

The Dingwall Agenda

**A Discussion Document
for
Land Reform
and
Rural Development
in Scotland**

**By
Frank W. Rennie**

**For
Ross And Cromarty District Council
Development Services
Station Road
Freepost
Dingwall
IV15 9BE**

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Introduction

The text of this booklet is based upon a presentation made to a seminar on "Land Tenure in the Highlands and Islands - A new Approach", and the subsequent discussion which it engendered. This seminar was organised by Ross and Cromarty District Council and held in Dingwall in 1994. For this reason, the case for land reform in Scotland largely follows a Highlands and Islands perspective. This is not to be minimised, for the area covers more than 50% of the land surface of Scotland. Nor is it to be trivialised, for the legacy of injustice and mismanagement of the land resource of this country reaches its nadir in the history of the clearances and the land ownership patterns which to a very large extent have remained with us to this day.

Those who deign to believe that these historical occurrences have little to do with the development of a modern society need only to look at the wave of emotional support which was generated by the Assynt Crofters Trust, or by the saga of Eigg, or any one of a dozen other confrontations between the resident rural population and our would-be benefactors. The support for land reform in Scotland grows almost every month. Supporters are attracted from both within the rural communities and from other allied interests many miles distant from these communities. The issue of land reform is higher now than at almost any time since the beginning of this century, and though we might chose here to focus on the Highlands and Islands, the natural extrapolation of this reasoning has profound implications throughout the entire country.

The Contribution of Crofting

It is becoming generally accepted that the crofting style of small-scale, low-intensity landuse, with security of tenure, access for home-building, and some degree of occupational pluralism is one valid model of sustaining community and economic development in rural areas of Scotland. It is also being recognised that good crofting agricultural practices very often are also good for the natural environment, in contrast to other, more intensive styles. These factors being the case, it is natural that we should want to see the crofting system improved, consolidated, and extended, for the benefit of rural people and the rural environment, and indirectly, for non-rural people. This can be realised by a number of reforms which can be achieved in a relatively short time. Reforms would include changes to the effect:-

- 1. That the crofting system should be extended throughout the other 75% of the crofting counties in the Highlands and Islands.**

Despite the current legislation being restricted to the geographical area of the former "seven crofting counties", many people do not fully realise that in fact only a small

proportion of the land surface of the Highlands and Islands is covered by crofting law. Almost three-quarters of the land area of the Highlands and Islands is currently run as 'sporting estate', 'mixed estates', or for forestry, environmental, or recreational purposes.

Given the benefits of the crofting system (keeping a population on the ground, and the maintenance of good natural environmental qualities) it would seem logical that we should attempt to extend the area under which a crofting style of land management is practised, especially when by implication this would extend into areas which were formerly occupied by crofting townships before clearance or encroachment by other more intensive forms of land use. As this would effectively mean the creation of new crofting units, and as this is specifically legislated against under the current legal statutes, we would need to press for reform.....

2. That legislation should be passed to enable the creation of new crofts.

This is a very significant step but there is a precedent for such a move, both in the planned villages created to stem rural depopulation in the late eighteenth century and, more recently, in the acquisition of land by the Department of Agriculture for the purpose of creating more crofts to alleviate rural disadvantage in the first thirty years of this century. There are several factors which make a very strong case for the creation of new crofting villages, namely:-

- a) the apparently inexhaustible demand for crofts throughout the Highlands and Islands.
- b) the wider trends of increasing desire for the counter-urbanisation of rural and remote areas
- c) the perceived contrasts between crofting areas and sporting estates in terms of relatively higher levels of population and services, together with greater diversity in both the natural environment and employment opportunities.

Furthermore, there is no reason to restrict this proactive manner of stimulating the potential for rural development initiatives to the currently existing "crofting counties". There are numerous areas in the north-east of Scotland, the Highland border, rural Tayside, and the Border districts which have benefited from crofting-style settlements in the past and could well benefit again. There is therefore a proposal.....

3. That the crofting system should be extended to areas outwith the crofting areas.

This could include:-

a) The break up of larger units - unused and under-used estate land; marginal farms and larger commercial farms; areas of setaside; areas of strategic community and conservation value.

b) Land Trusts for Family Farms- the establishment of community owned and controlled land in regions where family farming has been, and/or remains, traditionally strong and where there is an interest in protecting this for cultural, environmental, and/or economic reasons against the establishment of interests not directly responsible to the local community.

It would seem illogical to press for the creation of more crofts and community controlled land without acknowledging the needs to both protect existing resources, and to stimulate better use of exiting resources. A number of suggestions to encourage these aims are given in this document. With specific regard to the crofting situation , there is a requirement.....

4. That existing controls on the decrofting of whole crofts should be tightened.

There would seem little point in making substantial gains by increasing the stock of land under crofting tenure, only to lose it to small-scale landlordism at the other end of the spectrum. This would not affect the existing rights to decroft parts of crofting land for purposes generally beneficial to the community, including the creation of individual house sites; for the construction of township facilities; and for the better management of the inbye and township lands. It is also important.....

5. That decrofting applications should be considered on an individual basis in relation to a regional zonation of priority rather than on legal precedent.

This is a subtle but important point which acknowledges the fact that circumstances differ slightly in different localities, and allowances should be made for this. A case in point would be that a few acres of croft land adjacent to an urban area could be considered to be more important in that context than if it was in the heart of a crofting areas, surrounded by other crofts. The rarity of croftland in the urban fringe, or in an area of larger-scale farming, may perhaps place a higher premium on its value and the importance of its retention as croftland than in an areas where croftland is more abundant. The legal precedent of the reasons why croftland can be legitimately removed from crofting tenure is rather static, and places no distinction between the different geographical needs.

On a wider scope, the recognition that crofting is an integrated and complex approach to sustaining rural development, and is not, nor ever has been, simply a small-scale agricultural activity, should be reinforced in official rural development policy. More specifically, there are two important proposals:

- 6. That the Crofters Commission should be removed from the sole control of Scottish Office Agriculture and Fisheries Department and placed within a Department which has the scope to take a wider view of rural policy than merely agricultural implementation.**

Following on from this, there needs to be a clear remit and resources given to the Crofters Commission to take a more direct role in the management, stimulation, and support of rural development in the crofting areas, including....

- 7. The establishment by the Crofters Commission of Area Development Officers.**

These should be directly employed by the Crofters Commission, rather than by the Dept. of Agriculture as is the case at present, and should have a much wider role than simply the agricultural component of crofting, to include environmental, housing, cultural, and economic development, as well as direct liaison with other development organisations. This would enable a more proactive and integrated role for the Commission throughout the rural areas of the Highlands and Islands.

Community Land Trusts

Although there has recently been considerable, high-profile, interest in the establishment of several Community Land Trusts in the crofting areas of the Highlands and Islands, the full potential of these trusts is not restricted to the crofting areas. It is true, however, that the physical and social ties of many of the crofting communities provide a fertile seedbed for the establishment of community ownership initiatives of varying sizes and functions. It will be necessary to maintain a long-term perspective in any strategy for sustainable land reform in Scotland, though this need not mean that only long-term initiatives are possible and/or desirable. It will be necessary to adopt a variety of approaches to secure land and resources for community ownership and control, and the local solutions will be strongly dependant upon the peculiarities of the local history and current situation. Among the options though an obvious contender must be.....

- 8. That the Scottish Office Agriculture and Fisheries Department Estates should be transferred to Community Trust ownership.**

There are two myths about the crofting estates of the Department of Agriculture, firstly that they already belong to the people because they are owned by Government, and secondly that the Department is a good crofting landlord. On the first point, it is doubtful if the residents of these estates have any greater say in the management of their estates than from any other absentee landlord who is located in the city - no more influence either than any member of the public has over any of the nationalised assets of the country. While it may be more desirable for certain areas of land to be owned by a Government body rather than abandoned to the whims of private speculators, there can be no doubt that SOAFD estates and the resources they might possess are not in any manner of means under the ownership or control of the local resident community.

In respect of the Department being a good landlord, there is absolutely no evidence that these estates are managed better, more efficiently, or even bring greater benefit to the local community than many of the adjacent private estates. To the contrary, there are many examples which can be shown to impartial observers which demonstrate that Dept estates have been the victims of just as much misuse of land, lack of inward investment, rural depopulation, poor housing, and general unemployment as other landed estates. It might be true that the Dept. has not persecuted their residents to the same degree as the worst excesses of private landlordism, but they are certainly no paragons of virtue, and the testimony of management by neglect is no great advertisement for greater control by central government.

Where case studies of the crofting estates can be useful, is to provide pragmatic, workable examples of the management of land and resources by and for the local community across a range of localities. The examples of the Stornoway Trust Estate, Assynt Estate, and the Borve Estate give us different scales of operation, different types of land, and different responses to the development needs of the area. These examples also hold relevant issues for rural communities in localities outwith the crofting areas. To extend the impact of community ownership to other areas it may be desirable to....

9. Utilise Local Authority legal assistance in the preparation of a constitution for a Community Trust which is locally appropriate.

The Local Authority offers an excellent, locally accountable platform to consider the formation of a community land trust or local community development organisation. Unlike some other agencies, the Local Authority may be able to operate across diverse sectors of public interest, and while the provision of funding might be difficult, there should be several opportunities for technical support and assistance with the development of local structures. It might also be possible for other organisations which are active in the rural sector to become involved in facilitating and supporting complementary initiatives within their own remit of operation, e.g. for Scottish Natural Heritage to assist with environmental development projects, and for the Local Enterprise Company to assist with business feasibility studies, vocational and entrepreneurial training, and for business start-up funding.

In most cases the ownership and control of the land resource will be an invaluable starting point for rural and community development, but of course there are many other

rural resources which will also be important in securing sustainable development. It will therefore be imperative to ensure

10. That local resources such as forestry assets, mineral and sporting rights, marine and foreshore rights, and rights of access should also pass to community ownership and control.

Some of these resources may seem to be less important in some localities, but it is often difficult to predict the vagaries of supply and demand, and to leave local assets which might become valuable in the future to interests which are outwith the control of the local community is to be short-sighted. It may be possible, for instance, that future changes in Government policy, could include the sale of national assets like the forest resource, and it would be extremely beneficial, both in economic and social terms, for the community to acquire these resources rather than for control to pass outwith the area.

It may be that some of the smaller Community Trusts will find problems of scale relating to the management of certain resources, or in the provision of specialist or costly services. In these cases it is entirely possible that a number of such Trusts could come together to...

11. Form a Federation of Community and Publicly owned land to achieve economies of scale

By combining certain key features, such as legal administration, marketing, and/or insurance schemes, it may well be possible for even fairly small community-run estates to gain access to high quality advice and to achieve substantial financial savings. Perhaps even activities such as joint business ventures, collaborative development plans, and shared access to specialist skills such as game keeping, fish farming, forestry, and agricultural expertise might be shared by some initiatives. Added to this cost sharing, it will also be possible to create wealth and social benefits within the areas by utilising local employment and skills. There may well be an opportunity to create a jointly-owned company to assist with the management of community owned estates, and it is to be expected that financial profit would only be one parameter which would be considered, along with social, cultural, environmental, and employment issues which would contribute to sustainable development.

Financial Considerations

There is an immediate problem, however, that if further purchases of land are to be secured for community ownership and control, then it is likely that substantial sums of money will be required to assist with the purchase; for start-up funding of community ventures; and for management running costs until the estate gets consolidated. It is unlikely that even a minor proportion of this funding could be raised by public

subscription on the Assynt Trust example. It will therefore be necessary to seek both short-term funding to enable further land purchases, and long-term funding to support running costs, feasibility studies, and start-up funding of new ventures. There are several possible ways in which this might be facilitated, including....

**12. Create a land and development bank to facilitate community purchase and initial management of land.
Bank of Highlands and Islands Development, Environment, and Organisation (BHIDEO)**

A rolling fund to facilitate land purchase and assist with basic management costs for the first three years could be established by joint subscription. This Fund could be managed on a long-term, low interest loan, - in a similar manner to the Highland Fund - with major shareholders including Local Authorities, Local Enterprise Companies, Scottish Natural Heritage, and sources of private investment. This bank could operate as a fund to stimulate rural and community development, encouraging liquid assets to be reinvested within the region, and offering a modest financial return in addition to substantial social benefits for fundholders.

It may also be desirable to attract funds from outwith the region to assist with development investments. In view of the often marginal financial profitability but high social returns, it may be possible to.....

13. Secure financial assistance from Ethical Investment Trusts.

It is becoming more common for many investors to seek social equity for their investments, and a great many social and economic development initiatives, both in highly developed and less developed countries, have been supported in recent years. Examples of these initiatives include, manufacturing and crafts co-operatives, credit unions, social housing projects, and other community businesses, many of which have subsequently expanded into substantial commercial enterprises. The purchase of land for community benefit would seem a highly desirable and commercially sound investment for socially conscious investment funds, and this avenue should be explored. Similarly, for the community trusts to be successful on a long-term basis, it will be imperative to....

14. Consolidate links between Community Land Trusts and Community Businesses to secure locally appropriate rural development.

Though it should be accepted that the establishment of a Community Land Trust and the achievement of a community buy-out is a significant achievement in itself, this also offers exciting potential for rejuvenating other aspects of the economic and social life of the community. There is an obvious link between the consolidation of the Community Land Trust and the establishment of wider Community Business initiatives. Such

subsequent ventures might have purely social objectives, or be strict commercial projects, or more likely have a combination of targets. The benefits are similarly not restricted to narrow confines, and would include the independence to steer decision-making to ensure local community benefits, and to encourage a favourable economic multiplier of income generated and spent locally. In combination with other rural development initiatives, there is no reason why such community business initiatives should be restricted to small-scale and/or not-for-profit organisational structures.

General Reforms

It has been pointed out by several observers that many of the points which have been made with regard to crofting reform and the creation of Community Land Trusts also have a wider relevance for land reform in Scotland. Foremost among these is the need to....

15. Create a statutory, publicly accessible register of all land holders in Scotland.

It is almost beyond belief that there is so much secrecy in Scotland as to who owns the Scottish countryside, and consequently who benefits from the exploitation of land-based resources. For there to be any realistic hope of land reform it must be known precisely who have interests in the ownership and management of land and associated land rights throughout Scotland. At its simplest, we need to have a stock taking before any reasoned strategy can be formulated for the best use of land and land-based resources. In addition, where imbalances of resource distribution, and possibly deliberate mismanagement of resources, are found to be a problem issue, the relevant authorities will need to know precisely who to contact and who is responsible. A natural extension of this register is the need to.....

16. Implement a compulsory environmental and social audit on all land:-

- a) Commencing with all new land transfers;**
- b) extending throughout Scotland.**

This audit would seek to document the good, the bad, and the possible of environmental and social resources with regard to the development potential of the locality. A considerable amount of this information may be known in a very general way, but much more detail is required with respect to individual estates and holdings in order to obtain a clear picture of the health and vitality of the countryside. Ultimately we need to be able to produce a modern equivalent of the exemplary West Highland Survey, but for the whole of the country, and in a manner which can be regularly updated to maintain its validity as a strategic planning document. In the short term we should seek to....

17. Prepare Management Plans based upon the environmental and social audits which would be:-

a) Conditional for State support;

b) A facility for penalising deliberately detrimental land use practices.

By establishing a baseline of the environmental, social, and economic strengths and weakness of areas of land we can begin;

- a) to plan and prioritise future improvements and enhancements;
- b) monitor the good and bad changes to this baseline and take appropriate action;
- c) establish a scale by which to reward landusers for positive land management initiatives, and correspondingly to penalise environmentally and/or socially damaging practices.

Approved management plans would be conditional for access to any sources of public funding, and would allow for continuity in the long-term management of beneficial land use practices. This would also be relatively independent of the vagaries of "management" by absentee landlords. It is to be anticipated that, through time, it would be possible to prepare detailed land management plans and integrated strategies for development which could....

18. Ensure the preparation of realistic Regional Land Use Strategies.

Regional Strategies would not only relate to the Regional Planning Authorities and other statutory bodies, but would enable cognisance to be taken of local peculiarities and special local attributes which serve to define what the Scandinavians call "the cultural landscape". These strategies would not be tightly restrictive, but would offer a flexible framework to protect core areas of special interest, enhance land of marginal or degraded value, and proscribe areas for future developmental activities relevant to the region.

It is safe to assume that there will not be a massive transfer of land to Community Trust ownership, but as appropriate land comes up for sale, or when certain areas become

strategically important for the greater public good, these lands should be brought into the ownership of the whole of the normally resident community. Once again it is possible that Local Authorities could have a key role in securing the public good, and in particular....

19. Local Authority contacts should be utilised to scout the local market for future land transfers.

This may be restricted to the provision of technical and legal support, or where this coincides with the Regional Land Use Strategy, the Local Authority may chose to take a more proactive role in securing rural development within its region.

Inevitably, as more land is brought under community ownership and control, and as more of the land outwith community ownership is brought under management practices which are concurrent with the common good of the local community, then it will necessary to....

20. Initiate controls on institutional ownership of land

Where land continues to be owned and controlled by interests outwith the normally resident local community and/or local democratic organisations, various controls will require to be introduced to ensure that land management practices are coincident with local needs and the Regional Land Use Strategy. These controls should be flexible and relevant to the needs of the area, and need be no more strenuous than existing planning legislation, but all controls must be legally enforceable and accountable to the electorate.

This should include mechanisms to...

21. Investigate effects of semi-public body ownership

Where land is being mismanaged by an individual landowner, even where legislative controls are not able to produce positive benefits for the local community, there is at least the consolation that the individual cannot exert complete control forever. This is not the case, however, with institutions and committees, which can simply replace an individual and carry on as before. Obviously this can be both advantageous and disadvantageous, depending on the particular circumstances, but there is little doubt that it places the management of land by semi-public bodies in a different category from either wholly public or wholly private land managers. Such bodies could therefore be seen to be managing land according to a separate agenda, on behalf of an organisation to which the public are admitted but have very little real influence in terms of management goals or actual activities on the ground. It is therefore important that....

22. All land purchases utilising Public Sector finance should be compelled to include democratic community representation in estate management.

This mechanism could ensure not only that the objectives of the landowners are able to be satisfied, but these objectives are compatible with local needs and aspirations, and with the Regional Land Use Strategy for the area. It is a safeguard against institutional landownership by the back door under the guise of land being held "for the public benefit".

On the wider perspective it is seen by many to be desirable to...

23. Establish Legal Right of Universal Access.

Such a right, perhaps similar to that already in operation in Scandinavia, would ensure the right of access to all wild land, i.e. excluding land which is being cultivated and/or immediately adjacent to private dwelling houses. This right would allow for the free passage of individuals except where this is dangerous or shown to be damaging to the natural resources of the area.

Last, but not least, it is desirable to secure land reform not just to guarantee capital security for those working and living in rural communities, but also for the social and environmental improvements which can be built upon this asset. If rural land is to be maintained in a manner which is of an optimal value to the entire nation, rural and urban dwellers alike, then not only must the public be prepared to invest in these assets, but they should be entitled to a say in how they are managed through the democratic process. It is true that ownership of the land by the locally resident community is not a panacea for all troubles, but if rural disadvantage is to be sincerely addressed then resources must be allocated to meet these needs at a level and in a manner which is appropriate to the rural situation. It would seem logical that a key plank in any strategy for the support, stimulation, and encouragement of innovation in a context which is relevant to the rural society, would be greatly strengthened by moves to...

24. Establish a Rural Aid Fund

This might function in a manner similar to the LEADER 1 European programme, which aimed to provide links between existing development agencies, support for local organisations and individuals, and matching funding for a structured menu of development initiatives which were complementary and compatible to existing rural development strategies.

The text of this publication expands on "The Dingwall Agenda" presented by Dr. Frank W. Rennie to the seminar on "Land Tenure in the Highlands and Islands - A New Approach" held on 11/3/94. The views expressed are those of Frank Rennie.

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Contacts

**Highlands and Islands Enterprise
Bridge House
Bridge Street
Inverness**

**Rural Forum Scotland
Highland House
St. Catherine's Road
Perth**

**Scottish Natural Heritage
Dingwall**

**Scottish Crofters Union
The Old Mill
Broadford
Isle of Skye**