

Completing the land reform journey

Andrew Howard

Like many land managers I have grown weary of the never-ending land reform debate together with constant legislative changes, additional bureaucracy and barriers to the delivery of national growth in the widest sense. This is not because I don't believe that the way in which land is used, managed or even owned should remain static but because the myopic focus on land and who owns it has diverted much needed attention away from the delivery of vital public policy objectives like economic growth, additional housing and the green transition to name but three. The focus has all been on process and "who" not on outputs.

"Ah but", land reform campaigners would say we need land reform to achieve all these things and if it's not worked in the last 25 years then it's because we haven't been radical enough. Well, I disagree. If anything the land reform "journey" to date has reduced Scotland's capacity to deliver key objectives not improved it.

Before addressing why let me be clear the objectives of transparency in who owns land, it's responsible management and use, and appropriate engagement with communities about on-going activities and change are all positive objectives and about which much progress has been made in the devolution era. And as I said above change is a constant theme of all facets of society and economy and land use and ownership is no different. Anyone that tells you nothing has changed is simply not looking at the facts.

To create maximum opportunities for the delivery of public policy objectives it is the job of government to put in place a facilitative framework to enable the private sector, and it is largely the private sector which is there to deliver, to use it's time and resource as efficiently as possible to create those outputs. Economic growth, more housing and the green transition, to use those three examples, are not created by strategy documents, endless consultation, bureaucratic over-reach and a whole gamut of terminology like "just transitions", "community wealth building" and "land governance" which aren't used outside the public sector. Those objectives will be created through an economy with proportionate and efficient regulation; a tax system which incentivises employment and wealth generation and one with a stable and well understood legal framework which encourages long term investments.

By way of examples of how easy it is to get things wrong. At the start of the devolved era the amount of let land in Scotland was the same as it was in England and provided the best route into farming for new entrants notwithstanding the other barriers to entry.

Where has successive Land Reform legislation got us? A sector in steep decline and probably terminally damaged and 30% smaller than in England. Why, because all the focus was on rights and more legislation instead of what would create the output desired – more let land.

The private rented sector has been treated similarly. A combination of additional taxes, added “rights”, more bureaucracy, rent controls and as with farm tenancies unhelpful political rhetoric has resulted in a sector in decline, thousands of build to rent contracts cancelled and Scotland considered “uninvestible” at present.

Scotland is at grave risk of doing something similar to the green transition. Although it has an admirable record on renewable energy generation consents and woodland creation moves to mandate significant contributions to communities from natural capital schemes, regardless of any mitigation need, threaten to limit interest in such schemes by adding costs and complexity to projects where the path to economic return are often far more uncertain than policy makers appreciate. If you want to look for positive examples of what I mean the renewable energy sector and forestry are good ones. In each the Scottish Government has maintained a stable and facilitative approach to both sectors, unlike elsewhere in the UK, and the result has been vastly more investment in Scotland in those sectors than elsewhere. It's not complicated – make investors feel welcome and provide a stable facilitative environment for decision making and along comes the investment.

What does this all mean for future land reform legislation and policy development. It's straightforward really. Close the Scottish Land Commission, propose no further bills which are just about ownership and bashing it and divert the financial resources and focus absorbed by land reform and use it on something productive like reforming the planning process, supporting local place plans, creating a framework for housing that recognises the need for private investment and create a political and legal atmosphere where investors feel that a long term investment decision made in Scotland isn't either a politically or legally risky one. That means less student agitprop type political discourse (I mean politicians not the SLC!) which damages confidence and investment together with less knee jerk political actions such as dramatic rent control measures with no warning which then damage sectors for years. It's a forlorn hope I know but one can but dream.