

# Good Stewardship of Land

This protocol is one of a series we have issued to help you put the Scottish Government's Land Rights and Responsibilities Statement into practice.

The Land Rights and Responsibilities Statement (LRRS) sets out the vision for a strong and dynamic relationship between Scotland's land and its people. It is the first of its kind anywhere in the world. Land rights and responsibilities apply to both urban and rural Scotland and are about owning, managing and using land in a fair way that benefits everyone in Scotland. It states that the people and organisations that make decisions relating to land should recognise and act in line with their responsibilities, as well as their rights.

The way land is owned and used affects the quality of life for everyone in Scotland. The LRRS is based on the belief that Scotland's land is a resource for everyone in Scotland and should contribute to economic, environmental and social goals within a human rights approach. Realising and applying land rights and responsibilities can reduce inequality and bring mutual benefit to landowners, land managers and communities.

The LRRS states that the work of the Scottish Land Commission will include developing advice on good stewardship over time, in response to changing contexts and particular situations, and in collaboration with landowners and land users. This protocol is designed to encourage responsible behaviour by all parties, ensuring that legitimate interests are taken into account in a reasonable and fair way.



There are six principles in the LRRS, and this protocol on Good Stewardship of Land specifically supports principle 4, which is as follows:

- Principle 4: “The holders of land rights should exercise these rights in ways that take account of their responsibilities to meet high standards of land ownership, management and use. Acting as stewards of Scotland’s land resource for future generations they contribute to sustainable growth and a modern, successful country.”

It is also underpinned by and supports principle 1, which states:

- Principle 1: “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 Scottish Land Use Strategy also promotes the responsible stewardship of Scotland’s resources to deliver more benefits to Scotland’s people as a key objective. Its ten principles of sustainable land use are complemented by the LRRS. These principles have been considered in this protocol, along with the Scottish Government Environment Strategy and climate action targets to transition to a net zero emissions economy (as set out in the 2019 Climate Change (Scotland) Act).

## Purpose of this protocol

The purpose of this protocol is to promote good stewardship and high standards of land management across Scotland. Decisions made about land can contribute to better and more productive economic, social, cultural and environmental outcomes. Decisions made with a focus on good stewardship are made with consideration for the long-term needs of local communities and for public benefit in support of wider national outcomes.

Scotland’s land and its landscapes are important to our sense of identity and to our individual and social wellbeing. Changes to Scotland’s use of land and its landscapes are shaped significantly by our planning systems, which work to manage the development and use

of land in the long-term public interest. When significant change is being made to an urban or rural landscape, it should be managed to consider the implications for the environment and the landscape in question, and to create well-designed, balanced and sustainable places. Owners, managers and users of land have an important role to play in shaping and guiding change in a way that delivers mutual benefits and secures our land for future generations.

Many people with an interest in land already make significant contributions to Scotland’s economy and for public benefit, including through producing food, providing housing, creating employment opportunities or contributing to nature conservation and environmental management. Good stewardship and high standards of land management, focused on sustainable development, support and enhance these activities.

Those who hold land rights have duties under legislation which are designed to protect both people and the environment. There are regulations and guidance in place which reflect good stewardship of land and set out expected behaviour or good practice. This protocol complements them as well as taking land rights and responsibilities into account.

This protocol applies to everyone who holds land rights. That is anyone who owns or controls the long-term use or management of land in Scotland. We expect this protocol to be used by public bodies, as well as by private owners, when making plans and taking significant decisions affecting the use of land. It also applies to all other individuals, businesses and organisations who have significant land management responsibilities, however constituted.

This protocol supports positive behaviours by everyone involved in stewardship of land. It aims to ensure that mutual interests are taken into account in a reasonable and fair way, and to make sure that interactions take place in a spirit of respect and understanding.

- Where we use the word **should**, we expect everyone involved to follow the approach described, unless it conflicts with their legal duties.
- Where we **recommend** a course of action it means this is good practice, but we recognise that other approaches may be equally effective.

This protocol is effective from the date of issue until we withdraw or revise it by following the review process set out below and publishing a notice on our website.

## Who this protocol applies to

This protocol applies to:

- **Owners** of land including including individuals, companies, trusts, public bodies, non-governmental organisations, property developers, charities and community landowners, but excluding individual homeowners
- **Land managers** including tenants of land, agents or other people employed or contracted by the owner to look after land or property on their behalf
- **Community councils** representing the area within which the land and/or a related community sits
- **Relevant constituted community organisations** who have an open membership, demonstrate community control, and who represent a defined geographic area.

## Definitions

When we talk about **good stewardship**, we mean the careful and responsible management of something entrusted to one's care. For land activities, this means:

- All land is used and managed in compliance with existing and relevant legislation, codes and regulations
- Decision-makers have awareness of the long-term impact of actions taken in relation to land and the impact they have on many aspects of people's lives, including housing, employment and the viability of businesses, as well as on the environment and biodiversity
- When decisions are made about land use and management, the potential harmful or negative effects on the environment and on other people are considered, and efforts are made to minimise these
- When decisions are made about land use and management, the scope for achieving wider public benefit is considered.

**Land** includes buildings and other structures, land covered with water, and any right or interest in or over land, and can be in either an urban or a rural context.

By **sustainable development** we mean development which meets the needs of present communities without compromising the ability of future generations to meet their own needs.

In relation to **planning**, its purpose is to manage the development and use of land in the long-term public interest, which can be defined as anything which contributes to sustainable development or which achieves the national outcomes.

When we refer to **public benefit** this means providing wider benefits to society such as the provision of food, timber, recreational opportunities, environmental management and nature conservation, and provision of land for housing, commerce and industry.

**Productive use** refers to the opportunities to use or re-use land and buildings in the broadest economic, social or environmental sense. It may include removal of barriers to use and/or the creation of wider benefits. In some circumstances, such as the restoration of natural habitats or long-term landscape regeneration, non-intervention may also be appropriate.

**Vacant** land is land which is not being used or managed for an identified purpose and has the potential to be an appropriate site for development without need for treatment or remediation. A vacant site may have had prior development on it or have had preparatory work undertaken in anticipation of future development. It includes buildings that are structurally sound and in a reasonable state of repair. It excludes land previously used for mineral extraction or waste disposal which is being restored for agriculture, forestry or other open countryside use.

**Derelict** land is land which has been so damaged by previous development that it cannot be brought back into beneficial use without treatment, for example demolition of buildings or dealing with contamination. It includes abandoned and unoccupied buildings in an advanced state of disrepair. It excludes land which has been or is being restored for agriculture, forestry, or other open countryside use, and land damaged by previous development which is being restored for nature conservation or amenity use.

## Specific Expectations

We expect everyone covered by this protocol to follow the specific expectations as set out in our protocols on Community Engagement in Decisions Relating to Land and Transparency of Ownership and Land Use Decision-Making and demonstrate the following behaviours while pursuing their land management objectives:

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| <ul style="list-style-type: none"> <li>a. Owners and managers of land should take and implement decisions about its use and management in ways that support good stewardship. They should take appropriate and proactive action to promote good stewardship that, where practicable, follows consultation with the local community and analysis of the feasible options.</li> <li>b. Owners and managers of land should consider whether land and buildings are being maintained and used in a way that supports sustainable development. They should consider whether land and buildings are managed in a way that contributes to their governance or management objectives and whether there are opportunities to work with others to make more productive use of land or buildings. We recommend that this self-assessment is part of regular business planning and review, if it is not already.</li> <li>c. Owners and managers of land should review the long-term social, cultural, environmental and economic impacts of decisions about how land and buildings are used and managed. We recommend that this includes a review of the capacity of land to sustain the environmental, social and economic benefits it provides, the delivery of public benefits, and cost-effective, preventative action that can be taken to avoid environmental damage.</li> <li>d. Where land is highly suitable for a primary use (for example, food production, flood management, water catchment management and carbon storage) this value should be recognised in decision-making. The impact of relative options on the environment and on communities should be taken into account.</li> <li>e. We recommend that owners and managers of land take action to reduce greenhouse gas emissions associated with land use and review the likely impact of management practices and changes to management on biodiversity.</li> <li>f. Outdoor recreation and green space are important contributors to the health and wellbeing of individuals and communities. We recommend that owners and managers of land consider creating publicly accessible green spaces, especially in areas where</li> </ul> | <p>people live. Everyone who owns, manages or uses land – including members of the public – should act responsibly, demonstrate consideration for the interests of others, care for the environment, and be accountable for their actions.</p> <ul style="list-style-type: none"> <li>g. Wider scale strategic land planning, such as Local Development Plans, which consider and contribute to broader sustainable development and delivery of public benefit are an important part of managing Scotland's land for the future. We recommend that owners and managers of land take part in planning processes and consultation about land, either through direct involvement, through local groups, or through membership organisations.</li> <li>h. When land or buildings are causing demonstrable harm to the surrounding community due to their physical condition the owner should work with stakeholders, including local community organisations, to examine options for restoring them to economically, socially or environmentally productive use.</li> <li>i. Owners should develop proactive estate management strategies that identify property assets at risk of becoming surplus to requirements early and take steps to reduce the likelihood that they will become problematic. Where property does become vacant owners should take action to ensure that the site or property is maintained in a reasonable condition whilst the land or buildings are awaiting re-use or redevelopment. It is inconsistent with the principles of good stewardship for any site to be allowed to become derelict.</li> <li>j. When there are long-term plans for land and buildings that will take time to come to fruition, we recommend that landowners consider whether there are suitable interim uses including through leasing, partnership working or other collaborative working.</li> <li>k. Owners of land should avoid taking any steps that lead to land being declared ownerless, such as winding up a company that holds title(s) to land without transferring the title to another person or entity.</li> </ul> |
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## Putting this protocol into practice

We may sometimes produce practice guidance and case study examples to help put this protocol into practice. We may publish these on our own website, or we may work with other organisations which represent the interests of a particular sector.

If you would like further information on how to implement this protocol, please get in touch with us.

## Telling us about your experience

If you experience a situation which differs significantly from the principles and specific expectations set out in this protocol, please contact us with details and supporting evidence.

Where appropriate we will provide advice, and work with you to deal with any difficulties and help improve practice. Our main role will be to support you in putting in place good practice and developing confidence and capacity among stakeholders, and to influence future development of policy, protocols and guidance.

We are keen to hear of and share positive examples of good working relationships, and welcome information about successful collaboration between land owners, land managers and local communities. These case studies can help tell other land owners, managers and community organisations about good practice.

**To share your experience please contact the Good Practice Team:**

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## Review

We have developed this protocol with the Good Practice Advisory Group members – Community Land Scotland, Development Trusts Association Scotland, National Farmers' Union Scotland, Scottish Land and Estates, Scottish Property Federation and Scottish Environment LINK.

We will continue to work with the Good Practice Advisory Group to keep this protocol under review. Our future work programme and the recommendations we make to Scottish Ministers in relation to the LRRS will be guided by how this protocol is put into practice.

## Further Information

 **For more information, please visit the following websites:**

[www.landcommission.gov.scot](http://www.landcommission.gov.scot)

[www.gov.scot/policies/land-reform](http://www.gov.scot/policies/land-reform)



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