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Dear Isabelle

Land Reform Policy Group report *Recommendations for Action*

Although we appreciate that the above document marks the end of the LRPG's consultation process and invites no further response at this stage, we feel it might be helpful to summarise some of the reactions to its content which have emerged at subsequent discussions within LINK.

Countryside and Natural Heritage Issues

We welcome the inclusion of the Access Forum's recommendations that the right of responsible access should be enshrined in law and extend to enclosed as well as open and hill ground. Many of the LINK member organisations give high priority to the issue of access and we look forward to early legislation.

Similarly, we support the view that the National Parks initiative and revision of SSSI legislation should form part of the overall land reform programme.

Finally, we believe the whole of the land reform agenda can and should improve the standard of management of Scotland's natural heritage; thus it should be an explicit objective.

Land ownership and stewardship

As stated in the foreword, land reform is about "securing the public interest in land use and land ownership." One way to genuinely secure the public interest would be to give increased emphasis to stewardship responsibilities - eg that the ownership and use of land is conditional on the public interest. The LRPG's vision of more community involvement and greater diversification in the ownership of land would provide a sound basis for good stewardship. There is an assumption that those with a long-term dependency on the land are the most likely to operate sustainable management practices.

We therefore support this vision, but we would question the document's principal mechanism for achieving it. The recommendation is for a community right to buy in appropriate cases

where land is offered for sale above a chosen threshold, at a price set by a Government Appointed Valuer. Landowners hostile to such legislation might deliberately seek opportunities to thwart its aims (eg by ensuring that land parcels offered for sale are of inappropriate size).

At worst, it could encourage landowners to retain surplus land rather than selling for what would be seen as below open-market price. In the absence of any incentive to release land, the result could be a shortage of land on the market.

Urban Dimension

Although LINK organisations might be tempted to welcome the heavy rural emphasis in the LRPG's consultation, we feel that the lack of an urban dimension is a serious weakness. Attention will inevitably focus on specific rural symptoms of a flawed land tenure system rather than examining underlying causes. However it is important to recognise that land reform is a topic relevant to all people in Scotland.

The tenure of land must be based on sound principles which are universal and constant and do not vary according to the changing pattern of land use, although the application of these principles will vary according to different circumstances.

Law reform

We fully support the intention to remove outdated and unfair land law. However, we vigorously oppose the proposed concept of "outright ownership", which suggests a consolidation of absolute property rights in the holding of land and blurs the vital distinction between the ownership of land and the ownership of manufactured commodities.

The process of feudal reform must observe the axiom that society as a whole is the ultimate owner of the land, and the source from which all land titles are derived on a conditional basis. It is imperative that this conditionality is not lost, and that new legislation recognises the land as a common resource.

Land-Value Taxation

We support the recommendation that this should be an issue for further study. By requiring an annual payment from every landowner in accordance with the rental value of the land held, land-value taxation would establish the conditional nature of tenure and would restore society's stake in the land resource. It would encourage disposal of surplus land and ought to apply universally to all land.

Finally, we note the assurance in the Foreword that the present recommendations are a platform on which an ongoing process of land reform can be built. We share that view and look forward to playing our part in the debate as it continues to develop.

Yours sincerely

Michael Scott
Chair