



SCOTTISH LAND COMMISSION  
COIMISEAN FEARAINN NA H-ALBA

**Good Practice Advisory Group, 5<sup>th</sup> May 2020**

**Paper 5**

**Update on Good Practice Casework**

**Purpose: This paper provides an overview of Good Practice casework from 1<sup>st</sup> April 2019 to 31<sup>st</sup> March 2020.**

1. Enquiries

We received a total of 41 new contacts in 2019/20 compared with 19 in 2018/19. The majority of enquiries (31) were received from community members and groups, with most contacts coming from individual community members rather than community bodies. Many of these also have some connection with or are members or a community council or development trust but are not initially contacting us in a 'representative' capacity. Other enquiries came from landowners, agents, public bodies and a farming tenant.

Table 1: Number of Enquiries

Enquiry from	2018/19	2019/20
Community	9	31
Landowner	2	4
Agent	0	3
Public Body	5	2
Farming Tenant	0	1
Membership Organisation	1	0
Scottish Government	2	0
Total	<b>19</b>	<b>41</b>

There is no clear trend in contacts being made at different times of the year, though we did see an increase immediately after publication of the Protocol for Community Engagement and during promotion of the baseline surveys.

An inquiry process has been developed for cases that require more analysis and support due to potential failure to adhere to the Community Engagement Protocol expectations. There have been 2 cases where the inquiry process has been followed, although in both cases the issues were not within the scope of the Protocol as the issues related to planning and to forestry creation, which both have their own statutory engagement processes. However, the cases provided an opportunity to test our inquiry procedures against the expectations and gain a greater understanding of

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the issues raised and the ways in which better community engagement could have improved outcomes.

### 2. Location

Most enquiries in 2018/19 and 2019/20 have come from the Highlands. In 2019/20 there have also been several enquiries from Perth and Kinross (6) and Argyll and Bute (5). In 2018/19, all the enquiries received came from rural areas across 7 local authorities. However in 2019/20 enquiries originated from 18 local authority areas, including across the Central Belt. There were 3 enquiries from urban areas – from Glasgow, Edinburgh and Bathgate.

### 3. Type of Landowner

The majority of enquiries have been about or from private landowners, although in 2019/20 there was an increase in enquiries about or from public bodies. These mainly related to forestry and asset transfer cases.

Table 2: Enquiries from/about Landowners

<b>Type of Landowner</b>	<b>Number of enquiries 2018/19</b>	<b>Number of enquiries 2019/20</b>	<b>Total number of enquiries</b>
Charity	0	3	3
Church	0	1	1
Community	2	0	2
n/a (general enquiry)	3	4	7
Private	10	21	31
Public	2	11	13
Trust (Private)	3	1	4
<b>Grand Total</b>	<b>19</b>	<b>41</b>	<b>60</b>

### 4. Issues raised

Enquiries have been received on a wide range of issues as shown in the table below. Community Engagement and Land Use Decision-Making account for just over 40% of the enquiries received. By community engagement we mean the development of estate / organisation wide community engagement planning or of sector specific guidance. The land use decision-making contacts are generally seeking advice on how best to develop engagement and come increasingly from landowners or their agents. Enquiries from community members or organisations are more likely to be due to frustration that engagement is not meaningful or because the community cannot get access to land for development.

We have also seen an increase in the number of enquiries relating to sales of land or statutory rights to buy. In the first year, these were all seeking support from SLC where negotiations for sales to community bodies had stalled under either voluntary or statutory routes. In the last year, two of the enquiries have been initiated by landowners or their representatives seeking guidance on how to best proceed.

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Community bodies or agencies have contacted us where they have been concerned about the sale of buildings where important community businesses or services are located, or where negotiations to purchase land have stalled.

Table 3: Type of Enquiry

	<b>Number of enquiries 2018/19</b>	<b>Number of enquiries 2019/20</b>	<b>Total number of enquiries</b>
Community Engagement	8	10	18
Land-use decision making	2	5	7
Sale of land	3	6	9
Statutory rights to buy	3	5	8
Forestry	0	4	4
Planning	1	2	3
Scale and Concentration	0	2	2
Access to land	1	3	4
Transparency	0	2	2
Vacant and Derelict Land	1	1	2
Public interest ownership	0	1	1
<b>Total</b>	<b>19</b>	<b>41</b>	<b>60</b>

All the forestry enquiries relate to community concerns about meaningful engagement and the decision-making processes for new afforestation proposals. The enquiries relating to vacant and derelict land are all in relation to specific buildings that a community wish to make better use of. SLC will have receive other contacts relating to V&DL that have not come through the good practice team and are not included in these figures. The public interest issue related to development plans on common good land.

### 5. Outcome of enquiry

In the majority of cases, the outcome has been the provision of support and advice, including talking through protocol expectations and how they might reasonably be met, advising on engagement techniques, raising awareness of our good practice resources or signposting to other organisations for further support and advice (mainly COSS, DTAS, and the Scottish Land Fund).

Table 4: Outcome of Enquiry

	<b>Outcome of enquiries 2018/19</b>	<b>Outcome of enquiries 2019/20</b>	<b>Outcome of enquiries - Total</b>
Information provided	6	22	28
Meeting held	6	4	10
None	1	2	3
Progressed to engagement plan	2	2	4
Signposted	2	11	13
<b>Total</b>	<b>19</b>	<b>41</b>	<b>60</b>

In a small number of cases, it has not been possible to resolve the issues raised with us. We cannot intervene, for example, where a community does not like a decision

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made under a statutory process. In one case we have been notified of apparent poor practice but been unable to intervene due to a request not to take the matter further, and lack of powers to take steps to rectify the situation. However, in all cases where we have had direct dialogue with landowners or their agents, positive steps have been taken to develop and improve engagement practices.

**Good Practice Advisory Group members are invited to comment on the information provided.**

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