

Annex 4: Respondent Information Form
**Land Rights and Responsibilities
Statement: a consultation**



RESPONDENT INFORMATION FORM

Please Note this form **must** be completed and returned with your response.

Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

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The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
 Publish response only (anonymous) - Individuals only
 Do not publish response

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes
 No



SURF Response to a Scottish Government Consultation on the Land Rights and Responsibilities Statement

Introduction

In the 18 months of consultation activity towards SURF's 2016 Manifesto for Community Regeneration, it emerged that one of two overarching context elements, which our network of more than 250 member organisations generally agreed was significantly underplayed in regeneration policy considerations, was:

“The use and ownership of land; in particular, the persistent high volume of long-term vacant and derelict land in urban areas linked to land-banking and property speculation, and the wide-ranging negative impacts for local economic activity, housing development, and environmental degradation.” (p3) ⁱ

SURF has been closely following the work of the independent Land Reform Review Group, and the wider discourse on the prospects and potential benefits of meaningful land reform for the group SURF exists to support: people living in the country's most socially and economically challenged communities.

Among other contributions to the policy debate, SURF provided evidence to the 'One Million Acres by 2020' Short Life Working Group. The Group was established by the Scottish Government in 2015 to promote greater community land ownership, particularly in urban Scotland, and featured SURF Director Prof Sarah Skerratt, of Scotland's Rural College, as Steering Group Member and Work Stream Facilitator.

SURF welcomed the Land Reform (Scotland) Act 2016 and its commitment for Scottish Ministers to publish a guiding Land Rights and Responsibilities Policy Statement. We are pleased to take this opportunity to comment on an initial draft of this Statement via an open consultation; our responses to the consultation paper's set questions follow.

Q1: Have we captured the range of policy areas to which you think the Land Rights and Responsibilities Statement should be relevant?

While noting that “Regeneration” does not feature as a dedicated item on the land policy diagram presented on the consultation document (p12)ⁱⁱ, we welcome the recognition that changes in land use and ownership could effectively complement efforts to promote the closely related policy areas of “Communities”, “Housing”, “Public Services” and “Tackling Poverty and Equality”.

From SURF’s perspective, the identification of the 2011 Regeneration Strategy, 2013 Creating Places Statement, 2014 Scottish Planning Policy Statement, 2015 Community Empowerment (Scotland) Act, and 2016 Fairer Scotland Action Plan as interconnected national policies and strategies is helpful (p13).ⁱⁱ

The thoughtful alignment of land reform policy with wider regeneration and anti-poverty commitments is an approach with considerable potential, and one SURF is keen to support. The explicit references in the first draft of the Statement to “a fairer society”, “social justice”, and “community... wellbeing and future development” (p34)ⁱⁱ is similarly welcome in signalling a growing policy appetite to enhance the links between land reform and opportunities for communities with significant levels of deprivation.

SURF notes that, “The Statement is a set of principles intended to both guide public policy and inform the practices of all those who own, manage and use land” (p7).ⁱⁱ While the Statement is likely to have significant value in informing future considerations concerning land reform and its interactions with related policy areas, as a set of principles rather than formal legislation there is an open question on the level of influence it can aspire to have and the obligations it can realistically place on stakeholders. This is particularly relevant in the context of a crowded and overlapping environment for national strategies and policies that concern land use, community empowerment and regeneration.

In general, we would like the Statement to place outcomes for people living in disadvantaged places as a central priority in an even stronger, plainer tone. The purposeful targeting of 2016-17 Design Charrettes Programme and Activating Ideas Fund towards deprived places presents a good example of how such ambitions could be realised in related practical policy developments.

Q2: Do you agree with the Scottish Government’s proposed “human rights based approach” to the Land Rights and Responsibilities Statement? Please give any further thoughts on the best way to ensure that the Statement is based on human rights or gives full consideration to human rights.

To some extent. There is some merit in associating the principles with the values set out in the 1998 Human Rights Act, the International Covenant of Economic, Social and Cultural Rights, and the work of the Scottish Human Rights Commission. It is unclear, however, how existing human rights legislation would practically support the implementation of the Statement’s vision and principles.

Q3: Do you agree with the Vision of the Land Rights and Responsibilities Statement?

[A copy of the Statement's vision & principles follows in the appendix on p8]

Yes. As a general statement it is consistent with the SURF network position regarding the greater level of social benefits that can potentially be realised through changing patterns of land use and ownership.

Q4: Do you agree with Principle 1 of the Land Rights and Responsibilities Statement?

Yes. It is appropriate that “building a fairer society” and promoting “economic prosperity and social justice” is the first and central consideration of land reform (p20).ⁱⁱ The reference to the 2011 Regeneration Strategy as a route for realising Principle 1 is welcome, although SURF argued in its 2016 Manifesto that a new Regeneration Strategy should be developed “as part of a refreshed systematic approach” for the 2016-21 Scottish Parliament term (pp7-8).ⁱ

Q5: Do you agree with Principle 2 of the Land Rights and Responsibilities Statement?

Yes. An “increasingly diverse and widely dispersed pattern of land ownership” would support intelligent local regeneration processes and dynamic economic development. It would also respond to the specific, varied needs of people and places (p22).ⁱⁱ

Q6: Do you agree with Principle 3 of the Land Rights and Responsibilities Statement?

Yes. Among other examples, the outcomes of recent iterations of the SURF Awards for Best Practice in Community Regeneration show that community ownership of land and buildings can create meaningful and sustainable physical, social and economic improvements in a deprived place (see response to Q10 for examples).

SURF is a long-standing and vocal supporter of community land and asset transfer processes. However, the present level of wide poverty and inequalities across Scottish communities means that the route can, in some cases, be an inappropriate and even counter-productive approach.

This is particularly applicable when a community group lacks the capacity or desire to take on land/building ownership and management. Improved local services, or opportunities on other fronts, may be a more practical and progressive initial focus in such a situation.

The 2015 Community Empowerment (Scotland) Act and related Community Right to Buy legislation, which gave new rights for community groups, provided appropriate mechanisms for supporting these considerations.

Q7: Do you agree with Principle 4 of the Land Rights and Responsibilities Statement?

Yes - with the caveat that “high standards” of land ownership and use is a vague phrase that would benefit from elaboration and clarification, in addition to stronger support in formal legislation (p4).ⁱⁱ Irresponsible land management and the neglect of important ‘at risk’ buildings is a common issue in Scottish communities, and it is doubtful whether voluntary guidelines and principles will be enough, on their own, to deliver meaningful change.

Q8: Do you agree with Principle 5 of the Land Rights and Responsibilities Statement?

Yes. A transparent record of land ownership would be helpful in supporting investigations towards the viability of physical regeneration ideas and aspirations. For example, a community group wishing to investigate the prospects for developing an abandoned building or vacant & derelict land into an active, community-owned asset would benefit from accessible knowledge of who the existing property/land owner(s) is/are.

An accessible register would also be a powerful tool in supporting efforts to engage landowners in all sectors - public, private, third and community sectors - in local discussions on planning, economic development, and place-based regeneration.

Q9: Do you agree with Principle 6 of the Land Rights and Responsibilities Statement?

Yes. SURF was established 25 years ago with two founding principles, stated below, and Principle 6 strongly aligns with both of them.

- 1. Successful and sustainable regeneration is only achievable when all aspects of physical, social, economic and cultural regeneration are addressed in a holistic approach.*
- 2. The people who are the intended beneficiaries of any regeneration effort must be meaningfully involved in the process if it is to be successful in planning, implementation and maintenance.ⁱⁱⁱ*

Q10: We would like to hear real life stories about the relationship between Scotland’s land and people. Please provide any case studies which you feel illustrate the vision or principles.

Among other SURF activities, the independently judged annual SURF Awards for Best Practice in Community Regeneration regularly highlights high-impact local initiatives that

concern changes in land ownership and use. Here are just three examples from both urban and rural Scotland:

1) Tomintoul and Glenlivet Regeneration Project, Moray. The Cairngorms village of Tomintoul struggled economically in the first decade of the 21st century, epitomised by a major fall in tourism and the closure of its two main hotels. A local regeneration strategy, initiated by Tomintoul and Glenlivet Development Trust, delivered a number of projects in response, including taking the local youth hostel into community ownership, reopening a Visitor Information Centre and Museum, improving local footpaths, and establishing popular mountain bike trail routes. This all led to a sharp increase in tourism, the revitalisation of the local economy, and the reopening of the two hotels. The project won the ‘Community Led Regeneration’ category in the 2016 SURF Awards (p10).^{iv}

2) Helmsdale Affordable Housing Project, Highland. The remote village of Helmsdale has suffered strong social and economic decline in recent decades, with effects including high out-migration, a lack of social housing, and a withdrawal of amenities and public services. In 2012, a group of local volunteers established a Development Trust to reduce further population deterioration by fundraising, planning, and managing the building and maintenance of four affordable family homes. They were successfully constructed in December 2014 and fully occupied by the end of that month. The initiative was selected as the winner of the ‘Community Led Regeneration’ category in the 2015 SURF Awards.^v

3) ‘The Playz’, Kilwinning, North Ayrshire. A derelict former public house in the deprived Pennyburn neighbourhood, which the local community group, Pennyburn Community Association, purchased and transformed into a popular community facility. It opened in March 2012, and functions as a sustainable income-generating social enterprise, providing, among other things, a community café and meeting place, several youth clubs, adult learning classes, and music tuition and production facilities. The project won the ‘Community Led Regeneration’ category in the 2012 SURF Awards (p3).^{vi}

Full profiles of these SURF Award winning are available in the respective annual outcomes publication (see references on p9).

Q11: Do you have any further comments?

There is no reference in the consultation document to the Socio-Economic Duty, a Scottish Government policy commitment for 2017. The duty was highlighted as the first action point in the Fairer Scotland Action Plan, which claimed that:

“...this new duty will help make sure that the sector takes full account of poverty and disadvantage when key decisions are being made” (p21)^{vii}

The duty could have a major role in supporting the socio-economic impacts of land reform changes, including supporting decision-making around the transfer of public sector assets into community group ownership. It would therefore be welcome for this connection to be highlighted in the final publication of the Land Rights & Responsibilities Statement.

Q12: Please tell us about any potential impacts, either positive or negative, that you consider the proposals in this consultation may have.

As stated above, the main positive impacts SURF would wish to see arising from the Statement are the revitalisation of socially and economically challenged communities through greater diversity in land and building ownership and use, particularly with regard to abandoned buildings and derelict land in villages, towns and city neighbourhoods with multiple deprivation challenges. The main negative impact that must be carefully avoided is the inappropriate transfer of land and assets to community groups and other entities that lack the capacity to manage them effectively, and which may have articulated other more incremental demands.

Q13: Please tell us about any potential costs and burdens that you think may arise

In the short and medium term, the Scottish Government might reasonably be expected to invest further in capacity building processes to support a greater diversity in land ownership while encouraging high standards of management among new owners/managers. The Strengthening Communities Programme, Scottish Land Fund, Community Choices Programme, and the Aspiring Communities Fund, among others, present strong foundations for further support.

Q14: Please tell us about any potential impacts, either positive or negative, that you consider that any of the proposals in this consultation may have on the environment as a result of the proposals within this consultation.

The improved management of the natural environment by local community groups that decide to engage in land ownership/management arrangements, may be one helpful impact of a land reform approach that promotes diversity and fairness.

End of response
Derek Rankine, Policy & Participation Manager
March 2017

Appendix and References follow

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Appendix: The Land Rights and Responsibilities Statement

The Draft Land Rights and Responsibilities Statement to which this consultation refers follows below, as quoted in the December 2016 consultation paper (pp19-27):ⁱⁱ

Vision: The ownership, management and use of land and buildings in Scotland should contribute to the collective benefit of the people of Scotland. A fair, inclusive and productive system of land rights and responsibilities should deliver greater public benefits and promote economic, social and cultural rights.

Principle 1: The overall framework of land rights, responsibilities and associated public policies governing the ownership, management and use of land, should contribute to building a fairer society in Scotland and promote environmental sustainability, economic prosperity and social justice.

Principle 2: There should be an increasingly diverse and widely dispersed pattern of land ownership and tenure, which properly reflects national and local aspirations and needs.

Principle 3: More local communities should be given the opportunity to own buildings and land which contribute to their community's wellbeing and future development.

Principle 4: The holders of land rights should recognise their responsibilities to meet high standards of land ownership, management and use, acting as the stewards of Scotland's land resource for future generations.

Principle 5: Information on land should be publicly available, clear and detailed.

Principle 6: There should be wide community engagement in decisions about land.

References

- ⁱ Milne, A., & Rankine, D., 2016, *SURF's 2016 Manifesto for Community Regeneration*, Glasgow: SURF. Available online at: <https://www.surf.scot/wp-content/uploads/2014/12/SURF-2016-Manifesto-Final-Draft.pdf>
- ⁱⁱ The Scottish Government, 2016, *Land Rights and Responsibilities Statement: a Consultation*, Edinburgh: The Scottish Government/APS Group. Available online at: <http://www.gov.scot/Resource/0051/00511857.pdf>
- ⁱⁱⁱ SURF - Scotland's Regeneration Forum, 2017, *Our Organisation - What We Do Webpage*, Glasgow: SURF. Available at: <https://www.surf.scot/what-we-do/>
- ^{iv} Rankine, D., 2016, *The SURF Awards for Best Practice in Community Regeneration 2016*, Glasgow: SURF. Available online at: <https://www.surf.scot/wp-content/uploads/2016/12/2016-SURF-Awards-Magazine.pdf>
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- ^{vii} The Scottish Government, 2016, *It Takes All of us to Build a Fairer Scotland: Fairer Scotland Action Plan*, Edinburgh: The Scottish Government/APS Group. Available online at: <http://www.gov.scot/Resource/0050/00506841.pdf>

This document and SURF responses to other policy consultations are available at:
www.surf.scot/consultations