

EVALUATION OF SELF-ASSESSMENT PILOTS, June 2021

1. Executive Summary

As part of the work of the Good Practice Advisory Group of the Scottish Land Commission (SLC), Scottish Land & Estates (SLE) agreed to run a series of pilot Land Rights and Responsibilities Statement (LRRS) self-assessments with eight of our members. This work has been carried out to look at how well the self-assessments can assist in embedding the LRRS principles into the way land is owned and managed in Scotland. Recognising the benefits our members provide economically, socially and culturally to Scotland's rural communities, we welcome the opportunity to contribute to this work. The work was funded by the Scottish Land Commission, who we work closely with on shaping policy relating to land in Scotland.

Carrying out the work has been a difficult process on two fronts. Firstly, the participants did not find the format of the self-assessment particularly user-friendly, adding to time and frustration in its preparation. Secondly, the publication of the Scottish Land Commission's (SLCs) discussion paper on legislative proposals to address the impact of concentration of land ownership in Scotland, led to a significant concern that this work is merely preparation for a statutory review process. This view was only reinforced by the inclusion of references to providing evidence and scoring which led to participants feeling this was more like a test than a self-assessment for their own benefit. A combination of these factors led to people dropping out of the process and difficulty in recruiting others.

Most of the positives to come out of this process was in terms of the motivations for some of our members to join the process. Participants recognised the need to understand what is expected of them as custodians of land, and they readily accept that there are aspects which they still need to learn and improve practices.

However, there were too many areas of this framework which fell short resulting in our participants getting very little in the way of benefit from the process. Some expressed issues with the format, most indicated the tone of the self-assessment was problematic, suggesting that it seemed to intimate that landowners are all doing something wrong and that they should provide evidence to prove otherwise. Very few of our participants felt comfortable giving themselves a score, many citing that it is of no benefit when things change so quickly and others suggesting the expectations are such that the scoring system would make them look worse than they actually are. Another strong criticism of the process that came through was the heavy reliance on the need to provide evidence. In conclusion, our pilots have shown that this process is not fit for purpose in its current format.

In light of the problems encountered in this process, SLE would like to suggest this process is fully revised to offer a more flexible approach which is more able to allow the end user to apply it how they see fit.

We recommend that this voluntary self-assessment should be light-touch and not prescriptive. Ideally, it will be a shorter form which instead of asking for details and evidence, should begin by setting out simple, open-ended questions to each protocol. An example could be:

Please read the protocol on engaging communities (this should be linked to the web version) and the associated good practice examples from X and Y estates (these should be relatively short).

Now think about what are you doing to promote community engagement, and what might you consider doing in the future?

Remember, this is a self-assessment for your own benefit so be at liberty to answer this question however you see fit. We have made some suggestions below:

- *Draw a mind map of all the things you are doing, and then add some things you might want to do in the future.*
- *Write a series of notes and thoughts to help you understand all that you already do and anything you might want to consider in the future.*
- *Collate information and data that you have concerning all the things you do relating to this principle and see where you might want to do more (take a look at our fact sheet to get a feel for the type of information you might want to collate).*

This way, the document could be as short or as long as a landowner requires to benefit their own circumstances and it is highly unlikely any participant would feel this was a test – more a genuine attempt to help them embed the principles into their own working practices.

2. Introduction

[The Land Rights and Responsibilities Statement \(LRRS\)](#) sets out a vision and principles for land use, management and ownership in Scotland. The principles underpin the Scottish Government's vision for a stronger relationship between the people of Scotland and the land, where ownership and use deliver greater public benefits through an accountable and transparent system of land rights and responsibilities.

One of the key recommendations to come out of the SLC's investigation into the issues associated with large scale and concentrated land ownership in Scotland was to develop a voluntary review process of self-assessment against the LRRS principles.

The Land Rights and Responsibilities Self-Assessment Pilot Programme aims to demonstrate through action research the effectiveness and workability of a voluntary review process of self-assessment against the LRRS principles for landowners and managers across sectors. It also aims to demonstrate how the LRRS works in practice.

In 2019, the Scottish Land Commission held workshops to discuss the findings and recommendations of the Scale and Concentration report. SLE, along with others, indicated a willingness at these workshops to support a voluntary review process that would enable landowners to consider their own operations and governance.

Establishment of the Good Practice work programme and the Good Practice Advisory Group have provided an opportunity to capitalise on the support and goodwill offered. Advisory Group stakeholders expressed support to test a self-assessment process and were able to identify land and property owners who would be willing to participate. A draft framework, developed by the SLC, set out initial thinking on the areas that might be considered in a voluntary process. It set out

expectations in relation to each principle, as well as possible questions to answer and evidence to gather.

It is hoped the voluntary review process of self-assessment against the LRRS principles will offer a way landowners and managers can assess and potentially improve their operations and governance according to the principles of the LRRS. It is for this reason SLE agreed to be part of the process to assess the potential effectiveness of the pilot self-assessments.

3. Methodology

As part of the Good Practice Advisory Group SLE expressed support to test a self-assessment process to demonstrate the effectiveness and workability of a process for landowners and managers to conduct a voluntary self-assessed review against the principles of the Land Rights and Responsibilities Statement.

A draft framework was developed by the Scottish Land Commission, setting out initial thinking on the areas that might be considered in such a process. The framework outlined expectations for landowners, land managers and communities in relation to each of the LRRS principles, along with possible issues to consider and evidence to gather. The framework is intended to enable landowners and managers to identify strengths and opportunities in relation to the six principles.

A template self-assessment tool has been developed from the initial framework, with some amendments and updates as Protocols and expectations relating to the principles have subsequently been developed through the Good Practice programme. The draft assessment tool has been tested over several months directly by SLE as summarised in *table (1)* below.

The first phase of testing the template took place through a programme of action research during 2020 and 2021. SLE recruited eight landowners and took them through a supportive process testing out the framework across a range of sector interests, types of ownership and landholding size and geographic location.

Organisation	Number of Participants	Sector/s	Location/s	Method/s
Scottish Land & Estates	8	(Many participants noted various ownership types across each business) Private - sole proprietor (2) Private Trust (5) Private partnership (3) Private (6) Separate Ltd. Company (1)	South Ayrshire (2) Dumfries & Galloway (2) Midlothian (2) East Lothian / Scottish Borders (1) Stirling (1)	Initial cohort approach (4) Subsequently 1:1 approach (8 in total)

Table (1): summary of self-assessments undertaken

4. Scottish Land & Estates-led Pilot

Initially, participants were selected through direct contact and mostly through expressions of interest following an overview of the project delivered at various internal SLE events and meetings. However, following several dropouts we made direct approaches to estates in order to complete the eight self-assessments. We did not advertise for expressions of interest beyond this.

Our focus for our pilots was on private landowners in south central Scotland, looking to get landholdings that were in some way close to population centres. A summary of our participants is provided in *table (2)* below.

Participant	Size & maturity	Main landholding	Other interests	Governance structure	Completed by
1	c. 4,000 ha >20 years	Rural Estate	Farming, forestry, property, renewables, environment, heritage, recreation, community, education, infrastructure.	3 landholdings under trust, 3 under individual ownership	Estate factor
2	c. 6,000 ha, >20 years	Rural estate	Sporting, forestry, conservation (natural & built), renewables, farming, housing, tourism	Limited liability partnership, of which partners are made up by trust, corporate and private ownership	Owner
3	406 ha, >20 years	Rural estate	Sporting, forestry, farming, housing	Sole proprietor	Owner
4	1,045 ha, >20 years	Rural estate	Sporting, forestry, conservation, renewables, farming, housing, tourism accommodation, community business, community facility	Private Farm partnership, houses in trust, woodland in separate Ltd companies	Owner
5	3,035 ha, >20 years	Rural estate	Forestry, renewables, farming, housing, amenity	Private partnership, 3 partners plus one director	Operations Director
6	1,618 ha, >20 years	Rural estate	Farming, crofting, events business,	Sole proprietor, limited	Owner

			tourism, renewables, housing, conservation, sporting	company directors, partnership members and trustees	
7	116 ha, >20 years	Farm	Farming	Owned by 3 partners	Owner
8	750 ha, 9 years	Rural estate	Sporting, forestry, tourism accommodation, housing	Partnership	Owner

Table (2): Summary of landholdings covered by each self-assessment

SLE was in discussions with a total of 16 estates throughout this programme. 8 completed the self-assessments while another 8 either did not commit to anything further than initial discussion or pulled out before completion. Of the 8 that did not complete the process, 5 cited lack of time or capacity, while the remaining 3 described the potential for this to become a statutory requirement as a disincentive. Out of those 3, 1 did not commit to completing it and 2 had already started the process but dropped out after publication of the SLCs "legislative proposals to address the impact of Scotland's concentration of land ownership" discussion paper.

All aspects of the pilot took place during the COVID-19 pandemic. No face-to-face meetings or site visits were possible, and all contact took place through online calls and meetings and by email. The pandemic undoubtedly impacted the availability and capacity to complete assessments in some cases due to lockdowns, requirements to furlough staff, and capacity alongside other growing workloads.

An initial cohort meeting was held with five participants (one would later drop out, as did another from the one-to-one group), with the purpose of introducing the self-assessment process. We started with the LRRS principles 5 (Transparency) and 6 (Community Engagement) as a way of introducing concepts that would be more accessible. This initial meeting lasted 90 minutes.

Following the drop out it was decided it might be more useful to provide a more nuanced support through one-to-one calls. Each subsequent participant who joined the process was also supported on a one-to-one basis. Each call would last around 1 hour.

Each participant took part in a follow-up conversation after the completion of their self-assessment. This process involved general feedback of the assessment process as well as some discussion around the principles themselves, including why many found it difficult to give themselves a rating. Each conversation lasted around 1 hour. A summary of the timings is available at *table (3)*.

Our overall approach has been to recognise that this is a voluntary and informal self-assessment process. SLE input has therefore primarily been to provide guidance, encouragement and support. We have not therefore provided a formal assessment of participants' own self-evaluated ratings, nor have we tried to insist that a participant gives themselves a rating if they did not find it useful. We also did not insist on compiling evidence to support participants statements as it was felt that because this was purely for their own purposes it would not be necessary to provide evidence to a third party.

Activity	Cohort participants	Individually supported participants	SLE staff (cohort)	SLE staff (individual)
Introductory call & email	45 minutes	45 minutes	45 minutes + prep	45 minutes + prep (4 ×)
Familiarisation with Statement and Protocols	½ day to 1½ days	½ day to 1½ days		
Cohort briefing session	1.5hr (stopped after first session and moved to 1:1)		1.5hr + background prep	
Interim support calls		1hr		1hr + prep (8 ×)
Assessment completion		1 - 2 days		
Post-completion follow-up call		1hr		1hr + prep (8 ×)
Collating and Evaluating assessment outputs and feedback				½ day (8 ×)
Total	Cohort process not complete	2 - 3 days approx.	Cohort process not complete	1 day approx. (8 ×)

Table (3): Typical participant and staff time taken to complete programme (work on 8 participants who did not complete is not included)

5. Assessment Outputs & Learning

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.

Although we did not start with this principle for our cohort group, instead leaving it until the end of the process, many still found the language of this principle too vague and open to different interpretation at every level.

In general, our participants found the second part of this principle easier to identify with, in particular aspects of sustainable economic development and protecting and enhancing the environment were easy to identify. However, it was not so easy for participants to consider if what they were doing in terms of sustainable economic development or environmental protection was delivering human rights, for example.

Depending on the type of business or landholding that the participants owned or managed, they were able to provide evidence for economic benefit through direct or indirect employment local procurement and support to local businesses. They demonstrated good environmental stewardship

of land by referencing accreditation for Wildlife Estates Scotland, AECS schemes, forestry and biodiversity plans. Evidence of supporting viable communities was demonstrated through, provision of affordable housing, providing low-cost heating, generating heat and electricity through renewables, agreements for use of land, building commercial workshops, providing amenity woodland etc.

Participant Examples:

1. When my family first came here, the land had been farmed with little regard for the environment and it consequently had limited biodiversity. No woods were fenced, the riverbank was not looked after and the focus was primarily on grass for grazing sheep... We have created and enhanced a number of new habitats over the years. We keep species records, habitat management plans and are currently in the process of applying for level 2 accreditation for Wildlife Estates Scotland.

Tree planting has been a priority, 20 years on, we still have an ongoing tree planting programme, a rotation of soft commercial forestry on the hill but also of native broadleaves/mixed species in the valley. Our hope being, to one day link all of the woods to create corridors for wildlife. We are in talks with our neighbours to undertake large scale conservation work in partnership. To date. Since 1983, my family have planted 1 million conifers as a commercial crop, and 350,000 native trees as woodland.

2. We are aiming to improve the quality of our traditional housing stock over the next five years. We are generating heat and electricity through renewables and we expect that we will have 14 properties heated and powered by renewables by the end of the year (currently 9).

We actively encourage people to take access to the estate and provide a public car park and a huge network of well maintained paths. Thanks to such convenient access, the ability to live near the estate is often referenced by local housebuilders as making this a desirable place to live – our maintaining high standards in land use improves the standard of living for local people.

3. We employ four full time staff, six casual staff, four-six cleaners and various amounts of business to local enterprises for our events business including local taxi and bus firms, hospitality providers, food and beverage outlets, florists, entertainment providers, local shops and other suppliers. We also provide business to various local trades for property maintenance and through the management and administration of the overall business by our Estate Directors at Savills and legal and accountancy representatives.

[We support] 1 Events & Tourism Business, 1 Farming Contractor, 1 Forestry contractor, 1 Game Management, Food and Supply Operator, 1 Telecoms Operator, 2 Renewables Operators, 1 property maintenance firm, 1 Estate Agency, 1 Accountancy Firm, 2 Legal Firms, as well as numerous miscellaneous tradesmen across the farms, houses and other land and property.

4. We have 6 full time employees, and numerous seasonal / event specific roles. We regularly contract local tradesmen to maintain estate and farm buildings.

We have five agreements for others to use land at ... , along with many events hosted here, including floristry workshops, foraging, monitor farm [etc]. We are currently building 9 commercial workshops that will support those businesses.

Comments on the self-assessment for Principle 1

As general comments concerning the use of this framework for a self-assessment, a participant noted that the table format did not work for them. They said that the questions did not link across to the suggested evidence and there was insufficient space to record meaningful data. Another participant noted that if someone was to use this unsupported, they could read the first prompt question for Principle 1 (If you are a Charity or a Trust, are you following the Scottish Land Commission *Land Ownership by Charities* or *Land Ownership by Trusts* protocols?), see that it doesn't relate to them and skip the whole section.

The questions around economic and environmental contribution were relatively straightforward for SLE participants to answer. However, there were a number of remarks from participants questioning the time parameters for the evidence for 'jobs created or lost through changes in land use' suggestion. Many estate businesses are inter-generational with ownership having spanned centuries. One participant said:

"The suggested evidence jobs lost through changes in land use, does not provide any time parameters, if we consider that land ownership is a long-term business, are we looking at the situation 100 years ago, or 10 years ago, ... ?"

Another commented:

"This entirely depends on the timeframe that is taken. In the 1900's there would have been hundreds of people required to manage the land, however with modern machinery this is no longer the case."

The broad question around contributing to fulfilling and respecting relevant human rights was more problematic. One participant remarked:

"How on earth do we begin to answer this? As a board member of the ... I support its 3 guiding principles of conservation, sustainability and community support. I am concerned about sustainability, for my family, our employees and our fragile rural community which in this part of Scotland continues to be overlooked (with limited connectivity, bad infrastructure, and very few opportunities for young people). We do what we can to support local people through employment, education and access but we are a small place where cash flow is never far from our minds and everything must be balanced."

Another added:

"I am not sure how a contribution to Human Rights can be covered off within this context?"

Whilst it was possible to tease out some aspects of how participants were meeting human rights objectives through discussion, this suggests that in order to complete this part of the self-assessment effectively, there would be a requirement for support.

In relation to the question about population and demographic changes and the suggested evidence, participants commented that their ability to have such an impact was curtailed by the size of their landholding and proximity to urban areas. Some examples include:

"We don't have the volume or acreage (land or housing assets) to have any kind of impact on demographics"

"We are not at a scale to be able to influence this."

“This might be possible in remoter rural communities in Highland Scotland or on the islands, where the estate owns and impacts a broad area, but in lowland Scotland where there are many additional influences on these factors and the estates will be interspersed with numerous other businesses it is difficult to see how the information is relevant?”

Another point that was raised by participants was the fact that in some cases much of the land they own is rented to tenant farmers under agricultural agreements and because of this, they as owners, have very limited impact on the decisions that are made concerning those landholdings. It is therefore very difficult for these estates to give evidence or score themselves in areas where they have little control over. This highlights a potential flaw with the overarching principles and it is something which came up in almost every section.

Scoring for Principle 1

Only three of the eight participants felt comfortable giving themselves a score for this Principle. Of those who did not score themselves, reasons included:

“I do not feel it is appropriate to give myself a score for this.”

“It is difficult to give a score on this Principle simply because of the scale. Our local village has a population of over 1,000 people, with ... 20mins away. For us to have a meaningful impact on employment opportunities it would require a far greater involvement from a far larger area.”

Of the three that did score themselves, two gave a score of 5 while one scored a 4. In conversations all of those who scored felt that they were doing as well as they could or all that they needed to do considering their own circumstances. The main reason for not giving themselves full marks was that circumstances are always changing both within their own business as well as outwith from a government or regulatory perspective.

Principle 2 – There should be a more diverse pattern of land ownership and tenure, with more opportunities for citizens to own, lease and have access to land.

Principle 2 was generally considered clear and easy to understand, however, all participants found it difficult to differentiate between Principle 2 and Principle 3. Many found that they were repeating answers for both sections.

There was some concern expressed that the principle and the prompts and questions associated with it were too focussed toward ownership rather than tenure. And that many of the questions seemed designed to elicit evidence from landowners who had experience with requests from communities or who had initiated engagement with communities in this respect. However, not all our participants had been approached by communities and in some instances where the landowner had initiated discussion, the community was not interested.

Most participants were able to use quantifiable evidence for this Principle. This included numbers of: sales to community, gifts to community, agricultural leases, residential leases, collaborative working arrangements, commercial business leases etc.

Some were able to demonstrate proactive reviewing of landholdings and buildings as part of ongoing operations. It was not generally used for the purpose of identifying surplus land/buildings, all our participants were able to articulate in detail the status of landholdings under their responsibility.

All of our participants said they were open to requests for a more diverse pattern of ownership or tenure, but some noted they would struggle to prove this as no such requests had ever been made. Where requests had been made, participants gave examples of how they helped grant the request or look at alternative options.

Participant Examples:

1. Land ownership is a long term proposition as such changes in ownership and tenure take place over an equally long time. In the past 100 years the pattern of ownership has changed significantly, we have gone from the situation where we had one owner, ... with 77,000 Acres ... through to today where we have 4 uniquely separate owners, with around 10,000 Acres and the following tenants,

Farm tenants	17
Cottage tenants	58
Business tenants	13
Grazing/Annual cropping tenants	24 (incorporating 72 separate agreements)
Community Interest tenants	9
Sporting tenants	2

All of the grazing tenants or annual cropping tenants are either neighbours or existing tenants on the Estate, where we are seeking to help them grow their businesses.

While we are not particularly willing sellers as we believe that the critical mass of the Estates are important to protect, we will consider small purchases/lease requests and have done so where appropriate over the last 2 decades. Where we feel that it is not in our best interests to sell and taking into account the terms of the Trust Deeds, we may offer to enter into an arrangement to lease ground to further the interests of the requesting party.

[We have] sold land to caravan site owners for the purposes of extending their operations, leased land for car parking and facilitate development, sold houses, leased/sold land adjacent to privately owned property and leased/sold land adjacent to publicly owned property.

2. The transfer of land for the building of the local Hall at no cost was taken on the basis that it would be for the benefit of the community.

The transfer of the woodland at ... to the ... community Woodland trust was done on the basis that the community ... used on a regular basis and it was felt that it would be beneficial for that community.

3. We have farm walks with our contractor to check and discuss the condition of the land, visits from our farm advisor and scheduled farm maintenance works each year. Any 'wild' land has been left so for biodiversity reasons and is managed sensitively and monitored for our own records. We also have an ongoing repair strategy for our infrastructure and buildings. We do not leave things to become derelict!

We are signed in to two windfarm development schemes on two parts of our estate. One of these schemes, if it were to go ahead, will benefit 5 local farming families.

4. I would guess that there would be well over 30 landowners and farmers within a 5-mile radius. In our opinion it is not the ownership of land that is holding back many of the responsibilities but policy out with our control. For example, to improve the availability of affordable housing, planning policy. Landownership has little to do with it...

Various – including a community project to repair a wild meadow, the lease of land for a commercial flower business, grass for livery, grass for sheep and cattle. Disposal of 5 cottages. Most requests are accommodated in some form.

Comments on self-assessment Principle 2

There was concern raised over the lack of clarity around the time scale that the framework is seeking information for. This is similar to the point made in relation to Principle 1. Participants also expressed concern that there was too strong a focus in this section on ownership and not enough on other forms of tenure.

Some participants were unsure about prompts and questions relating to how diverse ownership is in the area. Examples included:

“I am unsure as to how you define area. If you are referring to the ... Valley, then there are four main landowners and countless small landowners.”

“What is the “area”,”

Scoring for Principle 2

Participants found it difficult to score themselves for Principle 2, only two of the eight felt they could give a score – both thought 4 was reasonable. The reluctance to offer a score was justified in a number of ways, but primarily, there was concern that because many communities did not make any requests or show a willingness to engage with estates about opportunities, they were unable to say they had “taken steps to enable diversification of ownership when selling land”.

Participants found it difficult to justify the need to provide evidence of request for leases/sales etc., to show that you are ‘complying’ with the Principle. In one instance a participant highlighted their farm tenancies as an example where they have been occupied for 20 years and none given up, and any residential property for lease is advertised with a ‘to let’ sign and snapped up pretty quickly. They are therefore unable to provide evidence of enabling this type of request due to there not being any availability.

Others were inferring that the line of questioning (and indeed the Principle itself) is suggesting that business ownership and operation by individuals for primarily their own benefit is somehow wrong. A participant said:

“I would prefer not to give myself a score. I want to maintain the place as best we can with the funds that we have, any profit we make we put straight back into the business. I want to continue to employ and house those that we do, who’s livelihoods depend on our business operating and existing in the way that it does.”

Another added:

“I do not see the merit towards having to give up a successful overall business in order that another organisation or individual could otherwise benefit. Every business is different in scale and how they choose to operate. If there were derelict or neglected land for which I am responsible then of course, I would be open to offers however in my case, I am actively involved with all aspects of what I own for the benefit of myself and others.”

This theme was born out further in discussions, with some participants expressing frustration that the document appears to be taking an approach that everyone is guilty of wrongdoing, and that you now have to provide evidence to prove that you are not.

Further reflecting the unease around the focus on ownership, participants expressed concern that it is land managers that have an impact, that includes tenant farmers, farmers, community bodies etc. This reflects a fundamental issue with the focus of this Principle. One participant said:

“We are open to working with local residents and already do in a number of areas. In my experience fragmented ownership often leads to greater issues and it is only with economies of scale and a collective thinking that major change can be realised.

It is land management not land ownership which is able to deliver benefits or otherwise.”

Principle 3 – More local communities should have the opportunity to own, lease or use buildings and land which can contribute to their community’s wellbeing and future development.

This Principle is very similar to Principle 2. As a result, some participants felt their answers to Principle 2 sufficiently covered Principle 3. After follow-up discussions our participants generally drew a distinction between opportunities for individuals being the focus of Principle 2 and opportunities for community groups being the focus for Principle 3. However, this distinction was not clearly established in the responses to the framework.

Similar to Principle 2, most participants were able to show evidence for Principle 3.

Participant Examples:

1. We have experienced a VERY LOW level of community interest from the villages of ..., this does not increase significantly from We have interest from ..., where we have a relatively small landholding, comprising two blocks which in total extends to c.6.0ha. We have already entered a long term lease with the community to allow them to progress their plans and ideas, for community open space, safe routes to school, allotments, wetlands etc.

We also provide a long term lease [of] 99 years with the local church for the summer church/community hall. In ... we have for many years provided land for a football pitch, which due to lack of use and high maintenance costs the council asked us to relocate, which we agreed to and we now have a small kick about park on the edge of the village.

If we get enquiries from the community then we will seek to work with the community to reach an agreement which works for both parties.

2. We have a long running partnership with an outward bound charity who use an area of our forestry for a forest school and activity base, on a long term lease for which there is no charge.

There are certainly no barriers, we would talk to anyone who suggested a partnership and would consider anything that could be realised alongside our existing businesses.

3. Any clawback arrangements are negotiated and agreed by both parties to each of their satisfaction. This forms part of the overall deal being struck.

Comments on self-assessment Principle 3

Principle 3 was seen in much the same light as Principle 2. Although the idea is relatively clear, participants saw there being too much emphasis placed once again on ownership and many expressed concern that they would not do well in this section simply because their community did not show any interest in taking on responsibility. A couple of examples include:

“No and we do not have a policy for dealing with such requests because no one has ever approached us with this.”

“An Open Day I held here in early March 2019 was a complete waste of time and money (It probably cost me £1,000 in display materials and staff and consultant time. In spite of posting invitations to every household a month beforehand (cost £200) only 6 people from 330 on the electoral roll turned up.”

In reference to a prompt about the number of sales made to community organisations, one member noted that this felt repetitive and also noted that a lot would depend on how far back the framework wanted him to go. He said:

“This is repetitive (see answers to Principle 2). A lot depends on how far back we go because it could be well into double figures.”

Some other questions were raised by participants around the definition of a community compared to an individual representing a community. Is there a way of knowing if that individual's proposals are community backed? A participant told us of an occasion where some in the community tried to progress an opportunity without proper support:

“I sit on the decision making panel for our community benefit fund from two large windfarms. Recently a group of residents has wanted to use a large proportion of the fund to buy the village hall from ... council to bring it into community ownership. After many months, a part time project officer, surveys and business plans the proposal has fallen flat as the group are unable to show support from the community. In this case, a small number of well connected and energetic individuals pressed on with their own agenda without proper consultation, wasting time and money...”

Would a landowner be marked down for not engaging with or enabling such an approach?

Scoring for Principle 3

Only one of the eight participants considered it valuable to give themselves a score for this section. That participant gave themselves a score of 4, and made reference to the community garden, cricket ground and scout hut as projects they had brought forward with the community.

For the others, they considered themselves open to approaches but some could not provide any evidence because no approaches had been made. Participants said:

“If and when we are approached we would look at the merits of any approach. However, it is apparent from my involvement on the community council that there is little appetite for active involvement.”

“Cannot give myself a score when no one from the community has ever shown interest in our land, save for the outward bound charity who we currently do happily accommodate.”

“I've no doubt I perform poorly according to this rationale but I have NEVER been approached by my local community on ANY aspect of my estate management.”

Principle 4 – The holders of land rights should exercise those rights in ways that take account of their responsibilities to meet high standards of land ownership, management and use. Acting as

the stewards of Scotland's land resource to future generations they contribute to sustainable growth and a modern successful country.

This Principle was generally understood, and participants seemed more confident about what they expect is good stewardship of their landholding. However, good stewardship could mean very different things to different people. With that in mind, there was a lot of discussion about what is meant by negative impact? what exactly is sustainable development? and how do you demonstrate responsible governance? The general feeling was that these topics need to be dealt with in great detail before they could have any real benefit to the participants.

Most participants were able to provide evidence including accreditation awards, participation in voluntary schemes or awards, environmental restoration schemes, conservation of historic environment, re-use of derelict buildings, provision of housing, and numbers employed.

Participant Examples:

1. Eight 2- and 3-bedroom homes completed in 2011 to certified Passivhaus standard and available for long term affordable rent including a commitment to make four available to local homeless households. The provision of the above homes makes them affordable to those on low incomes and, because these homes need no heating this contributes massively to combatting fuel poverty and the climate change agenda. See also; [//www.youtube.com/watch?v=wcrW5x4NjBk](https://www.youtube.com/watch?v=wcrW5x4NjBk)

2. Yes they all are. Ongoing repair strategy on infrastructure and buildings. Repairs to ruins, to prevent further decay. Employing local builders, building conservation advisors and architects. Providing habitats for wildlife and projects to enhance biodiversity. [We provide] access for local community, learning opportunities for children, and environmental projects for wildlife. Advice from conservation groups & farm advisors.

3. The social and recreational resource that we provide to the local people is huge. We provide 3 main entrances, 1 entrance has 120,000 visitors per-year. We have been open throughout the whole of covid as well. Locals, dog-walkers, bikers, horse riders regularly take access. You could say we get around 200,000 visitors per year, which we encourage through car park, paths etc. Housing, and business opportunities also provided.

4. We are considering the options towards converting two farm steadings in the future into residential amenity subject to funding and planning. We offer a number of affordable residential properties. We wish to offer land for the benefit of more affordable housing however our local authority and community have rejected our proposition.

5. Landlord Registration, RICS, LEAF, WES, Certified Forestry, GAEC, Cross Compliance, SQC, OFGEM, PEPFAA Code, Building/Development Control, SLE Landowners' Commitment, Forum of Future Hallmarks, SPA/SSSI/Listed buildings etc.

Over the past 20 years the Estate has been responsible for creating and establishing;

Over 50 miles of new mixed species hedgerow

8 new ponds

Grass margins and beetle banks

Species rich grassland

Wetland and water margins

Unharvested crops or wild bird seed

In addition to which many miles of existing hedgerow are managed, compartments of trees maintained, filed margins protected, ponds and water margins protected.

Comments on self-assessment of Principle 4

The questions we have outlined above relating to the definition of negative impact, sustainable development and responsible governance featured prominently in general discussions. Some comments included:

“Define negative impact, does that mean smell of slurry/FYM, does it mean pollen smells from OSR, what exactly is meant here? I am not sure that sustainable development has also ever been properly defined within Scottish Land Use.”

“How Do You Demonstrate Responsible Governance?”

While the protocol and accompanying documents do offer some clarity on these aspects, it is still open to interpretation, particularly as it cannot cover every possible circumstance.

It was felt that the high-level nature of this Principle meant that participants would be inclined to either give high-level answers stating their general standards while others would begin to set everything down in detail in order to cover all aspects of the Principle before quickly discovering there was too much information to go through.

Scoring of Principle 4

Three of the eight participants felt it appropriate to give themselves a score, all scored 5. One participant felt they could give themselves a score based on their impact on the local community and other land users as the primary focus for this Principle. They said:

“We have a productive management approach that does not negatively impact on the local community, other land users or the local community, as far as we are aware.”

Although not inclined to give themselves a score, some participants did express a view on their overall approach to good stewardship, for example:

“I am wholly involved in managing a sustainable overall enterprise whilst being mindful of our heritage, communities, environment and landscape and continuing to support our rural economy. We have a positive and increasing relationship with our local community and businesses.”

And another added:

“We run our business in a sustainable and financially viable way with the resources available to us. We react to local demands when required. 99% of the land assets that we are responsible for are actively managed for agriculture or conservation.”

In conversations, a number of participants brought up their frustration that their attempts to provide affordable and permanent housing supply had been blocked by community opposition, planning constraints or a combination of both. And as a result they did not see how they could fairly give themselves a score when such an important issue was outwith their control.

Principle 5 – There should be improved transparency of information about the ownership, use and management of land, and this should be publicly available, clear and contain relevant detail.

This Principle was relatively straightforward for participants to interpret. It is short and easy to understand, and the expectations are comparatively clear.

Participants were able to evidence transparency of ownership through their Registers of Scotland Voluntary Registration, website, social media, public notices, signage and publicly available maps. Living in and being an approachable member of the community was also cited as evidence along with membership/involvement with various community groups/organisations.

Participant Examples:

1. Everyday informally, we are an active member of the community, recognised and present. For more formal instances, ie our forestry operations and how they might impact on others, we communicate with the community via Facebook, in the village shop and road signage. Our contact details are publicly available.

2. Yes, notice board at car park. Active social media page on Facebook (7,000 followers) tend to announce things through there or occasionally the local paper.

3. We live in the community, take part in local community groups and are generally approachable. We do not have a website etc as there is no need for one.

4. The Estate and its employees have been active throughout the communities which surround the land in a range of different roles such as:

Holding office as a community councillor on ... Community Council with a period as Vice chair and Chair

Director of ... Community Benefit Company

Director of ... Development Trust

Director and Chair of ... Benefits Company

Trustee and Treasurer of Local Church

Chair and LAG member of ... LEADER

Chair and board member of ... Royal Highland Educational Trust

Chair and board member of Friends of ...

Member and Chair of ... Local Access Forum

Member of Parent Teacher Council Primary School

Leader of ... Rainbows

Comments on self-assessment of Principle 5

One comment that frequently appeared either in responses or in discussion was in relation to the prompt about minutes of meetings being made available to the public. Many participants felt this was an unnecessary and disproportionate step. One participant said:

"No – just as we would not expect to see business notes of businesses based here."

And that sentiment was widely shared.

Responses revealed there is an issue around proportionality here. While some of the expectations may be appropriate for much larger landholdings, some are just not realistic for small landholdings or indeed areas with unengaged communities.

Scoring of Principle 5

Two participants gave themselves a score for this Principle. Those scores were 4 and 3. The Participant who scored themselves a 3 noted:

“Contact information is not really needed, we live in the only house on the farm so if someone wants to speak to us they can. We don’t communicate planned management and use of land with the community, we are dairy farmers, that hasn’t changed and the community are not overly interested. I’m not sure what reasonable and helpful information we should provide and to whom?”

For those that did not consider there being value in giving themselves a score, there was frustration that there seemed to be no weight given to landowners who are a known part of their community, and to the unwillingness of some communities to engage with landowners. Some comments were as follows:

“This principle is surely dependant on the need/interest of a community in wanting to know particular information. As someone close to the community I consider my current level of transparency to be adequate. I would only consider providing more information if I recognise a need to do so from the community.”

“...the owners, staff and contractors are all well known to the local residents, the office is based within one of the local villages, there is a board up outside with telephone numbers displayed or people can simply walk in to the office and many do. It is therefore difficult to comprehend what more we could or should do?”

Principle 6 – There should be greater collaboration and community engagement in decisions about land.

This Principle was well understood. Although in some cases, participants did find it difficult to draw down the expectations to fit their own circumstances. As before, this relates to proportionality as well as whether or not you have an engaged community, whether or not you are a well-known approachable part of the community, or whether you are part of community organisations/groups etc.

Evidence provided for this Principle was similar to Principle 5. In addition, there were examples of engaging in the creation of local development plans with communities.

Participant Examples

1. We have been directly involved in the creation of the local development plan and also ... community development plan which received funding from the windfarm development fund that we put in place
2. Historically yes via planning applications on development of houses. The community was consulted on the development of the learning trail.
3. Path network which we are working on was consulted on. Published results and made decision on the back of that. Small mammal surveys, clean air surveys published. Planning applications have been changed according to consultation responses.

4. We are part of the community and open to speak to anyone who wants to. As we haven't made any major changes to land use of management I cant see what we would engage more on?

5. We have been widely involved with initiatives across the community which demonstrates and supports our commitment to the local community. We provide:

Christmas trees to local villages and towns

Open Farm Sunday

Doors open day - ... Castle

Carry out hedge/tree planting with local schools

Provide wood for bug garden at the local primary schools

Participating in local activities such as local Galas

Sharing historical stories

Farm walks

Talks to local groups such as WI, Rural, Rotary, Probus, Round Table, Young Farmers clubs etc.

Seeking to assist/answer ancestral research queries

Hosting a local defibrillator on the exterior of the Estate office

Helping prepare and deliver Community Action Plans

Assisting with local projects and initiatives such as ... Trail, ... Way, ... Coastal Path, long distance riding events, community payback path clearance, bike trails, sponsorship of local events, etc, etc.

Comments on self-assessment of Principle 6

Confusion over the inclusion of a question relating to development plans which are covered under statutory planning requirements was expressed:

"Interestingly we are now talking about Development plans (whereas P5 simply talked about plans being shared) We have a statutory process for planning applications."

In conversation it was noted complying with some of the expectations around engagement plans might be more appropriate for larger landholdings that can easily determine whether any land use changes have a significant impact on their community. However, none of our participants considered themselves to fall into this category.

Again, it comes down to proportionality and taking into consideration the open, approachable nature of landowners embedded in their communities, something that the principle should reflect more readily.

Scoring of Principle 6

In scoring Principle 6, three participants of the eight gave a score. They were 6, 4.5 and 1 respectively. The participant who scored themselves 1 said:

"I don't see how this applies to our situation."

In discussion, this was because he did not consider the prompts around genuine engagement and collaboration, supporting communities to participate, or information about land use decisions being accessible applied to him. As a small landholder with a consistent land use, these expectations were not considered appropriate.

The participant who gave themselves a 6 also considered the expectations were not fit for purpose, but they chose to score themselves top marks as they are doing all they feel is necessary. They comment:

“The expectations here are not fit for purpose for our ownership model. We are a small rural business, with three generations of the same family living on site, very much a part of the local community. Apart from when our timber lorries are using the road, the decisions we make with regards to our land currently have no impact on the community.

If we were to do something in the future that did affect members of the community, (and after seeking the professional advice required) we would of course consult with them appropriately and would welcome any feedback. I understand your desire for transparency, BUT, I would be reluctant to engage with anyone too early, to comment on a project before knowing the extent and viability of it, for fear of raising hopes.

But if I was to give myself a score, considering our presence within the community, I would say 6!”

Others who did not feel it was appropriate to give a score had similar concerns. There was also a reminder of the difficulty in scoring yourself when the community has shown a distinct lack of interest. Comments included:

“Difficult to give a score here, because there is generally little current interest shown by the community in the estate business. They do have their own action plan which is pertinent to their immediate locality (i.e. matters within or near to the village) “

“Difficult to give a score here, because there is generally little interest shown by the community in estate business.”

Summary of learning

Although the premise of a self-assessment to help improve practice is agreeable, the Principles and the expectations that are associated with them appear to offer little in the way of flexibility for acceptable approaches which differ from the expectations. Key examples of this centred around engaging with communities in a proportionate way such as being available to the community or being involved in community organisations etc.

This led to a frustration among participants that the expectations were not proportionate to their circumstances and as a result many did not feel it was appropriate or beneficial to give themselves a score. Out of a possible total of 48 scores our participants only gave 14 scores (29%). One participant commented:

“I don’t believe that Measuring Performance as set out in the document is sensible or yields anything of merit. Self-assessment on a scale will always produce spurious results, with a tendency to be conservative...”

One participant felt that after considering the self-assessment they could do more in terms of community engagement as an area identified for improvement. On further discussion it was not particularly clear what actual improvement could be made on a day-to-day basis. It was more about ensuring that when decisions with a significant impact were going to be made, they had the proper procedures in place to ensure the community is adequately engaged.

Many considered the exercise was useful in helping them set out exactly what they actually deliver, however the time involved and the general high level of existing knowledge meant that, for the most part, participants were already aware of this work and this exercise did not serve to benefit their overall operation.

Some participants suggested this format may be more helpful for those who are just getting to know their landholding or for larger estates where it might be more useful to have a one-stop-shop record on hand of all the things that are going on.

6. Assessment Process Evaluation

Generally, participants found the process cumbersome, and not flexible enough to reflect the diverse nature of rural businesses in Scotland. Many found it difficult to get started and there was also significant concern around what this process might become in terms of a potential statutory review process.

Most of our eight participants said there would not be any value in doing this process again.

“Definitely a one off exercise, I have not identified anything we have been doing that is wrong. One size does not fit all.”

“One-off exercise there is too much room for improvement in this format...”

“One-off. I don’t think much will change in the answers and the questions do not seem relevant.”

However, two participants did note that there was some merit in the process helping inform thinking. They said:

“I would be aiming to use some of this, in principle the overarching aims what’s trying to be achieved, but the formulaic nature and the tick boxing that is required I found very difficult to make it relevant to what is going on here on a day-to-day basis. If the aim of the Scottish government is to achieve better regulation and delivery, then I don’t think this fits the purpose.”

“That said it is something which can help inform thinking rather than necessarily be a template to complete.

There are many other ways to demonstrate what is being done to deliver under each of the 6 Principles...”

7. Benefits

In summary, the benefits of this approach appear to have been limited in the experience of our participants. Of the positive comments we did receive many of them related to helping people recognise the good work they already carry out:

“It has been good to focus the thinking about all the great stuff we already do...”

“I would thoroughly recommend the principal of good community engagement and sustainability of the local area...”

“It has prompted thought and helped us recognise how much we do on a daily basis.”

Other benefits captured were generally identified in people’s motivations for taking part:

“Because public access plays a significant part of the land use and the way the estate is managed, we want to continue to provide that social benefit to the local community. The

value of urban fringe estates is underappreciated, no financial benefit doing the things that we do.”

“I think it is important to demonstrate what good we are achieving in support of our local communities and towards the rural economy and to measure this against the expectations of Scottish Government and the Commission. As a family we believe in transparency of ownership and have an open door policy to help people understand our business and how we can help work in partnership with the local community and other business.”

“... I think that this has the opportunity to help create and form the drive towards good practice within the land management sector, but this is fundamentally a sector that is seeking to drive this anyway.”

8. Limitations

A number of limitations were identified by participants throughout this process. These can be summarised in the following ways:

The template is cumbersome and not easy to use. As we have noted previously in this paper, some complained that there was not enough space to fill out the necessary information and that the questions do not link across to the suggested evidence. Most participants also spoke of the process being time consuming which ordinarily would not be problematic, but the effort exerted seems to have derived little benefit. Other comments included:

“The framework is not particularly user friendly...”

“...but the formulaic nature and the tick boxing that is required I found very difficult to make it relevant to what is going on here on a day-to-day basis.”

“I do not think this is a workable framework.”

Most participants also found the tone of the framework problematic:

“I am becoming frustrated with the constant rhetoric that as land managers we are constantly doing the wrong thing.”

“This assumption that have been made in the preparation of this questionnaire suggest that there is a que of people desperate to manage land or take financial responsibility for it. In our experience this is not the case.”

“This questionnaire appears to take the approach that all land management is bad, and the onus is on the land manager to prove that this is not the case. Surely it should be the other way around. If there are complaints about a land manager, they should be asked to justify their actions or lack of.”

“The principles themselves are very vague and open to interpretation, so it is virtually impossible to give certain answers. It feels designed to trip you up.”

These comments appear to highlight an underlying problem with the principles as they are currently worded. We have reflected this in some of our previous remarks.

Given that the framework is intended as a self-assessment, the need for evidence was questioned by a number of participants:

“It then goes on to talk about SLC looking at current and future plans and verification of evidence. This hardly feels like an engaging process, it is already beginning to sound like big brother watching you and already feels like it is all about making private landowners comply”

“I am deeply troubled that there is serious thought being given to the assessment and performance of any landowner, including production of evidence to support their claims ...”

Another area that participants found difficult was the scoring element. As we have already noted, participants only gave 14 scores out of a possible total of 48, which demonstrates a clear reluctance to put a number on their ongoing and constantly changing work.

Most participants did not feel the scoring was beneficial, and often they considered the expectations were such that the scoring system would make them look worse than they actually are.

Another element that proved difficult was the need for clarification and support on a number of the points within the principles and the prompts. This would suggest that in its current format, there would need to be support provided externally when, as a principle, our participants would rather be picking up something to use and reflect on by themselves, only referencing overarching documents when required.

9. How Self-Assessments Might be Developed

There was clear indication from the participants that the self-assessment template as it stands is not fit for purpose.

“Open questions would be far easier to articulate. Questions that are thought provoking rather than looking for specific pieces of evidence. What are you doing to promote community engagement?”

This approach would give landowners the freedom to answer open questions however they wanted, thinking creatively within the guiding principles of the protocol expectations. In discussions, participants spoke of being able to give whatever information they felt necessary and comparing this with some real-life good examples as a preferred approach. Considerable frustration was expressed at the need for providing evidence when participants already had plenty of documented evidence – why duplicate the exercise if they already know the answers?

A more analytical approach of collating evidence may be appropriate for a very large, multi-faceted business is operating across multiple sectors in a variety of locations etc. And even so, it should be up to that business to choose a more analytical approach.

What has come through quite clearly, is that some of the expectations on estates within the LRRS framework are not proportionate or relevant for all circumstances and their content should therefore be reviewed going forward. If the content of the underlying documents is not seen as appropriate by the sector, it will make it difficult to deliver a self-assessment framework that gets buy-in from rural landowners.

10. Recommendations

For the landowners that took part in this process, there was little in the way of benefit to be gained from this approach. That being the case, we are of the view that an alternative approach would be the most appropriate way to go about helping to embed the LRRS principles into the way land is owned and managed in Scotland.

A voluntary self-assessment should be light-touch and not prescriptive. Ideally, it will be a shorter form which instead of asking for details and evidence, should begin by setting out simple, open-ended questions to each protocol. An example could be:

Please read the protocol on engaging communities and the associated good practice examples from X and Y estates (these should be relatively short).

Now think about what are you doing to promote community engagement, and what might you consider doing in the future?

Remember, this is a self-assessment for your own benefit so be at liberty to answer this question however you see fit. We have made some suggestions below:

- *Draw a mind map of all the things you are doing, and then add some things you might want to do in the future.*
- *Write a series of notes and thoughts to help you understand all that you already do and anything you might want to consider in the future.*
- *Collate information and data that you have concerning all the things you do in this area and see where you might want to do more (take a look at our fact sheet to get a feel for the type of information you might want to collate).*

This way, the document could be as short or as long as it is needed to be and it is highly unlikely any landowner would feel this was in any way a test – more a genuine attempt to help them embed the principles into their own working practices.

We do not consider it necessarily appropriate to try and provide a template to fit every circumstance, and for that reason, the options we have mentioned above should only be considered as part of a selection of options that landowners can use to fit their own circumstances. In our view this is the best way to assist landowners embed the principles of the LRRS going forward.