

REGIONAL LAND USE PARTNERSHIPS

Interim Report

Abstract

The Scottish Government has asked the Scottish Land Commission to provide advice on the establishment of Regional Land Use Partnerships. This is the interim report: the final report will follow in September 2020.



SCOTTISH LAND COMMISSION
COIMISFAN FFARAINN NA H-AIBA

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Summary

The Scottish Government's proposal to establish Regional Land Use Partnerships is a significant opportunity to deliver a step change in the way land use decisions are made – to deliver improved outcomes at the pace and scale needed to meet the challenge of climate and environment targets, support economic recovery and renewal and take a more effective joined up approach to land use planning.

The Scottish Government has asked the Scottish Land Commission to provide advice on the establishment of Regional Land Use Partnerships. Our final report will be published in September. This is an interim report which seeks to:

- Draw together the stakeholder engagement and analysis to date
- Set out the emerging direction of our proposals
- Seek input on key issues that need further consideration.

There is strong stakeholder ambition for Regional Land Use Partnerships and we see particular potential to:

- Empower more regional and local engagement, decision making and action
- Enable the collaboration and dynamism needed to meet Scotland's ambitions for climate, natural capital, and inclusive growth
- Integrate the planning and delivery of multiple objectives for greater efficiency and impact
- Improve the openness, transparency, and accountability of land use management and change.

We believe Regional Land Use Partnerships will function best if they:

- Stimulate action and delivery as well as having an advisory role
- Connect directly to levers of funding and finance
- Integrate with established regional economic and spatial planning
- Are empowered to make decisions on priorities and resourcing at a regional and local level
- Are well connected to local delivery mechanisms and communities.

This interim paper considers the engagement and analysis to date on key issues for the establishment of Regional Land Use Partnerships including:

- Their potential functions
- The most effective geographies
- The governance model
- The approach to implementation.

We also identify some key issues for further consideration on which we would welcome engagement to inform our final report to Scottish Government.

Context

There is a strong level of ambition amongst stakeholders for the establishment of Regional Land Use Partnerships to be part of a wider step change that invests in the future and delivers the public interest in land use. Regional Land Use Partnerships should be seen as one part of a significant shift in making a just transition to a net zero economy.

Key elements of this step change include:

a) Climate and nature targets

The immediate impetus for Regional Land Use Partnerships comes from the Climate Change Act. Land use will be critical to meeting Scotland's ambitious targets for 2030 and 2045 and these targets 'raise the bar' for the public interest in land use significantly. Government has emphasised the twin emergencies of climate and nature and the importance of tackling these connected issues together.

b) Economic recovery and renewal

Covid-19 has significantly changed the context since this work began. It is now even more important that the partnerships should strengthen regional economic resilience, supporting economic recovery and renewal. Scotland's economic policy already emphasises the importance of regional economies, and this is reinforced in the report of the report of the Advisory Group on Economic Recovery.

c) Scotland's Land Use Strategy

The Land Use Strategy sets out the principles for a more integrated approach to land use decisions and proposes Regional Land Use Frameworks. The Strategy sets out a clear framework for making better use of Scotland's land. The partnerships should bring a new dynamism to giving this approach traction in influencing decisions and action on the ground.

d) Scottish Land Rights and Responsibilities Statement

The Scottish Land Rights and Responsibilities Statement (LRRS) sets clear principles and expectations for the relationship between people and land, and to ensure more people benefit from Scotland's land. The first principle sets a clear context for the way in which Regional Land Use Partnerships should help achieve an effective mix of public and private interest in land:

"The overall framework of land rights, responsibilities and public policies should promote, fulfil and respect relevant human rights in relation to land, contribute to public interest and wellbeing, and balance public and private interests. The framework should support sustainable economic development, protect and enhance the environment, help achieve social justice and build a fairer society."

The LRRS reflects changing expectations for the ways in which decisions about land are made. Together with the Scottish Government's Guidance on Engaging Communities in Decisions about Land, it makes it clear that a wider range of voices should be able to influence and benefit from land use decisions.

e) Post-CAP rural support

At a time when public funding for rural businesses will be subject to significant change, there is an opportunity to consider the opportunities that Regional Land Use Partnerships present for how public funding is delivered and spatially targeted most effectively to deliver better outcomes that capitalise on local opportunities and add up to meet Scotland's national targets.

There is also an opportunity for the functions and governance of Partnerships to look beyond public funding delivery mechanisms and provide a structure for leveraging finance and investment from multiple sources to drive ambitious delivery in a coordinated way.

f) Planning reform

For some land use decisions, Scotland's planning system already provides a clear framework for decision making. National Planning Framework 4, currently in development, will provide the overall spatial strategy for Scotland, and the recent Planning Act introduced Regional Spatial Strategies. It is already a busy strategic context with a range of strategic and investment plans at a regional level that are influencing land use including but not limited to:

- Regional Spatial Strategies
- Local Development Plans
- Regional Economic Partnerships
- Local Place Plans
- Existing landscape scale designations.

Regional Spatial Strategies will provide a spatial approach to deliver outcomes in the National Performance Framework and align with wider programmes and strategies including on infrastructure and economic investment, as well as provide a spatial planning response to the climate emergency. How Regional Land Use Frameworks will integrate with these is therefore significant.

g) Landscape-scale collaboration

Significant land use planning and decision-making responsibility operates at an individual land holding level. There are a wide range of existing voluntary collaborative initiatives operating at a landscape scale across Scotland, these include deer management groups, formal partnerships such as those supported through the Heritage Lottery Fund Landscape Partnerships Programme, community and business-led area collaboration and land owner/NGO led initiatives. These collaborative initiatives reflect an increasing recognition on the ground of the need to plan and manage at a landscape scale to deliver impact. This experience offers useful lessons to inform how Regional Land Use Partnerships might work through local delivery mechanisms and work is underway to review the lessons from this experience to inform our final report.

1. Opportunity of Regional Land Use Partnerships

Regional Land Use Partnerships present an opportunity to deliver a step-change in the way land use decisions are made in the public interest. They should stimulate action at the pace and scale needed to deliver Scotland's climate and natural capital targets, in a way that is joined up with wider economic and land use planning and empowers local and regional decision making. An effective partnership approach will also enable, support and drive new collaborations, bringing together communities to deliver innovation and change.

Their role should be framed in terms of Scotland's National Performance Framework and implementation of the Scottish Government's Place Principle.

There will always be tensions between local, regional and national priorities for land use and rather than gloss over these, Regional Land Use Partnerships should be able to identify and address these in an open and transparent way. The opportunity is to establish partnerships that provide the focus to deliver better outcomes and collaboration.

2. Key considerations in establishing Regional Land Use Partnerships

2.1 Functions

Stakeholders have raised many potential functions for Regional Land Use Partnerships, some of which may be able to develop over time as they become more established. We see the core function being the development of a regional land use framework which sets out the opportunities and priorities for land use in that part of Scotland, which is used to deliver on local, regional and national priorities.

We see it as being essential that partnerships are given the specific remit to prioritise and target significant elements of public funding, particularly parts of post-CAP funding streams. Without this, their impact and buy-in would be minimal. Which funding streams should be channelled through this mechanism is a decision for government in due course, but we propose that substantial elements of funding for climate, natural capital and rural development should be delivered and targeted through Regional Land Use Partnerships.

There are different ways in which the allocation of future public funds could work, and separate work by Scottish Government will consider these. In broad terms we expect some funding is likely to be delivered on a consistent basis nationally, while other elements will have most impact if spatially targeted. There is potential to improve both effectiveness and efficiency through empowering Regional Land Use Partnerships to deliver against the agreed national priorities. This could for example combine a base level of consistent national funding and bidding to deliver additional targeted action.

We also see it as essential that Regional Land Use Partnerships should be capable of driving delivery action rather than simply having an advisory role. Partnerships should have the flexibility to work through local delivery mechanisms that will stimulate the pace and scale of action needed, for example collaborative landscape scale initiatives and community-led initiatives, a number of which are already established and working well in different areas of Scotland.

There appears to be a strong appetite among stakeholders for the potential brokerage function Regional Land Use Partnerships could play. We see a key role for the partnerships to be focal points for collaboration, but also to provide the governance mechanisms that would be able to draw in wider sources of funding and finance beyond public funds, for example, emerging natural capital finance. It is clear that delivering the ambitious scale of action is required, not just to meet climate and environmental targets, but to deliver wider economic resilience and rural development, will need to draw together finance beyond public funding.

Key issues for further consideration:

- Which functions are core to initial establishment of the Partnerships and which could develop over time
- What are the most significant opportunities for the Partnerships to target relevant public funding streams.

2.2 Regional Land Use Frameworks

We propose that Regional Land Use Frameworks should be spatial plans that identify the opportunities and priorities for land use across a region, taking account of local variances. The Frameworks should be refreshed at least at five-year intervals, but take a much longer-term vision and perspective, with milestones related to national climate and environmental targets and outcomes for 2030 and 2045.

From the outset the principle of Regional Land Use Partnerships and Frameworks should be set up to integrate with and complement other relevant plans and strategies, rather than adding additional complexity and bureaucracy. Their focus should be on enabling the delivery of the strategic priorities set within other plans and strategies. To have impact the Frameworks should be given weight in other policy and planning processes and National Planning Framework 4 provides the opportunity to set out clarity on the policy relationships and expectations.

We see particular opportunities to align the Frameworks with Regional Spatial Strategies, to connect with wider spatial and economic planning that influences land use and ensures a joined-up approach to delivery across urban and rural land use.

Many stakeholders have indicated they believe Regional Land Use Partnerships and their Frameworks would be most effective with some form of statutory footing. This could be achieved either through a statutory basis for the partnership itself or, perhaps more effectively, for the Regional Land Use Framework.

There is a risk that Partnerships could become wholly focused on developing a land use framework, without driving change and action at the pace needed. Therefore, consideration needs to be given to proportionate approaches to developing frameworks and how they can simultaneously stimulate action and delivery. This is likely to require phased approach to implementation.

Key issues for further consideration:

- The appropriate statutory basis for Regional Land Use Frameworks
- How the relationship with Regional Spatial Strategies can best simplify and integrate land use planning for most effective delivery
- The data required to develop land use frameworks and monitor results (a SEFARI-led group is reviewing key issues).

2.3 Geography

The views of stakeholders are split between some who favour physical geographies such as catchments, and those who favour administrative geographies. There are pros and cons for both approaches, and whatever the basis of geographical boundaries, an expectation of flexibility and cross-boundary working will be essential.

We see strong advantages to using Planning Authorities as the starting unit for determining Regional Land Use Partnership areas. They are well recognised and understood and offer clear routes to democratic accountability. Most significantly, this geography is likely to ensure greatest impact and integration with other key drivers of regional spatial and economic planning. For a long time 'rural land use' has been approached separately from other key sectors of regional economic planning and spatial development planning. We see significant advantages to greater integration developing over time.

While some larger planning authority areas may make sense as individual partnership areas, others would need to combine into sufficiently large landscape scale collaborations. Indicative Regional Spatial Strategies are currently in development based on cross planning authority collaboration and there is scope for matching these areas.

Review of international experience shows that this kind of land use planning function is often situated within a municipality level of governance, and that integration and alignment with other planning functions is an important factor in effectiveness.

2.4 Governance Model

The functions proposed above mean that Regional Land Use Partnerships require a governance model that is:

- Accountable locally, regionally, and nationally
- Capable of directing funding
- Capable of executive decision-making
- Capable of initiating action and delivery
- Sufficiently independent of individual sectoral interests
- Capable of acting as a Partnership to deliver added value in the public interest.

We therefore propose a partnership 'board' would be the most appropriate approach. There are a number of options in how this model could be delivered but drawing on both international and Scottish experience, a board that is made up using a tripartite governance

model offers an effective way to ensure relevant expertise, accountability and a sufficiently wide range of voices. This governance model is relatively common in international experience, for example US land trusts, and has some precedent in Scotland. The partnership board would draw on three 'pools' to provide a balanced participation:

- Government: local & national, to ensure buy-in and connection into public policy and delivery mechanisms
- Sectoral expertise: to ensure relevant expertise and 'user' perspective. This may include people actively involved in land management, business, rural development, etc
- Community: to include individuals with relevant experience and community networks, contributing a wide range of perspectives.

It is anticipated that participation from public bodies would be via nomination, the sectoral expertise and community pools would be via open recruitment and selection, recruited through the use of a selection matrix to ensure balance of interests, representation and demographics. There are a number of options for exactly how participation could be determined, which need further consideration so as to ensure an appropriate balance of interests and accountability.

In Scotland, Regional Transport Partnerships use a similar hybrid governance model, while National Park Authorities operate a governance model comprising nationally appointed members, regionally nominated members via local government, and locally elected members.

Drawing on lessons from the LEADER governance model, each partnership would be underpinned by an accountable body that would be the lead organisation for running the partnership. This could be a public body such as local authority or National Park Authority, or a third sector body that is already well established in an area.

The Governance model will also need to find an appropriate balance between devolving decisions to a regional and local level, while contributing sufficiently to delivery of national targets with effective dialogue between the two. One option is to have a national board comprising representatives from each partnership that provides oversight of the collective delivery, agrees clear national parameters and the balance of priorities and resources.

Key issues for further consideration:

- Options for the selection/nomination routes to participation
- What governance mechanisms will ensure effective connection between devolved regional decision making and ensuring national targets are achieved
- How can partnerships empower local action and decision-making within a region.

2.5 Advice and Delivery

Regional Land Use Partnerships will need to be supported by collaborative working through place-based agency teams, providing co-ordination of their staff and budgetary resource,

expert advice and connecting into delivery mechanisms including public support programmes.

There is a strong appetite for Regional Land Use Partnerships to include a ‘brokerage’ role in building relationships with land managers, communities and interest groups in order to stimulate and guide action and delivery. At present government provides this resource directly for some specific land use targets, such as woodland and peatland, some topic-specific advice is provided through the systems like the Farm Advisory Service or Business Gateway, and other advice is provided commercially.

Delivering the public interest and meeting the challenge of multiple targets is likely to require more direct provision of advice and brokerage to work with communities, businesses and land managers.

Regional Land Use Partnerships will need the flexibility to be able to stimulate action directly by co-ordinating/funding projects or working through local delivery mechanisms.

Key issues for further consideration:

- How could advice be delivered in order to stimulate and support most effective collaboration and delivery
- How could place-based agency teams work most effectively to support Regional Land Use Partnerships.

2.6 Engagement

Regional Land Use Partnerships should adopt best practice in engaging communities of place and interest and other stakeholders to ensure delivery of successful Partnerships. Engagement should not only be at the outset but throughout the design, delivery and evaluation of activities in order to be most effective. An overarching aim of engagement should be to ensure that Partnerships are successful in building communities that are invested in the design and delivery of land use change and the public benefits derived from land use.

Regional Land Use Partnerships should be exemplars for those who make decisions about land, meeting the expectations of Scottish Land Rights and Responsibilities Statement (LRRS), the Scottish Government Guidance on Engaging Communities in Decisions Relating to Land, and the National Standards for Community Engagement.

The LRRS applies to all those who make decisions about urban and rural land, buildings and infrastructure and the sixth principle of the LRRS relates directly to community. Scottish Government’s Guidance on Engaging Communities in Decisions Relating to Land sets out reasonable expectations for those who take decisions about land, such as Regional Land Use Partnerships, to engage with those who are affected by those decisions with guidance setting broad principles.

2.7 Approach to Establishment

We expect a phased approach to developing the roles of Regional Land Use Partnerships will be most appropriate. There are many things they could do, but it is impossible to expect to roll all of it out from the start. Real-time learning, and flexibility for different parts of Scotland to develop Regional Land Use Partnerships differently to fit local circumstances will therefore be important. However, the Partnerships should be established from the start with the governance necessary to be capable of taking up these opportunities as they evolve.

We propose an ‘early adopter’ approach to implementation, so that partnerships can be established quickly in some areas that are ready to go, and that we collectively learn from that experience and feed it back in real time into the wider programme of roll out. However, it will be important to ensure that those parts of Scotland that do not currently have this kind of capacity in place do not lose out on opportunities, and that an implementation plan covers all of Scotland.

Further consideration is needed on how regional land use partnerships and plans have sufficient weight and influence through other policy, regulatory and incentive mechanisms. While targeted public funding will be key, future consideration should be given to how conditionality and cross compliance should support delivery of regional priorities.

Key issues for further consideration:

- What would be the most appropriate effective approach to implementation across Scotland
- How could parts of Scotland which have less capacity through existing initiatives be best supported
- What resource requirements are considered essential.

3. Conclusion and Next Steps

This interim report sets out our thinking to date on the key issues for establishing Regional Land Use Partnerships, informed by stakeholder engagement and analysis. Engagement to date highlights the support for the opportunities that Regional Land Use Partnerships present and has helped to inform our thinking and develop our proposals on how partnerships and frameworks could operate to deliver a step-change in the way land use decisions are made in the public interest to deliver a dynamic, resilient land use planning and delivery mechanism.

We will also continue to work with a number of organisations to progress the following specific pieces of work which will inform our final advice:

- University of Edinburgh: Mapping and Analysis of Regional Initiatives in Scotland
- SEFARI Gateway: Think Tank of Spatial Data in support of the Regional Land Use Partnerships

- James Hutton Institute: Review of Evidence Base
- Land Use Consulting: International Experience of Regional Land Use Planning

We invite stakeholders to engage on the key issues for consideration and feedback comment to inform the next stage of our work to complete our final advice to Scottish Government in September. Over the next period we will welcome direct contact and discussion. We will also host an online webinar event to share our work to date and enable further engagement.

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