



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

Meeting of the Commissioners

Tuesday 6th September 2022, 9.30am
An Lochran, Inverness

A G E N D A

Item no	Item	Paper no	Action	Lead
	Welcome/Apologies			Andrew Thin
	Declarations of Interest			Andrew Thin
1.	Minutes of the previous meeting: 5 th July 2022	1	For agreement	Hamish Trench
2.	Audit and Risk committee update from Chair		For information	Megan MacInnes
3.	Update from Scottish Government		For information	Fiona Taylor
4.	SLC response to Land Reform Bill consultation – proposed focus	2 Annex A	For discussion	Hamish Trench
5.	Approach to next Strategic Plan	3	For decision	Hamish Trench
6.	2022/23 Business Plan update	4 Annex A	For discussion	Hamish Trench
7.	LRRS Training Programme update	5	For information	Lisa Busby
8.	Youth Engagement Strategy – next steps	6	For decision	Posy MacRae
9.	Scottish Government Agriculture Bill consultation	-	For information	Bob McIntosh
10.	AOB			



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PAPER 2

Land Reform Bill Consultation – proposed focus for SLC response

Purpose:	To consider the focus for the Commission's response to the consultation on the land reform bill
Business Plan context:	Reforming Land Rights: Provide advice drawing on the Commission's published evidence and analysis to support Scottish Government and Parliamentary engagement
Previous board papers:	N/A
Action required:	For discussion

The Commission will submit a response to the Scottish Government consultation on the land reform bill, drawing on our research, previous recommendations and stakeholder engagement.

Annex A summarises the proposed areas of focus for the Commission's response for discussion. Following the board discussion this will be developed into a full response for submission by the deadline of 25th September.

Commissioners are asked to consider the key areas on which the Commission should focus in making a response to the consultation.

Hamish Trench



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PAPER 3

Developing our Next Strategic Plan

Purpose:	To consider and agree the approach to developing our next Strategic Plan
Business Plan context:	Organisational Development: Strategic Plan evaluation and preparation for engagement on new Strategic Plan 2023-26
Previous board papers:	N/A
Action required:	For decision

1. Next Strategic Plan

Our current Strategic Plan was approved by Ministers in September 2020. The Act requires us to submit a revised plan to Ministers within three years, ie by September 2023.

As well as the normal considerations to take into account in preparing a new strategic plan there are two particular factors this time to consider which will influence how we approach it.

First, the Land Reform Bill is scheduled to be introduced to Parliament in late 2023, around the same time we will be submitting a revised strategic plan. The direction of the draft bill will likely be known, but its implications for the Commission, our future focus and functions will remain uncertain at that stage.

Second, the board of the Commission will be changing significantly over the course of 2023-4. We expect a new Chair and two new Commissioners to be appointed from December 2023 and the three remaining Commissioners to change in December 2024. The board will want to consider the Strategic Plan in the context of good governance through a board transition.

We will therefore be preparing a new Strategic Plan for what will be a period of transition for the Commission, in its board and potentially in its role or focus. It is possible that the Bill may result in new functions for the Commission, but even if not, the dynamic and how the Commission adds value and impact will likely evolve. The provisions of the Bill however are unlikely to come into effect before 2025.

2. How we approach the next Strategic Plan

We have some flexibility in how we plan for uncertainty in the next Strategic Plan period. Our obligation under the Act gives us flexibility to submit a revised strategic plan at any point, ahead of the three year deadline.

While we could take the approach of an ‘interim’ plan, we want to ensure that the Commission retains a clear sense of focus and momentum. It therefore seems sensible to develop a strategic plan in the normal way, acknowledge that it covers a period of change for the Commission and leaves open the option for the Commission to revise and update it at any point.

As well as the context identified above, we will want to consider how we develop a plan that:

- Builds on our experience to date and looks over the horizon to ensure the Commission is well positioned to add value on key issues ahead;
- Looks beyond the immediate focus of the Land Reform Bill while recognising our continued role to engage in and support its development;
- Has the engagement and support of stakeholders;
- Continues to evolve the way the Commission operates;
- Recognises the constrained public finance environment and helps us prioritise how we use our staff and budget resource to best effect.

3. Process and Timeline

An outline timetable for developing the new Strategic Plan is proposed as follows:

	Key tasks	Board	Engagement
Nov-Feb	<ul style="list-style-type: none"> • Scoping discussions • Identify statutory assessment requirements • Compile delivery & impact report for current strategic plan 	Nov: discussion on horizon scanning and impact Dec: identify key themes Feb: report on current plan	Early discussion with sponsor team on scope and approach
Mar-Apr	<ul style="list-style-type: none"> • Early drafting for stakeholder engagement 	Mar: agree basis/engagement documents for stakeholder engagement	Stakeholder workshop and 1:1 meetings
Jun-Aug	<ul style="list-style-type: none"> • Drafting • Completion of statutory assessments 	Jun: discussion on draft plan Aug: approval of plan for submission	Targeted engagement as required
Sept	<ul style="list-style-type: none"> • Submission of new plan to Minister 		Stakeholder communications

If we hold our biennial land reform conference in the autumn of 2023 there is the opportunity to tie in the launch of the new plan. However, this will need to be planned in due course with close consideration of the land reform bill timetable.

Recommendation

The board is asked to consider and agree the approach to developing our next strategic plan and agree the outline timetable.

Hamish Trench



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PAPER 4

Business Plan 22/23 - Update

Purpose:	To update the Board on planned delivery for the second half of the financial year
Business Plan context:	22/23 Business Plan
Previous board papers:	Paper 5, Quarterly Progress Report 5 th July 2022
Action required:	For discussion

1. Context

In our 2022/23 Business Plan we set out four key areas of work to deliver on our Strategic Plan and Programme of Work, underpinned by communications and engagement, and organisational development (see Annex A). Delivery and spend commitment against our Business Plan is progressing well and a full progress update will be provided as usual in the Quarterly Report following the end of Quarter 2.

This paper brings together an update for discussion on our planned focus for the second half of the financial year in two of the four themes of the Business Plan:

- Providing advice and evidence on proposed land reform bill and other bills;
- Advice for policy and practice on the land market and a just transition, diversification of land ownership, land development and regeneration.

These are areas in which the context has continued to develop rapidly as the year progresses. In particular, our work on natural capital and land markets has progressed at pace; and Scottish Government has now published the consultation on the land reform bill.

As we approach the mid-year point it is therefore useful to refresh the planned outputs for the second half of 2022/23. This does not change the priorities and planned activity set out in the Business Plan but updates the Board on our focus within these for the second half of the year.

2. Land Reform Bill & other legislation

Beyond the immediate public consultation we want to ensure the Commission is able to be effective in supporting Scottish Government and Parliament as they progress the Bill. We have an internal co-ordination group meeting monthly to co-ordinate relevant work. We identify key areas of work in the next six months being:

- a) Continued communications to a) promote the consultation and b) support government and stakeholder consideration post-consultation as government proceeds to developing the draft bill;
- b) Develop our own thinking on options for practical implementation of the proposals for strengthening implementation of LRRS, management plans and the public interest test in order to support the next phase of bill development;
- c) Commission research on the impact of specific examples of similar international interventions identified in our existing work to inform consideration of proposed measures.

We will also keep under review the opportunities to inform other proposed legislation. There are potentially several relevant bills so at this stage we intend to prioritise engagement on the proposed bills for:

- Agriculture – in relation to tenant farming changes and wider implications of changes in farm and rural support;
- Community Wealth Building – in relation to urban land reform, Common Good, CSOs and embedding land rights and responsibilities;
- Human Rights – on its interaction with the land reform bill and implications for framing land rights.

3. Rural Land Market and Natural Capital

Our June report and recommendations on the land market and natural capital set out a number of actions that the Commission will take forward directly within the second half of this financial year and beyond. These are:

- a) Land market reporting – we are working with Registers of Scotland and RICS to put in place improved market reporting, with the intention that the Commission will publish an annual report providing a snapshot of data and insight building on the analysis published this year. This work is being led by our Research Officer, Hanna Wheatley, now in post.
- b) Governance and leadership – we have established a collaboration with Crown Estate Scotland to pilot their potential role in facilitating land transfer to communities. We intend to jointly fund a project post to implement this, and project initiation is currently underway. A paper providing more information on this project is scheduled for the October board meeting. We also intend to co-fund with partners work that SCDI will lead investigating the feasibility of establishing a new public interest vehicle that could act commercially in the land market using carbon and natural capital finance.

More widely we now have Charlie Davis in post as project manager for diverse land ownership. Charlie will be working with a range of land owners to support practical opportunities to put in place different governance arrangements that diversify ownership and control, supporting practical implementation of our governance recommendations. This work is intended to support change on the ground and learn through experience to inform

wider policy and practice. A discussion on this workstream is also scheduled for the October board meeting.

- c) Community Land Ownership Leadership Group – we recommended the re-establishment of this group which was set up following our 2018 recommendations on community ownership and had been chaired by Scottish Government. Due to limited capacity Scottish Government has asked that the Commission lead re-establishment of this group. We therefore propose to re-establish the group, to be chaired by a Commissioner, with a refreshed remit to include financing options. There is currently a significant level of activity and opportunity being pursued by multiple organisations and we see the co-ordination the Commission can provide through this group being valuable. While this will require staff time to support, we see it as an appropriate role for the Commission. A proposed terms of reference will be developed.
- d) Good Practice Guidance on prior notification of sales – building on our existing protocol expectations we will develop guidance and case studies through our Good Practice Programme.
- e) Ongoing work and advice on community benefit – we have underway a 12-month contract to support implementation of community benefit through natural capital investment. Outputs will include case studies, guidance, advice and learning to inform policy as well as significant value through close engagement with land owners, investors and communities who are trying different approaches.

In addition to these specific actions from our report, we continue to promote and provide advice on implementation of the LRRS Protocol on Natural Capital, for example working with public body partners such as NatureScot, NGOs, private land owners and investors. We continue to direct significant staff resource into this work as a priority for the Commission.

4. Land development and regeneration

Following the board discussion on 5th July we have scheduled two areas of work within this priority that we are currently progressing within this financial year:

- a) Engagement on responsible practice with Homes for Scotland and Scottish Property Federation;
- b) Research on transparency of option agreements, following up a research need identified in our previous report.

We will also develop the scope of further work on CPO use and land assembly, although it is clear this will require further stakeholder engagement and board consideration to ensure our work adds value. If commissioned work is required, this would likely be planned for the next financial year.

5. Conclusion

The sections above set out a refreshed focus in these sections of the Business Plan to ensure we continue to deliver against the priorities in ways that add value.

Other key areas of the business plan continue to progress as planned. We continue to deliver a significant level of advice and guidance through our Good Practice Programme and are putting in

place a proactive LRRS training programme (see separate paper). We are supporting Scottish Government in completing their review of the LRRS by leading on drafting of the accompanying Guidance Notes.

Our tenant farming work continues to respond to casework demand and is putting significant time into key issues for the tenanted sector arising from the agriculture bill, housing policy and carbon management.

The board is asked to consider the focus set out above for delivery of these areas of the business plan in the second half of the financial year.

Hamish Trench

ANNEX A: Summary of 22/23 Business Plan:

Delivering on Strategic Plan and Programme of Work by:			
<p>Providing advice and evidence to Scottish Government, Parliament and stakeholders on the proposed Land Reform Bill and other Bills where relevant (e.g. Community Wealth Building, Agriculture, Human Rights);</p>	<p>Providing advice for policy and practice in relation to:</p> <ul style="list-style-type: none"> • The land market and a just transition • Diversification of land ownership • Land development & regeneration 	<p>Strengthening implementation of Land Rights and Responsibilities (LRRS) through our Good Practice Programme: Delivering Protocols, casework, guidance, advice and training to support practical implementation of the LRRS principles.</p>	<p>Supporting the functions of the Tenant Farming Commissioner: Promoting good relations between agricultural landlords and tenants through Codes of Practice and Guidance, casework, TFC mediation scheme, engagement with stakeholders and policy advice.</p>
<p>Communications & Engagement Open and accessible engagement with the public and stakeholders. Communicating and engaging on land reform opportunities with people across Scotland.</p>			
<p>Organisational Development Supporting staff wellbeing and effective management. Implementing with staff an organisational development programme. Ensuring good governance and sound financial management.</p>			



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PAPER 5

Good Practice Training Programme

Purpose:	Update Commissioners on development of the training programme.
Business Plan context:	Strengthening practical implementation of the Land Rights and Responsibilities Statement (LRRS)
Previous board papers:	Good Practice Evaluation 05/07/2022
Action required:	For information

Good Practice Evaluation

Background

Through the Good Practice Programme we have delivered a range of training opportunities for land owners, managers and advisers to embed the Land Rights and Responsibilities Statement (LRRS) in practice. Karen Grant has been organising training since January 2022, providing bespoke training on request and working across the Commission to draft a proactive series of training opportunities that will embed our recommendations and advice in practice.

Training was identified in the recent evaluation of the Good Practice Programme as an effective approach to embedding the LRRS in practice, with 84% of participants reporting that they had, or planned to, make changes following participation in training. One of the evaluation's conclusions and suggestions for the future was to extend and expand the programme of training and workshops, bringing in additional expertise and capacity to support this through a new Training Coordinator role.

Lisa Busby started as Training Coordinator in July 2022. The purpose of the role is to support adoption of the LRRS principles by delivering a programme of high-impact online and in-person training for key stakeholders.

Objectives of role

1. Design and deliver an impactful and high-quality programme of training on land rights and responsibilities - tailored as appropriate to different sectors and circumstances, with a diverse range of tools and approaches, and robustly evaluated.

2. Develop a comprehensive suite of resources to accompany and embed training in practice, and make these available as an online 'library'.
3. Support all SLC staff in their personal and collective CPD in relation to design and facilitation of learning, training and support - to feel equipped and confident in their skills in these areas.
4. Build strong relationships with key stakeholders and visible pathways for a range of audiences to access training, in order to support and empower a range of community and voluntary approaches.
5. Design effective communications and recruitment strategies to maximise reach and participation numbers.

Ensure throughout all objectives and outcomes that practical change-making and empowering our stakeholders to take positive real-world action is at the heart of how all learning, training and support is framed.

Approaches to training

1. Winter training programme – 'Land Matters' (TBC)

We will be running a regular programme of 45-min sessions over lunch time throughout October-March. We will use case studies to highlight good practice in a series of 'bite-size' type events focusing on a specific topic with time for questions. These will be open to all and promoted through our social media channels and Good Practice Advisory Group members.

2. Bespoke

We will be continuing to run our bespoke programme of training. This is offered to larger landowners and advisory bodies where we feel there is a particular need for specialist training. Recent training has been for utility companies (Scottish Water, Network Rail, Scottish Gas, Scottish and Southern Energy), Forestry & Land Scotland, Cairngorm National Park Authority, NHS Scotland, Crown Estate Scotland and legal professionals. Upcoming sessions include Scottish Forestry, RLUP Pilots, EDAS and work with developers and housebuilders which has some emphasis on Public Interest Led Development.

3. Continued Professional Development

We have previously conducted training with land agents focusing on community engagement in particular. We plan to refresh this programme with the revised LRRS and new protocol providing an opportunity to make approaches to land agents and other professionals.

4. Self-assessment

The self-assessment programme has been redesigned as a leadership programme. Two cohorts are planned for later this year: firstly, with landowners in the Cairngorm National Park Area (CNPA) and secondly, with public sector landowners. The CNPA cohort will be identifying opportunities to strengthen delivery of the LRRS and

developing an action plan across 2 days of in-person training. Our approach to this cohort is being informed by a steering group including Scottish Land & Estates, CNPA, NFU Scotland & Community Land Scotland. The public sector cohort will be utilising the Community Wealth Building Guidance published in March 2022 to consider opportunities to develop their local economy through land and buildings.

5. Heritage Horizons

As part of the CNPA Heritage Horizons programme, we are delivering a series of training sessions in the CNPA area. The first session for CNPA staff has been delivered. Three public sessions providing an overview of the LRRS will be delivered in September. Further sessions will be delivered to support the CNPA Park plan objectives to increase the number of assets in community ownership or management, and the area of land where communities are involved in management decisions.

Next steps

- Complete planning for and promote the winter training programme.
- Deliver Heritage Horizons public-facing sessions and use reflections as a starting point for continued work with CNPA.
- Deliver two self-assessment cohorts.
- Explore and understand internal training CPD needs, through all staff consultation.
- Explore and understand online resource needs, in collaboration with Communications Team.

Commissioners are asked to note the development of the training programme.

Lisa Busby, Training Coordinator

Karen Grant, Good Practice Adviser



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PAPER 6

Long term engagement with young people

Purpose:	To provide a plan of action for long term engagement with young people
Business Plan context:	Communications and engagement: Begin delivery of young people engagement strategy
Previous board papers:	Communications Strategy 2022-23
Action required:	For decision

Background

A key objective for the Commission is to broaden the reach of land reform messaging and to bring diverse voices to the debate. It has been a strong desire from both Commissioners and staff to have deeper and broader engagement with a more diverse range of people in both our work and the wider land reform programme. Land reform is multi-generational, the change needed will happen over decades and therefore requires the public to be aware of land issues and understand the benefits of legislative, policy and practical changes to realise the reforms.

To explore what this could look like and how we can do it, an internship post was created for three months. Aisling Brady was appointed in the internship and carried out an in-depth review of:

- How land reform intersects with the needs and wants of young people
- How the opportunities of land reform can be better expressed to young people
- Best practices in listening to, empowering and advocating for young people looking at a range of examples used and lessons learned from other organisations
- The methods that could inform the youth engagement strategy of the Commission.

Benefits of engagement

Youth engagement can bring several benefits to the progression of land reform, the Land Commission and to young people, as outlined below:

- Land reform

- It is a multi-generational programme of change, for reform to happen the role of today's young people is significant. Alongside future influence in professional roles, there is also the potential to significantly catalyse a greater public discussion around land in Scotland.
 - Substantial evidence that a large proportion of young people are more motivated to attend to social and climate issues over profit, whilst being aligned to long term benefits than short term. These values could help progress land reform.
 - The risks young people face are different to those of their parents and grandparents, such as housing insecurity, the threat of climate change, economic and social crises. Land reform can contribute to tackling these challenges and with the right access to information about land reform and its potential, young people can become persuasive actors for reform.
- Scottish Land Commission
 - Early engagement with young people can help to build an adult audience in the near future who are more likely to remain engaged in land reform.
 - Increased participation can also upskill future land managers, owners, users and policy makers of Scotland in the implementation of good practice and effective public engagement.
 - Opportunity to harness the energetic, creative and imaginative ideas of young people to centre land reform as a key topic in public conversation and feed into our work.
- Young People
 - Land reform presents an opportunity to improve upon the feeling of empathy and being 'let down' and build confidence amongst young people in their ability to influence positive change at a local and national scale.
 - Provides a framework to empower young people as active citizens.

Overview

Through extensive research into who Scotland's young people are today, what their key concerns and motives are, and how they relate to decision-makers, along with examining existing practices in youth engagement the following principles for engagement were identified:

- **'Nothing about us without us'** – the need to get a range of sectors involved in the conversation, not only young people, for example, disabled people, renters etc.
- **Peer to peer engagement** – people respond best to people who they identify with. Consider how to increase youth-representatives in land reform discussion to encourage inclusion.
- **Tokenism** – consider multiple channels for input and consultation to reach broader audiences over an ongoing timescale, avoid expecting young people to speak for all young people on subjects selected, rather than on issues they choose.

- **Meet people where they are** – go to where young people feel safe, confident and welcomed to discuss the issues which matter to them to explore how land reform can provide tools to address those issues.
- **Partnerships** – with organisations who have a wider youth audience. However, be mindful of how the audiences of YoungScot and YouthLink are limited in themselves and how this can be complemented through other channels such as localised youthwork networks, LGBT Scotland, Intercultural Youth Scotland.
- **Youth work partnership opportunities** – MAYDS, The Place @ Alness, Social Track at Wishaw Pump Track, Youth Highland, Youth Scotland.

Considerations

In considering the above principles and overcoming structural barriers to engagement and participation the Commission needs to have regard to:

- How the culture and practices of our organisation inform who engages with the Commission
- Increasing representation and influence ensuring that engagement is not tokenistic and it is authentic
- Responsible consultation creating an exchange and relationship rather than viewing young people as a resource to be ‘mined’
- Use co-design to utilise the experience and skills of young people in creating more meaningful projects and strategies
- How mentoring, skills & confidence building can be embedded throughout the organisation.

Recommendations

To fully embed youth engagement into how the Commission operates will take dedicated resource and time. It is hoped that in realising benefits of engagement with young people, the lessons learned and models used can be adapted to focus engagement with other underrepresented groups, further benefiting our work and the progress of land reform.

The high-level recommendations from the research are:

- Participation training for staff and commissioners to improve awareness of who and how we talk to appeal to a broader audience.
- Explore opportunities of working with Scottish Youth Parliament.
- Explore partnerships with LGBT Scotland, Intercultural Youth Scotland, and Glasgow Disability Alliance to look at intersectional participation.
- Codesign of action plan with young people, led by a ‘participation lead’ to identify where priorities are for young people, the value they can add to our work, the value they can receive from the relationship and the outcomes.
- Use youth auditors to audit strategic plan and policies.
- Increase the profile of the Commissioner roles with young people to encourage a more diverse application pool for the next round of Commissioners and explore opportunities for a ‘young commissioner’ to recognise the intergenerational responsibility of land reform.

Due to the nature of the work involved and acknowledging that this approach must be developed with young people involved at the heart, this will need to happen in phases over the next 18 to 24 months with dedicated resource and time aligned to the Commission’s priorities. This work will be taken forward with the development of the MyLand communication activity which has the aim to broaden our messaging and is a natural platform to further develop and build in depth engagement.

The phased approach to long term engagement with young people is outlined below.

Stages of implementation

Phase 1 (6-8 months)	Phase 2 (12 months)	Phase 3 (18 months)	Phase 4 (24 months +)
Participation training for Commissioners	Look at opportunities to offer at Board level such as shadowing, mentoring etc.	Explore partnerships with LGBT Scotland, Intercultural Youth Scotland, and Glasgow Disability Alliance to look at intersectional participation	Evaluation of action plan and future of long-term engagement.
Engagement with young people strategy and action plan scoped out and co-created.	Participation training for staff	Implement engagement with young people action plan – expanding discussion and reach	Embedded within the organisation and look at putting the learnings into place targeting another demographic group.
Increase the profile of the Commissioner roles with young people.	Youth auditors - young people to audit strategic plan and policies	Explore opportunity of a youth conference – co-design and targeted. Partnership opportunities.	
Explore opportunities with Scottish Youth Parliament	Implement engagement with young people action plan – identify areas of work with young people		

Next steps

Commissioners are asked to consider the approach to long term engagement with young people, the benefits and value alongside the priorities for the Commission over the coming months.

Posy MacRae

30 August 2022