

## The Highland Council

### Planning, Development and Infrastructure Committee 19 August 2015

Agenda Item	14
Report No	PDI/ 52/15

#### Land Reform (Scotland) Bill

#### Report by Director of Development and Infrastructure

##### SUMMARY

This report introduces the recently published Land Reform (Scotland) Bill which was introduced to the Scottish Parliament on 22 June this year. The Bill is now the subject of scrutiny by the Parliament's Rural Affairs, Climate Change and Environment Committee. An extension to the response deadline has been secured and comments on the Bill are now sought from Highland Council by 19 August. A copy of the Bill as introduced can be found at the following web link:

<http://www.scottish.parliament.uk/parliamentarybusiness/Bills/90675.aspx#sthash.o89b6x1R.dpuf>

The Committee is invited to consider the report and the land reform objectives of the Bill and to agree:

- (a) an initial response to the Convener of the Scottish Parliament Rural Affairs, Climate Change and Environment Committee welcoming the general principles of the Bill as introduced and seeking an opportunity to provide oral evidence on the detail of the Bill;
- (b) an invitation to the Rural Affairs, Climate Change and Environment Committee to hear evidence in Inverness before the end of the year; and
- (c) which aspects of the Bill Members wish to pursue with the Committee when invited to give evidence.

#### 1. Introduction and Bill objectives

- 1.1 The Land Reform (Scotland) Bill was introduced to the Scottish Parliament on 22<sup>nd</sup> June. It is now in stage 1 of the parliamentary process and the subject of scrutiny by the Parliament's Rural Affairs, Climate Change and Environment Committee. A general call for evidence has been issued by the Committee seeking early views by 14<sup>th</sup> August. Highland Council has been granted an extension to the response timetable to 19<sup>th</sup> August. Evidence gathering sessions are planned throughout September, October and November this year. It is suggested that Highland Council would welcome the opportunity to provide oral evidence on the Bill and Members are invited to agree that the Council should seek such an opportunity.
- 1.2 As introduced the Bill is wide reaching. It builds on earlier consultations following the report of the Land Reform Review Group, and to which Highland Council has contributed fully. Much of what is proposed within the Bill aligns with current Highland Council policy and as such it can be generally welcomed. However there

is much detail within the Bill that Members will wish to scrutinise as it passes through Parliament.

### 1.3 Current objectives of the Bill can be summarised below under broad headings:

#### *Land reform*

- A published statement of the Scottish Government's objectives for land reform;
- Establishing a Scottish Land Reform Commission;
- Improved availability of information on land, its value and ownership;
- Guidance for landlords on engagement with communities;
- Sustainable development supported by new right to buy arrangements and;
- Local authorities requiring court approval to put common good land to a different use.

#### *Sporting rates*

- Removal of the exemption from business rates for shooting and deer stalking.

#### *Core paths*

- Provision of greater clarity on the core paths planning process in relation to public access.

#### *Deer management*

- Expansion of the functions of existing deer panels to include engagement with local communities;
- New powers for SNH to require the production of deer management plans and;
- Increased penalties for failure to manage deer within a deer control scheme.

#### *Agricultural holdings*

- Setting up a new form of agricultural tenancy (Modern Limited Duration Tenancy);
- Removal of the requirement for a tenant to register a right to buy;
- A new power for the Land Court to order sale of holdings to a tenant or on the open market where a landlord repeatedly breaches their obligations;
- Changed procedure for rent reviews and tests to be applied in determining the rent of an agricultural holding based on productive capacity;
- Expanding the class of person to whom leases of agricultural holdings can be assigned or bequeathed, or transferred to on intestacy, where no valid will is present;
- Streamlined processes around a landlord's objections to a successor tenant;
- Establishing a 2 year amnesty for tenants to seek approval of improvements to holdings so that compensations can be claimed at the end of the tenancy and;
- New procedure for tenants to object to any improvement proposed by landlords if the tenant feels it is not reasonable for the productivity of the holding.

1.4 Earlier proposals to restrict the type of legal entities that can in future take ownership or a long lease over land in Scotland have not been progressed at this stage.

## **2. Timetable and initial Highland Council response**

2.1 Stage 1 evidence gathering will take place during September, October and November 2015. Evidence will also be taken from the Cabinet Secretary for Rural Affairs, Food and the Environment and the Minister for Environment, Climate Change and Land Reform. In addition the Committee will undertake fact finding visits around the country to learn more about local issues and what impact the Bill proposals would have.

2.2 The Rural Affairs, Climate Change and Environment Committee has sought views on the general principles of the Bill asking respondents to consider whether they have views on a particular aspect of the Bill or whether they wish to comment on the Bill as a whole. Relevant case studies are also sought to demonstrate how the Bill might help or hinder land reform locally.

2.3 As the Committee wishes to organise fact finding visits and to hear case studies, Members may wish to invite the Committee to hear evidence in Inverness.

2.4 An initial response to the call for evidence on behalf of Highland Council could:

- welcome the general principles and objectives of the Bill;
- seek an opportunity to provide oral evidence to the Committee; and
- invite the Rural Affairs, Climate Change and environment Committee to gather evidence in Inverness before the end of the year.

## **3. The focus of engagement and the Bill through stages**

3.1 This paper considers the Bill and its objectives as a whole. The Rural Affairs, Climate Change and Environment Committee has asked those with an interest in land reform if there are specific aspects of the Bill they would wish to engage further on, or whether they wish to engage with the Bill in its entirety.

3.2 As the Bill passes through its various stages within the Scottish Parliament there will be opportunities to add to, modify and seek greater clarity around the various clauses.

3.3 Committee is invited to consider and agree which priority areas it wishes to focus on when engaging with the Land Reform (Scotland) Bill. It is anticipated that ongoing consultation on the Bill will be the subject of future consideration by the Council.

3.4 For reference, a lead paper to the Convention of the Highlands and Islands on 1<sup>st</sup> June this year (prepared by Highland Council) proposed priorities for progressing land reform. The paper titled 'Progressing Land Reform' is available on the Committee bulletin for information. It contains a case study based around the community development work the Council has undertaken with the community

enterprise 'Transport for Tongue (T4T)'.

- 3.5 Highland Council's response to the February 2015 Scottish Government consultation on the future of land reform in Scotland is also available for reference on the Committee bulletin.

#### **4. Resource implications**

- 4.1 There are no resource implications arising from this paper. Work on land reform is already budgeted for within the Development and Infrastructure revenue budget 2015/16.

#### **5. Fit with the Single Outcome Agreement**

- 5.1 This work helps the Council deliver SOA objectives supporting the rural economy, the environment and the empowerment of communities.

#### **6. Equality, Climate Change/Carbon Clever and rural implications**

- 6.1 Land reform helps address inequality in the ownership of land and resources in the Highlands and will help sustain the rural economy and communities. There are no climate change or Carbon Clever implications arising from this report.

#### **7. Legal, risk and Gaelic implications**

- 7.1 There are no legal, risk or Gaelic implications arising from this report.

### **RECOMMENDATION**

Members are invited to consider the report and the land reform objectives of the Land Reform (Scotland) Bill and to agree:

- (a) an initial response to the Convener of the Scottish Parliament Rural Affairs, Climate Change and Environment Committee welcoming the general principles of the Bill as introduced and seeking an opportunity to provide oral evidence on the detail of the Bill;
- (b) an invitation to the Rural Affairs, Climate Change and Environment Committee to hear evidence in Inverness before the end of the year; and
- (c) which aspects of the Bill Members wish to pursue with the Committee when invited to give evidence.

**Designation:** Director of Development and Infrastructure

**Date:** 3 August 2015

**Author:** George Hamilton, Head of Development and Infrastructure

Background papers:

1. Consultation on the Future of Land Reform in Scotland. Scottish Government Consultation: Highland Council response: February 2015. (Available on the Committee Bulletin)
2. The Land of Scotland and the Common Good: Report of the Land Reform Review Group: 23 May 2014.
3. Progressing Land Reform: Highland Council paper to the Convention of the Highlands and Islands: 1 June 2015. (Available on the Committee bulletin)