



## Scottish Land Commission Response to Call for Views on Community Wealth Building Bill

The Scottish Land Commission welcomes the Bill and supports the steps it takes which create a mechanism to ensure focus and reporting on actions to deliver Community Wealth Building. How land is owned, managed and governed has a significant impact on the social and economic development of communities, so there is a strong relationship between land reform and community wealth building, that is relevant to both urban and rural Scotland.

We respond below to the four questions posed by the Committee:

### 1. If you think the Bill will achieve its aim.

Publication of a Statement does not by itself ensure delivery, but it can have a significant impact on culture and practice. We highlight the parallel of Scotland's Land Rights and Responsibilities Statement (LRRS) which shows how such a legislative provision can be used. The LRRS is required by the Land Reform (Scotland) Act 2016 and was reviewed and revised in 2022. Agreed by Parliament, the LRRS provides a clear reference point, setting expectations for practice.

To help give the LRRS traction on the ground, the Scottish Land Commission has developed a Good Practice Programme. This includes publication of protocols setting out clear expectations for responsible practice, supporting guidance and advice, and a feedback mechanism through which cases of poor practice can be raised and improvement supported.

We encourage consideration of equivalent mechanisms that will help ensure traction for the CWB statement and will support consistent implementation of the community wealth building model. The proposed Action Plans required of local authorities will have a key role to play in delivery and it will be important that these connect beyond local authority functions to support and influence wider actions.

We welcome the commitment for Ministers to issue Guidance, which will be important in setting the expectations. This can draw on existing guidance in place for the land and property pillar of community wealth building, Guidance on Delivering Community Benefits from Land (based on CWB principles) published by the Scottish Land Commission, as well as wider existing guidance published by EDAS. It can also support alignment with other policy, such as the Land Rights and Responsibilities Statement.

We particularly welcome the specific references in the Bill to:

- *diversifying ownership of land or other assets by facilitating or supporting community ownership.*

- *bringing vacant and derelict land back into use in a way that provides financial, social or environmental benefit to the community,*

The Scottish Land Commission will be able to advise on the Guidance in relation to these specific objectives. We set out more on the potential actions and benefits under Question 4 below.

## **2. If you agree with the relevant and specified public bodies that are proposed, and the extra duties placed on them.**

We note that the Scottish Land Commission is specified as a public body which must have due regard to the Guidance issued in developing our corporate plan and delivery strategies and we agree this is appropriate.

We urge that any associated reporting requirements be proportionate and discharged via existing annual reporting obligations rather than creating additional separate reporting routes.

We note that Forestry and Land Scotland (FLS) is not listed as a specified public body which must have due regard to the Guidance issued in developing corporate plan and delivery strategies. We believe that FLS, responsible for the management of the largest public landholding, has a significant role to play in supporting national Community Wealth Building ambitions, evidenced by their strong track record supporting asset transfer to communities.

## **3. If there are potential unintended consequences to the Bill.**

We have not identified any further potential unintended consequences at this stage.

## **4. How the Bill could benefit local communities and small businesses.**

### **Community ownership and governance**

Asset ownership helps create community anchor organisations with revenue generating capacity that can underpin wider delivery and local economic benefit. Our review of options for financing community land ownership identified a number of ways that community wealth building can support community land and asset ownership including:

- Development of community ownership strategies within a Community Wealth Building Action Plan;
- Alignment of place-based funding to support community asset acquisition;

- De-risking or providing interim ownership mechanisms to support community land acquisition;
- A more strategic approach to the use of public bodies in enabling community land ownership.

Our research on international experience in community, communal and municipal land ownership, as well as governance of natural resources, points to opportunities for land ownership models – notably co-operatives – that blend public, private and community interests in ways that secure local control and local benefit from investment and resources. The Action Plans and Guidance can support practical routes to implement this.

Although not contained in the Bill, a further legislative step that would deliver on community wealth building is to modernise the legislative framework for land held by Common Good in Scotland. This is in effect Scotland's oldest form of community land ownership but is governed via outdated legislation that does not realise the potential of this common resource for communities.

### **Community benefits from land and natural capital**

The Scottish Land Commission has published Guidance on Community Benefits from Land, which explicitly uses Community Wealth Building principles and sets out a range of ways in which benefits from land can be retained in local communities and economies. This is relevant for land-owning organisations and is particularly of relevance in the context of significant rural land use change and investment stimulated by Scotland's net zero ambitions. A Community Wealth Building Statement and Action Plans should create a clear framework which embeds responsible approaches and the necessary governance arrangements so that a) local economies benefit directly from spend and investment and b) an appropriate share of the value created is reinvested in local economies.

### **Vacant and derelict land**

The Scottish Land Commission convened and published recommendations from a national taskforce on vacant and derelict land in 2018. In 2024 we published a progress report, showing significant positive progress as well as some key risks to maintaining momentum. Between 2017 and 2022 site numbers reduced by 15% and land area by 21%. Two-thirds of sites re-used were smaller than 1Ha, small sites which often have a significant impact on local community wellbeing.

While that progress is encouraging, there is also evidence of a lack of early-stage support for community-led regeneration of vacant and derelict sites. A pilot project led by DTAS and supported by the Commission demonstrated the value of early-stage feasibility support but that pilot ended with no route to mainstreaming this support to unlock more re-use.

Vacant and derelict land has a disproportionate impact on the health and wellbeing of communities with higher levels of poverty. Organisations that re-use vacant and

derelict sites are also more likely to retain generated income and skills in the local economy. Therefore we welcome the specific focus on vacant and derelict land in the Bill.

We advise there should be specific guidance on the re-use of vacant and derelict land to support the Statement and Action Plans, and the Scottish Land Commission can support its development.

Although not contained in the Bill, the introduction of Compulsory Sale Orders targeted to bringing vacant and derelict properties back into use would also be a significant step supporting community wealth building. The Scottish Land Commission published a proposal for the operation of Compulsory Sale Orders in 2018.