. The Government's response is anticipated in the autumn of this year.

### 3. Recommendations potentially impacting on local authorities

3.1 The following recommendations, if accepted by the Government, will most directly influence local authority roles in delivering land reform:

- Extent of public lands: information on properties owned by public sector bodies, including local authorities, should be readily available via online property registers which are publicly available.
- Common Good lands: a new statutory framework should be developed to modernise the arrangements governing Common Good property.
- Local community land rights: local authorities should have the right to exercise a Compulsory Purchase Sale Order over an area of vacant or derelict land and that Community Councils or other community bodies should have a right to request that such powers are used in the public interest.
- Community acquisition costs: all local authorities should have a 'Community Assets Transfer Scheme' to encourage greater local community land ownership and arrangements within Schemes should follow consistently high standards of best practice.
- Urban renewal: local authorities should be given a new power of Compulsory Sale Order, that the Scottish Government explores the feasibility of introducing a Major Land Assembly measure to facilitate land assembly for urban renewal, and that the Scottish Government investigates the feasibility of introducing Urban Partnership Zones to address the problems caused by fragmented or multiple ownership.
- New housing: the Scottish Government should establish a Housing Land Corporation charged with the acquisition and development of sufficient land to fully deliver national house building targets and place making.
- Pattern of rural land ownership: the Scottish Government should develop a National Land Policy for Scotland to deliver '*a fairer, or wider and more equitable, distribution of land in Scotland.....with greater diversity of land ownership*'.
- Land taxation, payments and markets: a phased introduction of non-domestic rates for agriculture, forestry and other land based businesses currently exempt; introduce a reformed system of 'sporting rates' where appropriate and in the public interest; there should be a detailed study of the scope and practicalities of introducing Land Value Taxation.

3.2 On the topic of land and community development, the Review Group recommends the establishment of a '*short life working group*' tasked with:

- the improvement of information on the numbers and types of community land owners and the land that they own; and
- the development of a strategy for the achievement of the Scottish Government's 2020 target.

#### **4. Short-term way forward**

- 4.1 Since the publication of the Review Group report and recommendations the Council has sponsored the Community Land Scotland annual conference in Sabhal Mòr Ostaig, Skye, and continues to consider applications for community acquisition of Council assets where appropriate via the Asset Management Project Board, which is chaired by the Director of Development and Infrastructure. Work is also progressing on a community assets transfer policy and a series of Council supported land reform seminars are being delivered via land reform partners Community Land Scotland.
- 4.2 Recommendations contained within the appendix to this report and those summarised at section 3.0 above will involve the Council in continued discussion and consultation over time. It is suggested that, ahead of Scottish Ministers responding to the recommendations of the LRRG, the Council confirms its ongoing commitment to working with the Scottish Government to implement land reform in Scotland. In this regard there may be opportunities to implement some of the recommendations relatively quickly via the Community Empowerment (Scotland) Bill currently making its way through parliament.
- 4.3 Community Land Scotland remains an important partner in delivering land reform in the Highlands and the Council is an associate member of the organisation. It is suggested that with Community Land Scotland the Council:
- seeks an opportunity to contribute to the work of the short life working group recommended by the Review Group (3.2 above); and
  - that a Members' workshop be organised for the autumn of this year to consider the recommendations of the review Group in more detail, the benefits of land reform and how the Council can contribute most effectively going forward.

#### **5. Equalities Implications**

- 5.1 There are no equalities implications arising from this paper. Land reform initiatives and the recommendations of the LRRG should promote a more equitable and diverse system of land ownership in Scotland.

#### **6. Other implications**

##### 6.1 Resource, risk and legal

There are no resource, risk or legal implications arising from this paper. Any significant additional risks arising as a consequence of this paper will be reported separately.

##### 6.2 Climate change/Carbon Clever

There are no climate change or carbon clever implications arising from this paper.

##### 6.3 Gaelic

There are no Gaelic implications arising from this paper.

##### 6.4 Rural implications

Implementation of the LRRG recommendations, and subsequent changes to Scotland's system of land tenure, is likely to enhance the rural economy and

environment. The potential economic benefits of land reform have been researched by local consultants Aigas Associates and would form part of the workshop session suggested for the autumn of 2014.

### **Recommendation**

Committee is invited to:

- note the extensive remit of the Scottish Government's Land Reform Review Group and the wide ranging recommendations made by the Group;
- commit to working with the Scottish Government, and others, wherever appropriate to extend the impacts and benefits of land reform in Scotland;
- agree that the Council seek a place on the proposed short term working group to be set up to develop the strategy for delivery of the Scottish Government's 1million acre target by 2020; and
- agree that a Members' workshop be organised in the autumn 2014 with Community Land Scotland partners, to consider in more detail the recommendations of the Land Reform Review Group, the benefits of land reform and how the Council can contribute most effectively going forward.

Designation: Director of Development and Infrastructure

Author: G Hamilton, Head of Environment and Economic Development

Tele: Ext 2252

Date: 11<sup>th</sup> July 2014

### Background papers

- The Land of Scotland and the Common Good – Report of the Land reform Review Group: May 2014.

### Section 34 - Recommendations

#### Part Two - The Ownership of Land

##### SECTION 4 - LAND REGISTRATION

32 The Review Group considers the limited progress to date in the coverage of Scotland's Land Register is a major issue. Given the economic and wider public benefits this will deliver, the Group recommends that the Scottish Government should be doing more to increase the rate of registrations to complete the Land Register, including a Government target date for completion of the Register, a planned programme to register public lands and additional triggers to induce the first registration of other lands.

##### SECTION 5 - OWNERS OF LAND

11 The Review Group recommends that the Scottish Government should make it incompetent for any legal entity not registered in a member state of the European Union to register title to land in the Land Register of Scotland, to improve traceability and accountability in the public interest.

##### SECTION 6 - SUCCESSION LAW

20 The Review Group recommends that the Scottish Government should, in the interests of social justice, develop proposals in consultation with the Scottish Law Commission for legislation to end the distinction between immoveable and moveable property in Scotland's laws of succession.

##### SECTION 7 - OWNERLESS LAND

11 The Review Group considers that the expansion of land registration is likely to result in surviving examples of common land and commonities coming to light. The Group recommends that these distinctive forms of land tenure should be identified and safeguarded as part of modernising Scotland's system of land ownership.

##### SECTION 8 - COMPULSORY PURCHASE

14 The Review Group considers there is a clear need to update Scotland's system of compulsory purchase. The Group recommends that the Scottish Government should take forward the modernisation and reform of Scotland's compulsory purchase legislation, with a clear timetable for introducing a Bill to achieve this into the Scottish Parliament.

18 The Review Group recommends that the Scottish Government and local authorities should have a right to register a statutory right of pre-emption over land, where that is in the public interest.

#### Part Three - Public Land Ownership

##### SECTION 9 - EXTENT OF PUBLIC LAND

28 The Review Group considers that information on the properties in Scotland owned by the Scottish Government, local authorities and other public bodies, should be more readily available. The Group recommends that the Scottish Government, local authorities and other public bodies in Scotland should publish online property registers that are publicly accessible.

##### SECTION 11 - CROWN PROPERTY RIGHTS

31 The Review Group considers that ending the Crown Estate Commissioners' involvement in Scotland would deliver wide ranging and important benefits to Scotland. The Group recommends

that the Crown Estate Commissioners' statutory responsibilities in Scotland, under the Crown Estate Act 1961, should be devolved to the Scottish Parliament.

40 The Review Group considers that, following the abolition of feudal tenure, there should be further significant reductions in types of Crown property rights in Scotland. The Group recommends that the Scottish Government reviews the current Crown property rights in Scots law and brings forward proposals for the abolition of these rights or their replacement statutory provisions, as appropriate in the public interest.

## **SECTION 12 - HISTORIC NATIONAL PROPERTIES**

6 The Review Group recommends that the Scottish Government should ensure that the two reservations inserted by the Crown Estate Commissioners into the titles to Edinburgh Castle and other former Crown properties now owned by Scottish Ministers are removed.

## **SECTION 13 - NATIONAL FOREST ESTATE**

21 21 The Review Group considers that the size and composition of the National Forest Estate should continue to evolve to meet changing circumstances. The Group recommends that the Scottish Government and Forestry Commission Scotland should develop a more integrated and ambitious programme of land acquisitions in rural Scotland, as part of delivering multiple public interest policy objectives.

## **SECTION 14 - COMMON GOOD LANDS**

21 The Review Group considers that the position over Common Good lands should be improved to ensure they are adequately safeguarded and appropriately managed. The Group recommends that a new statutory framework should be developed to modernise the arrangements governing Common Good property.

## **Part Four - Local Community Land Ownership**

### **SECTION 15 - LOCAL COMMUNITIES**

28 The Group considers that while there should be an agreed set of criteria which defines an 'appropriate community body', the Government should be flexible in terms of which legal structures are eligible. The Review Group recommends that there should be a clear focus in public policy on supporting appropriate local community bodies that are owned and managed by local communities acting on their own behalves.

### **SECTION 16 - LAND AND COMMUNITY DEVELOPMENT**

15 The Review Group recognises that there is now a wide range of types of property owned by communities and also types of community owners. Given the target of one million acres in community ownership by 2020, set by the First Minister, the Group recommends that the Scottish Government sets up a short life working group whose task would be to improve information on the numbers and types of community land owners and the land that they own, and to develop a strategy for achieving this target.

23 The Review Group considers that Trust Ports and other forms of local community control over harbours, piers, slipways and similar coastal assets should be encouraged as a form of community land ownership. The Group recommends that the Scottish Government should develop specific initiatives to assist this process.

38 The Review Group recognises that significant progress has been made in the growth of community owned land. The Group recommends that the Scottish Government, using the evidence and recommendations for change presented in this report, should develop a policy statement, with clear direction to all parts of Government and its agencies, on the objective of diversified land

ownership in Scotland, and a strategic framework to promote the continued growth of local community land ownership.

## **SECTION 17 - LOCAL COMMUNITY LAND RIGHTS**

11 The Review Group considers that the Scottish Government's planned Community Empowerment (Scotland) Bill provides a crucial opportunity to improve Part 2 of the Land Reform (Scotland) Act 2003. The Group recommends that improvements to Part 2 of the Act should include widening its scope to cover urban areas; enabling appropriate community bodies to be constituted as SCIOs; allowing communities to define their area by a boundary on a map; increasing the period of registration to ten years and decreasing the requirements of re-registration; and more generally to make the legislation more straightforward and less onerous for local communities to use.

27 The Review Group concludes that local communities, acting through appropriate community bodies, should have the opportunity to use a range of statutory land rights which are defined to suit different needs and circumstances. The Group recommends that the statutory land rights of local communities should include a right to register an interest in land, the existing right of pre-emption over land and a right to buy land, as well as rights to request the purchase of public land and to request Scottish Ministers to implement a Compulsory Purchase Order.

33 The Review Group recommends that Local Authorities should have the right to exercise a Compulsory Sale Order over an area of vacant or derelict land, and also that Community Councils, or appropriate community bodies, should have the right to request that a local authority exercises a Compulsory Sale Order.

## **SECTION 18 - COMMUNITY ACQUISITION COSTS**

18 The Review Group concludes that while funding packages for community land acquisitions and development are becoming more diversified, public funding remains critical. The Group recommends that the Scottish Government should ensure that there is an integrated legislative and financial support structure to help local communities in urban and rural Scotland buy and develop land and buildings. The Group further recommends that an adequate level of funding should be made available to meet an expected increase in demand for local community land ownership.

28 The Review Group considers that current interpretation of State Aid regulations in Scotland is inhibiting the further growth and development of community land ownership. The Group recommends that the Scottish Government should publish new Guidance on State Aid to ensure public bodies take a more solution-focused and less risk-averse approach to their interpretation of the Rules. The Group further recommends that the Government should enter into dialogue with the European Commission to improve the scope for public assistance to non-profit distributing appropriate local community bodies.

43 The Review Group concludes that the Scottish Public Finance Manual need not prohibit the transfer of public land at less than market value. The Group recommends that the Scottish Government should have a clear policy framework for the disposal of public property to appropriate local community bodies by the Government and associated public bodies, including a more integrated and focused approach to disposals for less than open market value where that is in the public interest.

48 The Review Group considers that there is significant potential community benefit in the transfer of selected local authorities' assets to communities. The Group recommends that all local authorities should have a 'Community Assets Transfer Scheme' to encourage greater local community land ownership, and that the arrangements in these Schemes should all follow the same consistently high standard of best practice.

## **SECTION 19 - COMMUNITY SUPPORT SERVICES**

14 The Review Group concludes that communities embarking on land and property ownership and management requires considerable support. The Group recommends that the types of support

services provided in the Highlands and Islands should be made available to local communities in the rest of Scotland and that the Scottish Government should take a more integrated and focused approach to encouraging and supporting the growth of local community land ownership.

20 The Review Group concludes that communities require a wide range of support and advice in seeking to acquire and manage land. The Group recommends that the Scottish Government should establish a Community Land Agency, within Government, with a range of powers, particularly in facilitating negotiation between land owners and communities, to promote, support and deliver a significant increase in local community land ownership in Scotland.

## **Part Five - Land Development and Housing**

### **SECTION 20 - URBAN RENEWAL**

32 The Review Group considers that further mechanisms are required to address the persistent challenge of vacant and derelict land in urban areas. The Group recommends giving local authorities a new power of Compulsory Sale Order.

40 The Review Group considers that additional policy tools are required to more effectively enable land assembly for urban renewal purposes. The Group recommends that the Scottish Government explores the feasibility of introducing a Majority Land Assembly measure.

49 The Review Group considers that the well-established international practice of property land readjustment or land-pooling provides another effective means of addressing fragmented or multiple ownership of land. The Group recommends that the Scottish Government investigates the potential of introducing an Urban Partnership Zone mechanism in Scotland.

59 The Review Group notes the greater public interest outcomes from public interest led development processes and considers this to be a necessary requirement for most effectively addressing urban renewal challenges in Scotland. The Group recommends that the Scottish Government should encourage and support a greater emphasis on public interest led development.

### **SECTION 21 - NEW HOUSING**

21 The Review Group considers that a strong self-build sector is a key factor in the efficient use of land and in encouraging different forms of home ownership. The Group recommends that encouraging and supporting the development of a vibrant self-build sector should be an explicit aim of a housing strategy in Scotland.

39 The Review Group considers that existing mechanisms are unlikely to deliver national housebuilding targets, in a manner compatible with Scottish Government place-making aspirations. The Group recommends the establishment of a Housing Land Corporation, a new national body charged with the acquisition and development of sufficient land to fully achieve these objectives.

50 The Review Group considers that specific attention requires to be focused on the housing needs of rural communities. The Group recommends that, in these areas, the Housing Land Corporation should have explicit performance targets that recognise the specific needs of small rural communities and an extended operational role to enable these to be addressed.

### **SECTION 22 - EXISTING HOUSING**

8 The Review Group recognises that it is now 10 years since the Abolition of Feudal Tenure etc (Scotland) Act, 2000, the Title Conditions (Scotland) Act 2003 and the Tenements (Scotland) Act 2004 were introduced. The Group recommends that the Scottish Government introduces a more comprehensive legal framework for common property, which clarifies and modernises the rights and responsibilities of both the individual ownership and the collective governance of such property.

24 The Review Group considers that, to address housing need and the changing nature of the private rented sector, a change is required in the nature of tenancy arrangements within the sector. The Group recommends that the Scottish Government introduces longer and more secure tenancies in the private rented sector.

## **Part Six - Land Ownership and Use**

### **SECTION 23 - RURAL LAND USE**

12 The Review Group recognises that the Scottish Government's Land Use Strategy is an important development to encourage the use of Scotland's rural land in ways which contribute more to the public interest. The Group recommends that the Government should make rapid progress in implementing the Strategy across the rest of Scotland beyond the two pilot areas.

17 The Review Group considers that information on the pattern of land ownership should be an integral component of developing and implementing the Scottish Government's Land Use Strategy. The Group recommends that the Scottish Government should produce indicative maps of the patterns of land ownership in the Land Use Strategy's current two pilot areas, and in other areas as the implementation of the Strategy develops.

30 The Review Group anticipates that the implementation of the Scottish Government's Land Use Strategy process will lead to reductions in the current flexibility in rural land owners' choices over how they use their land. The Group recommends that the Government ensures that the necessary mechanisms are in place for the successful implementation of the Land Use Strategy in the public interest.

38 The Review Group considers that the patterns of land ownership in rural Scotland are an important factor in delivering the Land Use Strategy's community objective, because of the control that ownership gives over land use decisions and benefits. The Group recommends that the Scottish Government should map and monitor the patterns of land ownership in rural Scotland as part of implementing its Land Use Strategy.

### **SECTION 24 - PATTERN OF RURAL LAND OWNERSHIP**

17 The Review Group considers that the assembling of relevant statistical information and research is crucial to our understanding of patterns of land ownership in rural Scotland, and how they can evolve. The Group recommends that the Government should compile improved information on land ownership and undertake or commission more research into patterns of land ownership.

29 The Review Group considers that there should be an upper limit on the total amount of land in Scotland that can be held by a private land owner or single beneficial interest. The Group recommends that the Scottish Government should develop proposals to establish such a limit in law.

36 The Review Group supports the Scottish Government's aim of "a fairer, or wider and more equitable, distribution of land in Scotland...with greater diversity of land ownership". The Group believes that this requires an integrated approach to developing measures which help deliver this ambition. The Group recommends that the Government should develop a National Land Policy for Scotland, taking full account of international experience and best practice.

### **SECTION 25 - Land Taxation, Payments and Markets**

12 The Review Group considers that there is no clear public interest case in maintaining the current universal exemption of agriculture, forestry and other land based businesses from non-domestic rates. The Group recommends that the Scottish Government should review this historic exemption, with a view to the phased introduction of non-domestic rates for these land based businesses.

20 The Review Group considers that 'sporting rates' could be tailored to each of the species involved and have the potential to be one of the tools available to help deliver the Scottish

Government's Land Use Strategy and other rural objectives. The Group recommends that the Government should review the current exemptions from sporting rates and introduce a reformed rates system as appropriate in the public interest.

25 The Review Group considers that local government taxation in Scotland needs to be modernised and that Land Value Taxation should be given serious consideration as an option. The Group recommends that there should be a detailed study of the scope and practicalities of introducing Land Value Taxation.

43 The Review Group considers that there is a lack of clarity over the public costs and public benefits that result from the current exemptions and reliefs for agriculture and forestry land in national and local taxation. The Group recommends that each of the exemptions and reliefs should be reviewed and reformed as necessary, to ensure that there is a clear and transparent public interest justification for the public expenditure through revenue foregone.

48 The Review Group considers that the current fiscal regime for land ownership and use plays an important part in maintaining the concentrated pattern of large scale, private land ownership in rural Scotland. The Group recommends that changes to the current fiscal regime should include structuring them to encourage an increase in the number of land owners in rural Scotland, in the public interest.

## **Part Seven - Agricultural Land Holdings**

### **SECTION 26 - CROFTS**

26 The Review Group recommends that developing a modern and robust statutory framework for crofting should be a priority for the Scottish Government. The Group considers that the crofting community should be at the heart of any such process, and have a clearly defined role within it. The Group further recommends that reducing the complexity of crofting legislation should be an underpinning principle of any such process.

36 The Review Group considers that the provisions in the Land Reform (Scotland) Act Part 3 impose unnecessary burdens on the crofting community in exercising the right to buy and that the ambiguities in the requirements that they have to fulfil can be exploited in the form of unwarranted challenges to the exercising of the right. The Group recommends that the provisions of the Act should be amended to reduce these unnecessary burdens, to reduce the risk of unwarranted challenges and to make other improvements to the provisions.

55 The Review Group recommends that crofting trusts or crofting community owners should be able to purchase Scottish Government crofting estates at less than open market value. The Group recommends that Ministers direct the Scottish Government to make provision for this to happen and to clarify the circumstances under which this can occur. The Group also recommends that the Government should take a more pro-active approach to facilitating and supporting such transfers.

### **SECTION 27 - SMALL LANDHOLDINGS**

15 The Review Group's view is that there should be major improvements in the position of tenants under the Small Landholders (Scotland) Act 1911. The Group recommends that these tenants should, like crofters, have a statutory right to buy their holdings.

### **SECTION 28 - TENANT FARMS**

18 The Review Group's view is that the requirement for registration is an unwarranted constraint on the right of pre-emption of secure 1991 tenants under the Agricultural Holdings (Scotland) Act 2003. The Group recommends that the legislation should be amended to remove this requirement and to provide that all these tenants have first option on buying any part of their tenanted holding which their landlord decides to sell.

47 The Review Group considers that the position of secure 1991 tenant farmers and their families as part Scotland's rural communities, should be an important consideration in the Scottish

Government's current review of Scotland's agricultural holdings legislation. The Group recommends that the Government should take full account of social and local community factors in determining whether the introduction of a conditional right to buy for tenants with secure tenancies under the Agricultural Holdings (Scotland) Act 1991, would be warranted in the public interest.

## **Part Eight - Common Property Resources**

### **SECTION 29 - PUBLIC ACCESS**

15 The Review Group's view is that Part 1 of the Land Reform (Scotland) Act 2003 has delivered a progressive statutory framework for improved public access over land in Scotland, and that the main challenges involve continuing improvements in implementation. The Group recommends that Scottish Ministers should as part of that, update the Guidance provided to access authorities under Section 27 of the 2003 Act.

22 The Review Group recommends that Scotland's current common law public rights over the foreshore, inland water and seabed should be replaced by statutory public rights that are integrated with the public's statutory access rights over land under Part 1 of the Land Reform (Scotland) Act 2003.

### **SECTION 30 - WATER RESOURCES**

13 The Review Group recommends that, following the reform by the Scottish Parliament of the arrangements governing the management and use of Scotland's fresh water resources, the riparian rights still attributed to adjacent and surrounding land owners in Scots property law should be reviewed and reformed to reflect the public interest in these resources as now defined.

### **SECTION 31 - FRESHWATER FISH**

30 The Review Group considers that the current system of District Salmon Fishing Boards based on property rights is no longer appropriate or adequate as part of the statutory arrangements governing freshwater fishing and fisheries. The Group recommends that District Salmon Fishing Boards should be abolished as part of putting in place a new improved statutory framework to ensure the sustainable management of Scotland's wild freshwater fish populations in the public interest.

35 The Review Group recommends that the presumptive Crown property right in Scotland to salmon fishings should be abolished or at least not exercised by the Crown Estate Commissioners until it can be. The Group also recommends that the coastal and freshwater salmon fishings held as ancient possessions by the Crown should be conveyed by the Crown Estate Commissioners to Scottish Ministers.

39 The Review Group recommends that the capacity in Scots law to create new ownerships of salmon fishing rights separate from the land over which the rights exist, should be ended.

43 The Review Group recommends that the Scottish Government develops a clear policy framework and associated arrangements to deliver improved opportunities for members of the public to fish for wild freshwater fish in Scotland.

### **SECTION 32 - WILD DEER**

32 The Review Group considers that Scotland's populations of native red and roe deer are important national assets that should be sustainably managed in the public interest. The Group recommends that improvements should be made to the current statutory framework governing the hunting of deer in Scotland to ensure appropriate culls are carried out to adequately safeguard public interests.

## **Part Nine - Way Forward**

### **SECTION 33 - LAND REFORM, COMMON GOOD AND THE PUBLIC INTEREST**

15 The Review Group considers that significant changes are required to make Scotland's system of land ownership a more efficient and effective system for delivering the public interest. The Group recommends that the Scottish Government should have an integrated programme of land reform measures to take forward the changes required to modernise and reform Scotland's system of land ownership.

21 The Review Group considers that there is a need for a single body with responsibility for understanding and monitoring the system governing the ownership and management of Scotland's land, and recommending changes in the public interest. The Group recommends that the Scottish Government should establish a Scottish Land and Property Commission.