

THE HIGHLAND COUNCIL

Lochaber Area Committee

26 February 2015

Agenda Item	11
Report No	LA 9/15

Land Reform

Report by Director of Development Infrastructure

SUMMARY

This paper briefly summarises the recommendations of the Government's Land Reform Review Group which are most relevant to the Council. It also presents the recommendations of the Smith Commission on the Crown Estate in Scotland and the Council's recent involvement in supporting land reform in the Highlands. Area Committee is invited to:

- note the findings of the Land Reform Review Group published in May 2014;
- note the extent of the Council's current involvement in supporting land reform in the Highlands; and
- agree to promote the cause of land reform within the Lochaber Area.

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 7 June 2013 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 Scottish Government Land Reform Review Group (LRRG)

- 2.1 The final report of the LRRG was published on in May 2014. In all, the Review Group made 64 recommendations across a wide range of topics including:
 - public land ownership;
 - local community land ownership;
 - land development and housing;
 - land taxation;
 - The Crown Estate, and;
 - common good.

Appendix 1 lists the recommendations most relevant to local authorities with references (bracketed) to their appearance within the full LRRG report. The full LRRG report is available at the following link:

<http://www.scotland.gov.uk/Resource/0045/00451597.pdf>.

2.2 The Scottish Government has considered the recommendations of the LRRG and, within an announcement on its Programme for Scotland 2014/15, has confirmed it will:

- introduce a Succession Bill to ensure that the law in this area is fairer, clearer and more consistent;
- ensure land reform progresses via the Community Empowerment Bill;
- establish a new Empowering Communities Fund which will encompass the People and Communities Fund with an additional £10m for allocation next year;
- consult on a Land Reform Bill (now underway); and
- establish a Land Reform Commission to drive forward the land reform process.

3. The Smith Commission

3.1 The Smith Commission Report on devolution has stated:
'Responsibility for the management of the Crown Estate's economic assets in Scotland, and the revenue generated from these assets, will be transferred to the Scottish Parliament.'

This will include the Crown Estate's seabed, urban assets, rural estates, mineral and fishing rights, and the Scottish foreshore for which it is responsible.

Following this transfer, responsibility for the management of those assets will be further devolved to local authority areas such as Orkney, Shetland, Na h-Eilean Siar or other areas who seek such responsibilities.

The Scottish and UK governments will draw up and agree a Memorandum of Understanding to ensure that such devolution is not detrimental to critical UK-wide matters such as defence, oil and gas and energy'.

3.2 The transfer of responsibility for Crown Estate assets to the Scottish Government initially followed by further transfer to the local authority, harbour authority and where appropriate constituted community group has long been a campaigning issue of the Highland Council. The Programme for the Highland Council commits the Council to working with others to secure such a transfer.

4. Highland Council's support for land reform

4.1 **Appendix 2** provides a brief update on the Highland Council's support for land reform.

4.2 **Appendix 3** lists assets that have been transferred (or pending transfer) to community groups by the Council. The list is not exhaustive 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 expects to continue the transfer of assets to community organisations.

5. Community Land Scotland

5.1 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. CLS has identified five key objectives which align well with the Council's programme commitment. CLS seeks to:

- Facilitate the exchange of information, enabling groups to learn from each others' experience and successes;
- Promote the growing importance of the community landowning sector to Scotland;
- Reform The Land Reform (Scotland) Act 2003 to simplify and strengthen powers to communities;
- Encourage community groups to register an interest in land and;
- Work with communities to ease the process of communities taking ownership of public land.

5.2 The Council has recently partnered CLS in the delivery of a land reform seminar for Highland Council Members based around the recommendations of the LRRG and with guest contributors from Scottish Land and Estates, the Scottish Tenant Farmers Association, Community Land Scotland and the former LRRG. Successful discussion focused around the topics:

- public land ownership;
- local community land ownership; and
- agricultural land holdings.

5.3 Eight community seminars have been delivered during 2013/14 and 2014/15. These included guidance on the benefits of land ownership for communities, and the provision of technical advice and legal guidance.

5.4 Representatives of CLS would welcome an opportunity to visit the Area Committee to discuss the organisations role in promoting land reform and the benefits of its partnership with the Highland Council.

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

6.1 The Council's involvement in land reform directly supports Programme commitments on land reform (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; and
- Tackling inequalities.

8. Implications

8.1 Equality, Legal and Risk

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

8.2 Resource and Gaelic

There are no additional resource or Gaelic implications arising from this report.

8.3 Rural

There are no additional rural implications arising from this report. Supporting land reform may, over time, change the pattern of land ownership across the Highlands.

8.4 Carbon Clever

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

RECOMMENDATION

Committee is invited to:

- note the findings of the Land Reform Review Group published in May 2014;
- note the extent of the Council's current involvement in supporting land reform in the Highlands; and
- agree to promote the cause of land reform within the Lochaber Area.

Designation: Director of Development and Infrastructure

Date: 16th February 2015

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Report of the Land Reform Review Group
Recommendations impacting on local authorities

- 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. (Part 3, Sec 9, 28)
- Common Good lands: a new statutory framework should be developed to modernise the arrangements governing Common Good property. (Part 3, sec 14, 21)
- 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. (Part 4, Sec 17, 33)
- 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. (Part 4, Sec 18, 48)
- 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. (Part 5, Sec20, 40/49)
- 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. (Part 5, Sec21, 39)
- 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*'. (Part6,Sec 24, 36)
- 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. (Part 6,Sec 25, 12/25)

Highland Council
Lochaber Area Committee
Thursday 26th February 2015

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 commitments 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)

3.0 Highland Council activity

- 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 been working with the organisation towards substantial reform of the LR(S) Act 2003.
- The Council and CLS worked jointly on the submission made in response to the call for evidence issued by the Scottish Government Land Reform Review Group. (PED Jan 13).
- Council considered and responded to the interim report of the Review Working Group in September 2013.
- Highland Council sponsored the CLS conference in Sabhal Mòr Ostaig, Skye in 7th 2013 and 2104.
- Since 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 hosting a series of workshop sessions around the Highlands. These are designed for those interested in registering an interest in land or assets and are currently being delivered.
- 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.
- The production of a Community Assets Transfer Policy is currently programmed.
- The Council submitted a comprehensive response to the Government's Community Empowerment Bill consultation.
- Council hosted a land reform seminar on 29th October attended by Members and representatives of Community Land Scotland, Scottish Land and Estates, the Scottish Tenant Farmers Association and a member of the former Government Land Reform Review Group.
- Provision of oral evidence on the Crofting Community Right to Buy proposals contained within the Community Empowerment (Scotland) Bill – 20th November 2014.
- Response submitted to the consultation on the Future of Land Reform In Scotland – February 2015.
- Highland Council will lead on land reform when the Convention of the Highlands and Islands meets in Orkney in June 2015.

4.0 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

- Revised 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.

Community Engagement and Empowerment (Scotland) Bill

- Council response 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.

20th November 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	09/05/2014	£120,000	£50,000	£70,000
HC 04514B	Site for new Hall Aultbea	RC 10/6/9	13/03/2014	£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	07/04/2014	£5,000	£1	£4,999
HC 01195B	Site for National Nuclear Archive, Wick Industrial Estate, WICK KW1 4QS	RC 20/2/08 & RC in November 2014	tbc	£245,000	£1	£244,999
HC 00174	Former Borrodale Primary School & Schoolhouse Isle of Skye	AMPB/Ward Member approval	tbc	£140,000	£130,000	£10,000