

# SCOTTISH LAND REFORM. 20.7.15

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Scottish Land Action Movement is an organisation set up with the aim of creating a country-wide network of land reform activists and campaigners, and to provide a source of information and space for discussion on all things land reform.

Our website contains a library of resources and a blog which publishes articles and stories from people and organisations across the country who are working on furthering land reform in Scotland.

Land reform is a process that has been long overdue - most people are now aware of the figure of 432 landowners owning half of Scotland's private land, and I think we can all agree that this is very rarely beneficial to anyone except to the owners themselves.

Without an up to date land register, finding out who owns what is completely hit and miss, and the disconnect from not owning the land that they live on means that the vast majority of Scots feel powerless when it comes to decisions on things like development or land use change. Local voices are not being heard, and are often completely left out of decisions that will affect the way they live their lives.

Our common good land is being sold off without our knowledge - just recently ago it was revealed that Parliament House, an area of common good land in Edinburgh just off the royal mile, had been allowed to be sold off to the faculty of advocates by the government with barely a whisper. If not for Andy Wightman, it's unlikely any of us would have known. And this theft of our land is not an uncommon occurrence - and it's happening because we don't know about it. It's happening because we've felt removed from the land for such a long time.

On Radio Scotland recently they asked listeners to phone in with their views on the planning system. They were inundated with calls - stories of frustration, disempowerment and anger.

In Argyll a sprawling castle and estate lie empty, costing the taxpayer thousands in maintenance, despite an impressive and detailed community buyout bid which would have seen the property turned into a job-creating, community-boosting hub of activity. But the local council refused to sell for less than £1m over the asking price.

In Glasgow, the last remaining bits of public space in the increasingly gentrified city centre are being systematically removed, replaced by glass-plated private space where you can be a shopper - but not a , not a protester, not a busker. Or heaven forbid, a 'loiterer'.

The outcry when Glasgow City Council proposed demolishing the Buchanan St steps, a popular social gathering point, was enormous. But 16,000 signatures, 300 hand-written objections, and a big rally were insufficient, and the council voted to demolish anyway.

Yet again, public consultation was minimal - nobody would have known if a few young campaigners hadn't started to shout about it. The council, seemingly, didn't really want consultation, and this seems to be the story the country over.

What real power did people have to object? For such a huge campaign to make no difference leaves people with a bitter taste in their mouth and a very cynical view of their local authority. 'People make Glasgow'? It seems not.

Land is at the heart of these controversies. Ownership is important because it tends to dictate use - and fundamentally, the issue is what the land (and the buildings upon it) is used for. Private profit, or social gain? Communities all across Scotland are full of talented, imaginative people with big ideas about what they could do with the local land and resources - it's insane that they find it so hard, sometimes impossible, to implement even the most small-scale and commonsense ideas.

At the heart of these problems is land use and ownership. Whose rights matter most? Why do people walk away from 'consultations' feeling so frustrated and disempowered? Is the planning system even remotely fit for purpose?

There's much more info on issues with planning over at [www.planningdemocracy.org.uk](http://www.planningdemocracy.org.uk)

When I was growing up the mantra was often 'don't try to change anything; you'll not win'. Now that ingrained powerlessness, that comes from centuries of injustice, is lifting. A notable aspect of the referendum campaign for me was seeing people get this 'spark', starting to question and plan and imagine. You see this all across the country, especially among young people.

But they're hitting brick walls - our democratic structures are flawed, our legislation weak. This is why collective action matters; why land has to be highlighted as the key issue not just in rural areas but in discussions of housing shortages, urban blight, food security and fuel poverty.

The legislation proposed in the Scottish government has sparked a debate. So far the loudest voices have been organisations such as Scottish Land and Estates, who represent landowners in Scotland. Newspapers, especially in rural areas, have gleefully churned out warnings from such organisations about the total devastation facing rural communities if changes to land use and ownership start to be implemented.

Nationally too, the tone is hysterical - the Telegraph and Spectator both made comparisons between the Scottish Government's land reform agenda, and Robert Mugabe's brutal regime in Zimbabwe.

One specific area of reform has caused the most over-reaction - proposed changes to succession law. This is the most boring-sounding, but one of the most vital, aspects of land reform - the survival of the distinction between heritable and moveable assets in Scots law of succession is one of the anomalies that have made the legal structure so advantageous to those with considerable tracts of land. This much-needed modernisation has been opposed over the past century by those whose interests and wealth it protects - no change there then.

Similarly the proposed restoration of business tax rates on sporting estates is causing "outrage". Warnings of job losses and bankruptcy fill the pages of the Scotsman & Courier. It's actually pretty hard to find out how many of the great sporting estates that take up 50% of the privately-owned land in the Highlands do actually run at a profit - it is perhaps instead their prestige & status that are valued.

The justification often heard is that they provide rural jobs and ‘stewardship’ - but recently environmental experts and campaigners once again issued warnings that the frantic drive to boost the numbers of red grouse and deer has a ‘significant environmental cost’. From our point of view, there’s nothing glorious about the “Glorious Twelfth”. But as happens so often, arguments for modernisation and equality are drowned out by dire, unfounded warnings of job losses and financial gloom. This does not foster a democratic, productive debate. It is blackmail.

The Scottish Environment Minister launched the SG’s land reform agenda last year by stating that no one would design a system of such stark inequality. It’s ludicrous that such a structure still exists. If the sporting estates aren’t profitable, but merely a relic of a bygone era of balmorality and excess, why should they remain the dominant form of land use in the Highlands? Why, too, do tenant farmers in Scotland suffer some of the most insecure conditions in Europe? There are many many questions that need to be asked.

This push for land reform is not about pursuing vendettas against individuals. It’s about bringing our country into the 21st century; creating a structure of land use and ownership under which people can flourish, and fragile ecologies thrive. Just because the current situation has managed to persist for so long does not make it natural or normal. Campaigner Aileen McKay said recently that the various movements to democratise Scotland, whether focused on economy, politics or land, are not ‘extreme’ demands, but merely long overdue.

Landed and business elites have an interest in preventing this sort of change. They know how to influence the political process. This is ever the problem; who gets in the press, whose voices get heard. Social media has changed this to an extent; we’re lucky to have a new media movement in Scotland with digital platforms like Commonsense, and a few decent newspapers from the Herald. We want to use these outlets, and reach more, with accounts and realities that don’t usually make it to the public - stories that explain just why land reform is important beyond Eigg.

The proposed legislation has certainly pushed the debate to a prominent position, no bad thing, but in terms of really changing things it falls flat. The most radical bits have been omitted. For another day? Who knows.

It took decades for the SNP to decide they were in favour of land reform, and we certainly can’t sit back and wait for them to inch forwards.

In terms of actual redistribution - as with other forms of wealth and power - they fall short. Where is the cap on scale of ownership? Where is the restriction on offshore-registered companies owning land? As with the battles tenant farmers have faced in the courts, much of it comes down to interpretations of the sanctity (or otherwise) of property rights. Mutterings about the ECHR have scared the Scottish government, and they’re seemingly unwilling to put up a fight.

The elements of the bill that would permit intervention in certain situations are so heavily qualified as to be almost meaningless. The burden of proof is not only entirely on the community to provide, but has four strict conditions. Little, I think, will come of this at all. So why lairds are actually that worried is a bit of a mystery; perhaps it is just the public

condemnation they aren't pleased with. There is, of course, the removal of one of the many benefits they get - tax breaks on sporting estates - but that's it.

So the key thing now is to keep land reform at the top of the agenda. It is one of the key social justice issues of our times, and is particularly important in that, unlike issues relating to macro-economic policy, the Scottish parliament does have the powers to change things. Our key messages are: this is an urban issue as much as a rural one; this is not about individuals but about the legal and economic structure which has failed people for so long; this is about modernisation and looking forward, not back.

## Discussion

**Lyn** asked about the Succession Law

**Jen** said that in Scots law there is a division between moveable and immoveable property. When it came to inheritance there was no legal obligation to divide up estates between the inheritors, in the way that moveable property would be divided up in the absence of wills specifically covering this. This contributed to the maintenance of very large estates.

**Willy** said that Salmond had said that he wanted to see the transfer of 1 million acres out of exiting large property owners' hands. What does this mean?

**Jen** said that there was still a long way to go. Community buy-outs are still very difficult to arrange. A major problem is the over valuation of land, due to it being bought for speculative and status purposes.

**Charlotte** (SLAM) thought Salmond had come up with the 1 million acres on the back of a fag packet.

**Nick** asked about the urban side of land reform.

**Jen** said that in urban areas it was the high price of land that contributed to the high price of new housing. Again, land was often being bought for speculative reasons not to meet people's needs.

**Allan** said that from his knowledge of attempted crofter buy-outs in Skye, it wasn't the cost of the land that was the main issue there, but the enormous legal costs involved whenever crofter attempted to buy their croft. However, crofters were in the unique position of having their land valued for rental in the 1880's, and this rental level had been maintained.

Furthermore, in his recent experience of the campaign for a community-type buyout of Boroughmuir High School, the Out of the Blue Centre (OotB) bid was rejected because it would not provide the council immediately with the money offered in the considerably larger bid made by Cala Housing. In the long run, however, the OotB bid might have provided greater economic and social benefit for the community, but local councils are under great pressure to raise money now, because of the cuts in spending that have been imposed.

**Ian** said that although the issue of land reform is very important, it can not be separated from the need for far more democratic and accountable planning laws. There is also the issue of who builds and provides housing.

**Jen** said that the need for more housing was not just an urban need. She questioned the moves by people like the John Muir Society and George Monbiot to 'rewild' the countryside. The Highlands had not been some pristine wild area, but had been cleared of its population. People still live there.

**Willy** said he had been involved in Pilton and Muirhouse in campaigns to challenge the local council to provide land for the community. This had involved the use of guerilla tactics, such as seizing small unused plots and planting vegetables or flowers there, and then getting the council to accept this.

The Granton Improvement Society (GIS) had the aim of getting land, which could have a variety of uses, with the aim of providing an income for the local community.

However, this involved drawing up business plans and making lottery claims.

Edinburgh Council had an arms-length Development Group, which acted as a law unto themselves, despite the fact that the council still owned the land at this group's disposal, they left it to this unaccountable group to make decisions, which meant that pressuring the councillors had little effect.

Ownership of land is important, for power goes with ownership. GIS is currently getting a grant from the council to map the ownership of land in north Edinburgh.

**Jen** agreed that the issue of ownership of land is important, but there are a variety of forms this can take, from land nationalisation to local cooperatives. With regard to public bodies like the Forestry Commission and the National Trust, these have sometimes proved to be hostile to local residents too.

**Barbara** said that a land asset always needs services too. There is a danger of councils agreeing to local communities having the land but then making them responsible for providing the services too, particularly in the current climate of cuts.

**Jen** said that land would be an issue of political conflict. There was also the important issue of land value tax, which could provide another source of income for local councils.

**Gil** asked if the issue of land could not be politically reframed a human rights issue, say of the right to shelter.

**Jen** agreed.

**Sally** asked what issues would SLAM prioritise?

**Jen** said that registering land ownership, the legal issue around tenancies and succession law, getting a land value tax in place, and extending local democracy to cover planning.

**Charlotte** said that if land costs could be reduced this opened up the possibilities for self-building too.

**Willy** said that divisions could sometimes open up between those in privately owned those in and publicly owned housing. Furthermore, the planning process is deliberately designed to piss people off.

**Sally** asked how the Community Empowerment Act would affect this.

**Jen** said that it was difficult to say at this stage.

**Sophia** (with a question coming in from Live Stream). Where can more information be found?

**Jen** replied:-

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[www.scottishlandactionmovement.org](http://www.scottishlandactionmovement.org)

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