

# ANNEX 1: RESPONDENT INFORMATION FORM



Scottish Government  
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## Consultation: Guidance on engaging communities in decisions relating to land

Please note this form **must** be completed and returned with your response.

Are you responding as an individual or an organisation?

- Individual  
 Organisation

Full name or organisation's name

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The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name  
 Publish response only (without name)  
 Do not publish response

### Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes  
 No



# SURF RESPONSE TO THE SCOTTISH GOVERNMENT CONSULTATION: GUIDANCE ON ENGAGING COMMUNITIES IN DECISIONS RELATING TO LAND

## About This Paper

The Land Reform (Scotland) Act 2016, which received Royal Assent in April of that year, obligated Scottish Government Ministers to, “issue guidance about engaging communities in decisions relating to land which may affect communities.”<sup>i</sup>

In March 2017, the Scottish Government published a seven-page draft guidance paper and launched a public consultation. In the Ministerial Foreword to the consultation document, Roseanna Cunningham MSP, Cabinet Secretary for Environment, Climate Change and Land Reform, stated: “I invite all those who have a view on engaging communities in decisions about land to contribute to the further development of the Guidance by responding to this consultation.”<sup>ii</sup>

SURF has a keen interest in the potential of the land reform and community empowerment policy agendas to enhance the regeneration of socially and economically challenged places.

Our 2016 Manifesto for Community Regeneration, which was developed after 18 months of consultation activity with the 250+ member organisations in the SURF network, highlighted the use and ownership of land as one of two overarching context elements that, “are highly influential in the success or otherwise of all regeneration investments and strategies.”<sup>iii</sup>

This paper sets out SURF’s response to the draft guidance. Replies to selected set questions from the consultation document follow.

## Key Considerations

### Question 1: Does the draft Guidance respond appropriately to the considerations of Section 44(2) of the Act?

In general terms, yes. SURF is particularly interested in Section 44(2)(d) of the Land Reform (Scotland) Act, which states that Scottish Ministers must, “have regard to the desirability of... furthering the reduction of inequalities of outcome due to socio-economic disadvantage.”<sup>i</sup>

The draft guidance identifies an explicit link with relevant Scottish Government National Outcomes, including “we have tackled the significant inequalities in Scottish society”, and “we have strong, resilient and supportive communities”. It also explicitly encourages land owners and managers to take the social and economic impacts of any decisions relating to land into account as part of a holistic consideration process.<sup>ii</sup>

The publication of a concise guidance document that overtly calls on land owners and managers to consider social and economic disadvantage in land development matters is a welcome development from SURF’s perspective. As we noted, however, in our response to the early 2017 consultation on the Land Rights and Responsibilities Statement, there is a concern that the publication of principles, statements and guidance papers have limited influence if unaccompanied by wider policy actions.<sup>iv</sup> The draft guidance states that it, “does not require separate engagement to be carried out in addition to... statutory [community consultation] requirements.”<sup>ii</sup>

Support in practical policy, such as community land ownership grant programmes and community capacity building support initiatives that prioritise deprived places and regions, is therefore important if impact in addressing socio-economic disadvantage is to be maximised. The anti-poverty commitments in the Fairer Scotland Action Plan, including the implementation of a socio-economic duty on public bodies in Scotland, may also enhance land reform considerations on disadvantage.<sup>v</sup>

### Question 2: Do you agree with our proposed scope for the Guidance?

The scope for the guidance is admirably wide. One further set of issues that could usefully be taken into account are those raised by the Scottish Parliament’s Local Government and Regeneration Committee in its 2014 inquiry into the delivery of regeneration in Scotland.

The Committee’s final inquiry report noted that since Roman times, regeneration has generally been “done to people” and initiated by landowners or by the state; it highlighted the design stage, in particular, as one in which there is “not... enough emphasis on true community participation”.<sup>vi</sup>

Ensuring that community engagement is a regular feature of decision-making relating to land use is a substantial challenge in itself. Meeting this objective will, nevertheless, lack purpose if the engagement is tokenistic, presentational or otherwise non-meaningful. While genuine engagement is challenging and consumes time and resources, it often leads to positive, cost-effective outcomes in the longer term.

Community group representatives regularly report to SURF that they feel neighbourhood land use plans by local authorities, housing associations, private developers and other agencies are presented for consultation only after decision-making processes have been finalised.

## The Draft Guidance

**Question 11:** Considering the draft Guidance as a whole, do you agree that it has proportionate and reasonable expectations of land owners, land managers and communities? How could we improve the Guidance in this respect?

The draft guidance considers the benefits of community engagement and co-operative working relationships from all perspectives, sets out the various formal and informal options for engagement and the circumstances in which each might be most appropriate, and promotes the National Standards for the Community Engagement and the Place Standard among other useful consultation tools.

In this regard it appears to meet the needs of stakeholders on both sides of the engagement effectively, clarifying what level of engagement community representatives should reasonably expect, and the efforts and approaches land owners and managers should be taking in typical scenarios. It could be used, for example, as a practical reference point in circumstances in which a community group feels a land owner or manager is not engaging with them appropriately with regard to a particular type of decision.

The compact, accessible nature of the guidance is helpfully efficient and the language is clear and relatively jargon-free. There is limited scope for improvement in that regard.

**Question 13:** In the final published Guidance we would like to include examples of when engagement should be carried out. Can you provide examples of situations in which you think that engagement either is, or is not, necessary?

The SURF Awards for Best Practice in Community Regeneration regularly highlights the value and importance of effective, meaningful community engagement in regeneration initiatives that involve significant land development, many of which grow in ambition and scope on the back of in-depth local consultations at the early design stage.

Three examples follow (full project profiles are available in the references):

1. **Tomintoul & Glenlivet Regeneration Project** – 2016 SURF Award Winner, Community Led Regeneration Category: This wide-ranging initiative supported the socio-economic recovery of the remote Moray town of Tomintoul. The local Development Trust engaged widely with more than 300 local resident members and other stakeholders to take the local youth hostel, visitor information centre and museum into community ownership, and to establish new footpaths and mountain bike trails to enhance local tourism. <sup>vii</sup>
2. **Laurieston's 'Open Spaces'** – 2015 SURF Award Winner, Creative Regeneration Category: This initiative complemented a new housing development in south Glasgow by giving local arts and community groups the opportunity to make use of a diverse set of buildings and public spaces in the area, including railway arches, an Alexander 'Greek' Thomson church, and an adaptable open space on the site of a former high-rise building. <sup>viii</sup>

3. **Stromness Townscape Heritage Initiative** – 2013 SURF Award Winner, Town Centre Regeneration Category: Planned investments in the Orkney town’s built environment were improved by an extensive consultation exercise, which engaged businesses, residents, schools, the local college, and a number of third sector groups. The project’s legacy is an attractive and successful town centre, with more than 50 restored properties and vacant buildings brought back into use for a wide range of social and economic purposes.<sup>ix</sup>

## Question 14: Do you have any other comments?

The effective marketing and promotion of the guidance document is key to its uptake and influence. Well-publicised, free, and cross-sector workshop events held across the country, for example, may help to raise awareness.

### **End of response**

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## References

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<sup>i</sup> The Scottish Parliament, 2016 (asp 18), *Land Reform (Scotland) Act 2016: Part 4 > Section 44*. London: National Archives. Available at: <http://www.legislation.gov.uk/asp/2016/18/section/44/enacted>

<sup>ii</sup> The Scottish Government, 2017, *Consultation: Guidance on Engaging Communities in Decisions Relating to Land*. Edinburgh: The Scottish Government/APS Group. Available at: <http://www.gov.scot/Resource/0051/00515687.pdf>

<sup>iii</sup> Milne, A., & Rankine, D., 2016, *SURF's 2016 Manifesto for Community Regeneration*, Glasgow: SURF. Available at: <https://www.surf.scot/wp-content/uploads/2014/12/SURF-2016-Manifesto-Final-Draft.pdf>

<sup>iv</sup> Rankine, D., 2017, *SURF Response to a Scottish Government Consultation on the Land Rights and Responsibilities Statement*. Glasgow: SURF. Available at: <https://www.surf.scot/wp-content/uploads/2013/06/SURF-Consultation-Response-Land-Rights-Responsibilities.pdf>

<sup>v</sup> The Scottish Government, 2016, *It Takes All of us to Build a Fairer Scotland: Fairer Scotland Action Plan*, Edinburgh: The Scottish Government/APS Group. Available at: <http://www.gov.scot/Resource/0050/00506841.pdf>

<sup>vi</sup> Scottish Parliament Local Government and Regeneration Committee, 2014, *1st Report, 2014 (Session 4): Delivery of Regeneration in Scotland*. Edinburgh: The Scottish Parliament/APS Group. Available at: [http://www.parliament.scot/S4\\_LocalGovernmentandRegenerationCommittee/Reports/lgr-14-01w.pdf](http://www.parliament.scot/S4_LocalGovernmentandRegenerationCommittee/Reports/lgr-14-01w.pdf)

<sup>vii</sup> SURF, 2016, *The SURF Awards for Best Practice in Community Regeneration 2016*. Glasgow: SURF. Available at: <https://www.surf.scot/wp-content/uploads/2016/12/2016-SURF-Awards-Magazine.pdf>

<sup>viii</sup> SURF, 2015, *The SURF Awards for Best Practice in Community Regeneration 2015*. Glasgow: SURF. Available at: <https://www.surf.scot/wp-content/uploads/2015/12/2015-SURF-Awards-Publication.pdf>

<sup>ix</sup> SURF, 2013, *The SURF Awards for Best Practice in Community Regeneration 2013*. Glasgow: SURF. Available at: <https://www.surf.scot/wp-content/uploads/2013/01/2013-SURF-Awards-Publication.pdf>