



SCOTTISH LAND COMMISSION
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ADVICE TO SCOTTISH GOVERNMENT ON THE ESTABLISHMENT OF REGIONAL LAND USE PARTNERSHIPS



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1. Executive Summary

The Scottish Government's proposal to establish Regional Land Use Partnerships is a significant and timely opportunity to deliver a step change in the way land use decisions are made. The Partnerships will bring an increased dynamism to delivery of outcomes on the ground at the pace and scale needed to meet the ambitious challenges of climate and environment targets, economic recovery and renewal. The Partnerships will also empower more localised decision making, increasing engagement and accountability in making a just transition to a net zero economy.

The 2020 Programme for Government recommits to making use of Regional Land Use Partnerships from 2021. In this report we set out the Scottish Land Commission's advice to support the establishment of Regional Land Use Partnerships.

We highlight the changes in context which create a window of opportunity for establishing Regional Land Use Partnerships and the strengths of land use planning at a regional scale. Scotland's Land Use Strategy and Land Rights and Responsibilities Statement together set an overall national level direction for land use, but in order to stimulate action and empower local decision making a regional approach to implementation is required.

There is strong stakeholder support for the principle of Regional Land Use Partnerships, and for the significant roles that the Partnerships could develop over time. The existing experience of collaborative land use initiatives in Scotland provides a firm foundation, but it is clear that there is a gap that the role of Regional Land Use Partnerships and Frameworks would address, unlocking better delivery, aligning policy, support, funding and collaboration.

We conclude that Regional Land Use Partnerships will work best if they:

- Stimulate action and delivery as well as having an advisory role
- Connect directly to levers of funding and finance
- Integrate with established regional economic and spatial planning
- Are empowered to make decisions on priorities and resourcing at a regional and local level
- Are well connected to local delivery mechanisms and communities
- Carry sufficient weight to give traction on the ground to the Land Use Strategy and Land Rights and Responsibilities Statement.

We therefore set out four headline recommendations on:

- The purpose and functions of Regional Land Use Partnerships
- Geography
- Governance
- Implementation.

These are supported by further discussion and analysis of the key issues, informed by extensive stakeholder engagement together with commissioned work providing analysis of existing Scottish experience, international experience and relevant research.

2. Introduction

In the 2019 Programme for Government the Scottish Government committed to establishing Regional Land Use Partnerships in 2021, with an expectation that the Partnerships will prepare Regional Land Use Frameworks by 2023. The recent 2020 Programme for Government recommitted to making use of Partnerships in 2021.

The Scottish Government asked the Scottish Land Commission to provide advice and make recommendations on the establishment of Regional Land Use Partnerships. This report sets out our advice to Government drawing on significant stakeholder engagement as well as supporting research and analysis.

The proposal for Regional Land Use Partnerships was first set out in Scotland's Land Use Strategy in 2016 and the Climate Change Act in 2019 brought renewed ambition to the proposal. Land use and land use change is recognised as key to delivering Scotland and the UK's climate change targets for 2030 and 2040 and Regional Land Use Partnerships are seen as pivotal to driving and delivering on this ambition making a just transition to a net zero economy.

There is a window of opportunity now for a step change in the way land use decisions are made. Climate targets provide a clear sense of the pace and scale of action needed, but of equal significance is the need to make more of our land in driving economic recovery and renewal and community resilience.

In the coming year a new Land Use Strategy will be published, as will the next National Planning Framework. At the same time Scotland is shaping new approaches to rural funding following EU Exit. This is therefore a significant opportunity to establish a more open, joined-up and locally responsive approach to land use decisions, funding and delivery.

Since the idea of Regional Land Use Partnerships was first proposed in the 2016 Land Use Strategy, the context has developed significantly, both in policy and practice. The Land Rights and Responsibilities Statement published in 2017 sets out clear principles for the overall framework of land policy and decision making. The expectations of community empowerment and the 'place principle' have significantly strengthened. A new Planning Act in the meantime has introduced Regional Spatial Strategies and Local Place Plans and Scotland's climate targets have introduced a new urgency.

Alongside policy development communities have continued to grow in confidence and capacity and expect to be engaged in significant land use decisions. Many different examples of local and landscape scale delivery collaborations have developed which demonstrate the appetite and potential of more joined up land use decisions and a bigger scale of action. The establishment of Regional Land Use Partnerships should not duplicate or complicate this kind of action, but instead should join up and empower more of this regional and local scale initiative. The Partnerships should add value by providing a clear Framework setting out land use opportunities and priorities, using this to stimulate the support, finance and collaboration needed to deliver local and national land use priorities.

The establishment of Regional Land Use Partnerships therefore presents a significant opportunity to increase momentum to deliver a step change across Scotland in the way land use decisions are made. The production of Regional Land Use Frameworks will enable a more collaborative and dynamic approach to land use planning by empowering local and regional decision making across the whole of Scotland. With a clear focus on delivery on the ground, Regional Land Use Partnerships can drive action at the required pace and scale to support climate and environmental targets as well as economic recovery and renewal.

Why a Regional focus?

We collectively ask a lot of our land in Scotland. There are a wide range of national policy ambitions for land use, put into even sharper focus by the economic and climate challenges. There is also a deep level of connection, ambition and capacity in communities across Scotland to make more of our land.

A clear national land use strategy is important, but it is not practical for the competing demands and choices about land to be determined at a national level. Neither is it reasonable or desirable to expect all those choices to be made at an individual land holding level.

It is the regional scale at which the land use opportunities, options and priorities can be identified, the implications for others can be considered, the synergies with others can be realised and the accountability for choices can be transparent and accessible. National Parks are perhaps the most established example in Scotland of the benefits of regional scale land use planning and leadership. But of course it does not require National Park status to deliver this kind of place-based approach. We can see the same approach evolving elsewhere, for example in Scotland's Biosphere Reserves, and in the way community land owners are collaborating in the Western Isles.

Community empowerment has been a consistent theme of the Scottish Parliament. Local action has been growing and takes many forms. For example, the communities of Applecross and Strathard have in different ways developed local place land use plans. Landscape Partnerships in places such as Coigach and Tomintoul and Glenlivet have brought new dynamism joining up land use, business and community. The Leven Initiative in Fife is pioneering new collaborations at a catchment scale. A Landscape Enterprise Network is linking investment with land use in south-west Scotland. One other example of new approaches connecting private funding through natural capital finance with local land use opportunities is currently being considered as part of the Borderlands Inclusive Growth Deal. It is this kind of place-based action that Partnerships at a regional level can empower across Scotland.

Scotland's economic strategy puts significant emphasis on regional economies in its economic strategy, investing through City Region Deals, collaborating through Regional Economic Partnerships and implementing the 'Place Principle'. Aligning and implementing the ambition of Regional Economic Partnerships with Regional Land Use Partnerships presents a significant opportunity to join and grow the potential of land use supporting economic renewal and recovery.

Furthermore, in August 2020 the Scottish Government supported the 'Edinburgh Declaration', an international commitment to the role of sub-national, regional and local government in halting biodiversity loss which emphasises the role that regional scale action and governance plays in this international context.

In international experience, it is common for countries to plan and be accountable for land use at a regional, municipal level of government which provides strong local accountability and connects to wider local priorities. While Scotland does not share the same municipal government structure that many European countries have, there is a strong case for better connecting land use planning with the role, functions and accountability of local government and this is reflected in our recommendations.

Building on Experience

To inform our advice we have engaged stakeholders widely including hosting online workshops, a webinar and inviting comment on our proposals via the publication of an interim report. We have welcomed the supportive stakeholder engagement and constructive, ambitious comment to help inform our thinking, drawing on the wide range of experience on partnership approaches to date.

We have also commissioned external research to examine the International Experience of Regional Land Planning as well as partnering with the University of Edinburgh and ETH Zurich to map existing integrated land use initiatives in Scotland and further explore their success and limitations; analysis of research and expert opinion has also been provided by the James Hutton Institute.

There are several previous pilot approaches and ongoing initiatives which provide examples of partnership approaches to land use planning. However, for the most part partnerships play a discussion and advisory role with limited abilities to drive actions identified at the required pace and scale. Land ownership is generally regarded as the decisive authority when it comes to land management with land use planning beginning at individual holding level. This is reflected in the Land Commission's wider work which shows the power inherent in land ownership and the influence of ownership on land use outcomes.

Regional Land Use Partnerships present an opportunity to deliver a step-change in the way land use decisions are made, prioritised and delivered in the public interest. An effective partnership approach will also enable, support and drive collaborations, bringing together communities to deliver the innovation and action needed to meet Scotland's land use ambitions.

Stakeholder Support

Throughout our period of engagement, stakeholders have expressed their support for the principle of establishing Regional Land Use Partnerships with a shared ambition that they should drive action at the pace and scale needed and a sense that now is the right time.

Stakeholders have broadly agreed that to have impact, Partnerships will have to have the ability to direct significant funding streams, including but not limited to public funding and that there is significant potential for the Partnerships to be focal points for drawing together multiple sources of finance to deliver their land use ambitions.

A repeated comment during our engagement has been an ask for clarification on the positioning of Regional Land Use Partnerships amongst an already busy policy and strategy environment and that Regional Land Use Partnerships shouldn't add a layer of bureaucracy. There is therefore significant potential in the coming year to align land use planning and delivery with wider regional economic and spatial planning, particularly connecting to National Planning Framework 4, Regional Spatial Strategies, Regional Economic Partnerships and natural capital investment initiatives all in line with the principles of the Scottish Land Rights and Responsibilities Statement.

3. Scottish Land Commission Advice and Recommendations

Regional Land Use Partnerships are a significant opportunity to give traction to the objectives of Scotland's Land Use Strategy (LUS) and to the principles of the Scottish Land Rights and Responsibilities Statement (LRRS). The implementation of Regional Land Use Partnerships should deliver on the overall framework for public policy in relation to land set out in the first principle of the LRRS:

The overall framework of land rights, responsibilities and public policies should promote, fulfil and respect relevant human rights in relation to land, contribute to public interest and wellbeing, and balance public and private interests. The framework should support sustainable economic development, protect and enhance the environment, help achieve social justice and build a fairer society.

Recommendation 1: Purpose and Functions of Regional Land Use Partnerships

We recommend that Regional Land Use Partnerships have a remit to deliver the multiple objectives of the Land Use Strategy and the principles of the Land Rights and Responsibilities Statement through implementation of the Scottish Government's Place Principle. We propose that Partnerships are given specific functions to:

- Engage widely on the land use opportunities, choices and priorities and drive a collaborative approach to land use decision making in the public interest, applying the measures of Scotland's National Performance Framework
- Develop and drive delivery of a Regional Land Use Framework (a spatial plan defined in section 4)
- Prioritise and target delivery of specific public funding streams for delivery of multiple land use objectives identified in the Regional Land Use Framework
- Broker collaboration and delivery, with flexibility to work through different local delivery mechanisms;

Recommendation 2: Geography

We recommend the phased establishment of approximately 12-15 Partnerships covering all of Scotland, connecting both urban and rural Scotland, based on the geography of planning authorities as the starting unit with the flexibility to combine or subdivide these boundaries further. We propose:

- Where possible the geography should align with that of Regional Spatial Strategies
- There should be an expectation of cross-boundary collaboration.

Recommendation 3: Governance

We recommend that the Partnerships comprise an appointed board so as to be both accountable and sufficiently independent of individual sector interests on the basis of the following proposals:

- The Partnerships should be underpinned by an accountable body, (an existing organisation), that would administer the functions
- Participation in the Partnership board is drawn from three pools of expertise: public body/government, individuals with relevant sector expertise and community
- The governance mechanisms should be capable of directing priorities for public funding and able to draw in wider sources of funding and finance beyond public funds, for example emerging natural capital finance
- There should be a national group through which partnership representatives and Scottish Government maintain oversight of collective delivery in relation to national targets.

Recommendation 4: Implementation

We recommend that Regional Land Use Partnerships are operational, with a Regional Land Use Framework in place, for all of Scotland ahead of the next Climate Change Plan (2023-24), to meet the urgency of climate targets and ensure that no area is disadvantaged. This will also ensure that Regional Land Use Partnerships and Frameworks are in place across Scotland to support delivery of post-CAP funding arrangements which are being developed for 2024 onwards. We propose:

- Scottish Government works with potential early adopters to establish the first partnerships in 2021, to test approaches and inform wider implementation
- That long-term core resource is confirmed and made available to underpin the functions of the Partnerships, specifically in relation to preparation of the Framework and engagement
- Place-based teams across existing public agencies should align people and budget resource and integrate the delivery of agency advice to support the Partnerships and Framework objectives
- Development of Regional Land Use Frameworks is closely aligned with wider regional economic and spatial planning, particularly Regional Spatial Strategies. National Planning Framework 4 should set out a clear statement of the relationship between Regional Land Use Frameworks and Regional Spatial Strategies.

Next Steps

The work that we have done to date engaging stakeholders and making these recommendations reflects the positive support and ambition in Scotland for Regional Land Use Partnerships amongst stakeholders. We therefore see a practical opportunity in the coming year to begin implementation by working with early adopters. This will require a degree of flexibility in order to test and develop approaches as they evolve, preferably in different parts of Scotland

We also identify the following as specific areas which will require further consideration by Scottish Government:

- A statutory footing should be considered for Regional Land Use Frameworks to ensure impact within other spatial planning and strategic planning. The immediate progress of developing Partnerships and associated Frameworks should however, not be limited by this requirement
- Development of cross compliance requirements to ensure delivery of Regional Land Use Framework objectives through funding and support structures
- Investment in skills training on people and place engagement to support the implementation and ongoing success of Partnerships
- Review of land management advice in relation to advisory services involved in post-CAP arrangements to be aligned with Regional Land Use Partnership objectives
- Review of existing data systems and the potential for development of transformative open technology systems to enable and deliver Regional Land Use Partnership functions
- Review the role and functions of Partnerships as they evolve both at a local and national scale, with a view to expanding their functions over time. Flexibility in their structure should enable and promote this.

4. Detailed advice

The following sections set out more detailed discussion on the issues considered, the rationale and advice behind our recommendations.

Functions

Regional Land Use Partnerships could deliver on a potentially wide range of functions. There is a broad appetite among stakeholders for functions that would help integrate strategic planning across sectors. We see a potentially significant evolution for Partnerships, once established, to take on further functions and propose there should be flexibility for this to happen at a varied pace in different areas.

However, it is also clear that a well-defined remit is required to enable establishment and initial operation; and some functions will rely on other elements being in place – specifically the preparation of a regional land use framework is required to underpin most other potential functions.

The remit of the Partnerships should be to deliver on the objectives of the Land Use Strategy and the principles of the Land Rights and Responsibilities Statement.

We see it as essential that Partnerships are structured and given the decision making ability to prioritise and direct significant public funding streams, in order to have impact. This role is considered further in ‘Funding and Delivery’ below.

We propose the core functions are:

- a) to engage and develop a regional land use framework that sets out how land use will deliver regional and national priorities
- b) to use this framework to prioritise public funding streams and attract other sources of finance to support delivery
- c) to be a focal point for collaboration and provide a brokerage function to support delivery through land managers, communities, businesses and third sector groups
- d) to monitor and evaluate development and delivery of a regional land use framework
- e) to provide advice to Government on effective delivery of land use policy.

Geographical Boundaries

Stakeholder views on the appropriate geographical basis for Partnerships are split between some who favour physical geographies such as catchments and those who favour administrative boundaries. However, all agree on the need for flexibility at a regional level and an expectation that partnerships will work across boundaries to deliver framework outcomes.

We recommend that Planning Authority boundaries should be the starting unit for determining Regional Land Use Partnership areas, with Partnerships then given the flexibility to either combine or even subdivide their region to a more suitable local landscape scale discussion taking account of varying land types.

There are several advantages of using Regional Land Use Partnership boundaries which reflect a Planning Authority boundary. These areas are well recognised and understood and offer clear routes to democratic accountability. Most significant though is that using the geography of Planning Authority boundaries will ensure alignment with other key drivers of regional spatial and economic planning. For a long time 'rural land use' has been approached separately from other key sectors of regional economic planning and spatial development planning, so bringing these more in line will lead to better integration, more efficient working and better outcomes. This was a key lesson from the review of international experience of land use plans, which noted that plans based on existing regional geographies may be more resource efficient and have more streamlined planning processes.

We expect that some planning authority areas would form a sensible scale of partnership within themselves. Others, particularly in central Scotland, would be most effective by combining into larger landscape-scale groupings. Here, we recommend consideration is given to matching the areas on which Regional Spatial Strategies are being developed, to further avoid duplication and support integration. On this basis we anticipate there would be in the region of 12-15 Partnerships across Scotland when fully implemented.

A number of stakeholders raised suggestions about integration with marine planning, and in particular the need to ensure that the foreshore is included within a partnership's remit and to connect effectively with marine planning in relation to coastal impacts.

Governance

Our advice on governance offers a practical proposal for establishing Partnerships that will provide enough consistency and accountability whilst also being flexible enough to be tailored in different parts of Scotland and build on existing capacity. The governance structure needs to reflect the functions of the Partnership and in particular provide sufficient accountability. It also needs to address the interactions between national, regional and local priorities and decision making.

Although we propose the partnership areas are based on planning authority areas, we do not propose that the functions of a partnership are wholly taken into Planning Authorities. We propose a partnership board for each area that is underpinned by an accountable body. This will ensure a Partnership that is sufficiently independent of individual representative interests and which can bring together a wide range of voices and perspectives.

The Partnership board should be the decision-making body, able to draw on support of a wide range of organisations. We propose the board is comprised using a tripartite model that has good precedent both in international experience and in Scotland. This means it should draw its membership from three broad pools that ensures legitimacy, experience, diversity and accountability:

- Government/public body: local and national, to ensure democratic accountability and buy-in and connection into public policy and delivery mechanisms
- Individual with sectoral expertise: based on a skills matrix to ensure relevant expertise. This could include people actively involved in land management, business, rural development but with participation on a individual skills matrix basis and not a sectoral representative basis
- Community members: to include individuals with relevant experience, contributing a wide range of perspectives; recruitment based on a selection matrix to ensure diversity of representation.

We propose a board of 10-12 people that would serve fixed terms, with government/public body members recruited via nomination and individual and community members recruited via an open recruitment and selection basis managed by the accountable body.

The accountable body should be responsible for the effective administration of the Partnership and we have identified that as part of the proposed next steps, Government should consider the most effective and efficient means for each partnership board to be underpinned by an accountable body. We anticipate the accountable body function should be fulfilled by existing organisations. An SRUC report on the role of the LEADER approach examines the effectiveness of their governance model with Local Authority and third sector accountable bodies. We recommend, that there should be sufficient flexibility to make the most of the capacity and expertise of existing organisations in different parts of Scotland in fulfilling the accountable body function. This role could be determined through inviting expressions of interest.

The Partnership board will need to work with and tap into the support of a wide range of other stakeholders including local agency and delivery partners, membership organisations, business and academic networks. Each Partnership should have flexibility to engage with these wider networks in the most effective ways locally.

Research by James Hutton Institute emphasises that the commitment and dedication of individuals is crucial for the performance of collaborative initiatives. To optimize the benefits land can deliver, whilst ensuring fairness, multiple stakeholders at different scales and with different priorities, needs and values need to be involved in the decision-making process, which supports the proposal for selection of partnership board members on a skills basis.

The model will also need to find an appropriate balance between devolving decisions to a regional and local level, whilst ensuring effective delivery of national targets. This will require effective ongoing dialogue and relationships between government and Partnerships and is background to our recommendation of basing the Frameworks on Scotland's National Performance Framework.

We do not think it would be appropriate for government to prescribe targets for each region. Rather we think government should continue to provide clarity on the national targets it seeks to deliver and expect Partnerships to set out how they can deliver with an appropriate monitoring and evaluation requirement a core function of the Partnership on which to report. Government retains significant levers of control through the structure and allocation of funding to encourage more action where it is required.

It would also be desirable to establish a national level group comprising representatives or chairs of each partnership, to be chaired by a Minister or senior official, to maintain oversight of the collective delivery of Partnerships against national priorities and targets. This would also allow for learning and review across the Partnerships and consider opportunities for integration of delivery across boundaries.

Regional Land Use Frameworks

Regional Land Use Frameworks should set out how national, regional and local priorities will be delivered.

The development of a Regional Land Use Framework, through wide engagement, should be the priority for each Partnership. Development of a Framework will be a significant step change in engaging people in decisions about land, improving transparency about the opportunities and choices, openness about the tensions and trade-offs, and the inter-connections between sectors and interests. Whilst a Framework will take sufficient time to engage and develop, there is also a degree of urgency to deliver frameworks in a timely manner, leading to action within a credible timeframe in order to meet climate targets.

A Regional Land Use Framework fundamentally underpins the functions of a Regional Land Use Partnership and therefore after the establishment of each Partnership, production of the Framework should be the early focus. The Frameworks are necessary to underpin regional prioritisation of funding and we therefore recommend that Government sets a clear timescale for the development of Frameworks ahead of the next Climate Change Plan envisaged by 2023, so that they are in place ahead of implementation of new rural funding mechanisms from 2024 onwards.

We propose Regional Land Use Frameworks should be indicative spatial plans which identify opportunities, choices and priorities for all land use, including forest and woodland strategies, in order to stimulate delivery and be accessible to all within a region. The frameworks should take a medium to long term view to build confidence in the decision making and be flexible enough to provide regular opportunity to review.

We propose Frameworks should be updated regularly and where possible make use of the increasing availability of real-time land use data, rather than operate on a fixed cycle of major reviews. In this way the ongoing focus should be on driving action, rather than a continual planning cycle.

Throughout our engagement with stakeholders, there has been repeated comment on the requirement for Regional Land Use Partnerships to integrate national targets with local land type and use. It is proposed therefore that at the outset as a starting point a Regional Land Use Frameworks should connect to the National Performance Framework and demonstrate how local and regional delivery will help deliver against national priorities.

Funding and Delivery

Our stakeholder engagement and analysis highlights that the ability to prioritise and target funding is considered an essential function of the Partnerships to have impact and incentivise land use change and delivery of public benefits. Significant stakeholder comment along with evidence from work carried out by the James Hutton Institute on the analysis of agri-environment policy instruments, landscape scale collaborative working and catchment partnerships suggests that it is essential to ensure funding is available to implement actions identified in land use planning frameworks, otherwise, the energy and engagement required to make plans will falter when plans are developed but not implemented.

Prioritising and targeting funds at a regional scale is likely to be most effective in unlocking the ambition, innovation and flexibility needed to deliver against many of Scotland's national priorities for land use. Many of the outcomes government seeks need to be sufficiently

connected at a landscape scale to make a difference at the pace and scale required. To address issues such as biodiversity loss, flood management, woodland expansion, peatland restoration, and to realise the economic and community benefits in doing so, requires actions to be targeted in specific places, and in ways that reflect the circumstances of those places.

We consider that devolving significant elements of public funding, including post-CAP rural funding, to a regional level will improve the dynamism and pace of delivery. We acknowledge that future rural funding is likely to comprise a combination of nationally available funding streams, with other more targeted and place-specific funds. We recommend that government considers further the public funding streams that would be most effectively targeted through Regional Land Use Partnerships, as part of the structuring of rural funding post 2024. There may be options for some existing funding streams which are already delivered out with core national mechanisms to be delivered earlier through the Regional Land Use Partnership structure for alignment and real time learning with early adopters. Examples of the types of funding suited to this approach could be Peatland Action, the Climate Challenge Fund and the Biodiversity Challenge Fund.

We propose that further consideration is given to conditionality of funding through cross compliance, for example the requirement for individual holding plans to be consistent with the Regional Land Use Framework. As the role of the Partnerships and Frameworks develops, this is a potentially strong lever to ensure sufficient impact and weight in influencing behaviour and action on the ground.

We recognise there are several options for how to structure funding through a regional partnership. The administration and payment mechanisms could, for example, be retained on a consistent national basis. It is the decision making and accountability for prioritising and targeting funding that we recommend is most effectively done at a regional scale by the Partnerships. The experience of previous approaches to delivering regionalised priorities within CAP point to the importance of having a clear spatial regional land use framework in place, against which prioritisation of funding can be consistent and transparent.

There is scope to consider funding options beyond public finance. Meeting Scotland's climate ambitions and wider land use objectives will require a wide mix of finance sources, including private and social enterprise finance, and emerging models of natural capital finance. Regional Land Use Partnerships could play the vital role of providing a focal point for the collaboration and governance needed to bring multiple sources of finance together to deliver an area's land use ambitions.

Statutory Basis

It is clear from engagement that there is wide stakeholder support for the role of Regional Land Use Partnerships to be given a statutory basis to maximise their impact. However, there is also ambition for Partnerships and Frameworks to be in place and operational within the next few years and we have therefore recommended that progress should not be limited by legislative timetables. The structure of regional land use planning in international experience demonstrates that similar functions normally sit within a legislative framework with most of the case study plans typically having a traditional planning role.

The statutory basis could be for either the Partnerships or the Frameworks. We propose that in order to be significant tools in the delivery of public policy targets, a statutory footing should give weight to the Regional Land Use Frameworks and ensure effective

implementation of their function withing the broader policy context. A statutory basis will also enable regular scrutiny of the frameworks.

A statutory footing would also better enable cross-compliance requirements to ensure delivery of the principles of Partnerships and Frameworks as a pre-requisite when accessing funding or support, enabling more effective delivery of Regional Land Use Framework objectives.

As noted there are strong parallels to Regional Spatial Strategies, which have a statutory basis in the Planning (Scotland) Act 2019 and we consider this offers potential to develop a streamlined and joined-up approach. In the short term we recommend that the statutory guidance required to implement Regional Spatial Strategies should include clear reference to the role of Regional Land Use Frameworks.

Data

To carry out the functions of a Regional Land Use Partnership, access and availability to relevant data will be an essential requirement to enable engagement, opportunity mapping and the delivery of a Regional Land Use Framework. A suitable technological platform will be a powerful driver in the success of a Partnership. There is ambition amongst stakeholders to develop accessibility to real time, locally accurate data from an end user perspective which can be regularly updated and integrate with supporting social and economic data.

Changing trends in open data and participatory approaches could be a powerful tool in engaging more people in land use decisions, increasing both awareness and people's ability and confidence to influence.

To date for the purposes of this advice we have engaged with a SEFARI ThinkTank on spatial data availability, boundaries, consistencies and quality. The ThinkTank has made use of case studies to start informing what the requirements of spatial data would be to support Regional Land Use Partnerships and have identified the following scenarios:

1. Spatial data for presenting information relating to an area, example of South Ayrshire Local Development Plan
2. Spatial data in exploring potential impacts of rural land use change, example of Aberdeenshire Land Use Strategy Pilot
3. Spatial data in consultation documents, e.g. local authority Local Development Plan proposals
4. Spatial data in testing Land Use Strategy Frameworks, example of Scottish Borders Land Use Strategy Pilot
5. Spatial data for assessing Socio-Economic Performance, at datazone level
6. Spatial data for public visioning exercises of prospective land uses, e.g. Tarland, Aberdeenshire
7. Spatial data available on a mobile device for citizen input to monitoring.

At present, information about spatial data in Scotland has been brought together into a number of different portals, or points of access, with varying purposes, timing, structures and maintenance. It is our recommendation that Scottish Government undertake further work to review existing data systems and the potential for development of systems to suit Regional Land Use Partnership requirements including monitoring and evaluation of outputs and outcomes at different spatial levels (national, regional and local). This would include a continued link with research to identify gaps and influence data system development throughout the life of the Frameworks. This work should build on existing work of the Key

Agencies Group and consideration being given to data in relation to Regional Spatial Strategies.

Engagement

Regional Land Use Partnerships should adopt and demonstrate best practice in engaging stakeholders and communities of place and interest from the outset to ensure that people fully understand the role and focus for Regional Land Use Partnerships and Frameworks. Best practice engagement should continue throughout the design of the Regional Land Use Framework and delivery and evaluation of objectives in order to be most effective. An overarching aim of engagement should be to ensure that Partnerships are successful in building regional communities that are invested in the design and delivery of land use benefits and change as well as informed on the trade-offs and choices.

Regional Land Use Partnerships should be exemplars for those who make decisions about land, meeting the expectations of Scottish Land Rights and Responsibilities Statement (LRRS), the Scottish Government Guidance on Engaging Communities in Decisions Relating to Land, and the National Standards for Community Engagement. With the LRRS applying to all those who make decisions about urban and rural land, buildings and infrastructure and the sixth principle of the LRRS relating directly to community, Scottish Government's Guidance on Engaging Communities in Decisions Relating to Land sets out expectations for those who take decisions about land, such as Regional Land Use Partnerships, to engage with those who are affected by those decisions with guidance setting broad principles.

The work that we have done to date considering existing Partnership initiatives and examining styles of engagement demonstrates that through well-structured engagement carried out by people with the necessary training, partnership initiatives have increased the awareness of a given landscape and its value as well as changed people's attitudes and understanding of the landscape. The added value benefits of engagement should not be underestimated with successful engagement leading to employment and volunteering opportunities. The James Hutton Institute has also highlighted an important role for the Regional Land Use Partnerships engaging with participatory approaches which are well evidenced to increase participation and create broader satisfaction with policy outcomes.

Stakeholders have regularly sought clarification on how disputes between parties with different interests on priorities for land should be resolved. The establishment of Partnerships and the development of Frameworks should address in an open and transparent process the different views and perspectives and provide an accountable mechanism for making decisions on priorities.

We do not however, see a specific role for Partnerships in individual dispute resolution. More widely the work of the Land Commission points to the opportunity for greater use of mediation within land use sectors in relation to individual disputes.

Alignment and Integration

It is important that Regional Land Use Partnerships and Frameworks should help integrate existing planning and delivery mechanisms, and not add further complication or duplication. Throughout this report we have highlighted significant opportunity for land use planning and

delivery to link with wider regional economic and spatial planning, particularly connecting to National Planning Framework 4, Regional Spatial Strategies, Regional Economic Partnerships and natural capital investment initiatives.

We therefore recommend that Scottish Government look closely at the opportunity to connect Regional Land Use Frameworks and Regional Spatial Strategies, and that National Planning Framework 4 sets out a clear statement about the relationships. In the short-term we consider it essential for there to be alignment between Regional Land Use Frameworks and Regional Spatial Strategies and in the longer term there is the opportunity to integrate them more fully on a statutory basis with all other land based strategies having regard to their objectives.

To support this alignment we further recommended the need for existing agencies and organisations to work in a place-based approach to support the Regional Land Use Partnerships and ensure efficient use of resources, sharing of data and effective delivery. This may involve changes to resource allocation and or working practices within existing organisations.

Advice and Delivery

A key function of Regional Land Use Partnerships is to be a focal point for collaboration and provide a brokerage function to support delivery of projects through land managers, communities, businesses and third sector groups. To support this aim we recommend that in due course Government structure and integrate provision of advice and support systems in line with the aim of Regional Land Use Partnerships for more aligned delivery of Regional Land Use Framework objectives.

To support delivery partners and influence land management we recommend that the advice functions provided by public bodies is aligned through place-based teams the join up across existing organisations, for example coordinating partnership working, provision of integrated advice and delivery of practical outcomes such as integrated land management plans, peatland restoration, woodland expansion and farming for a better climate.

We also recommend that Government consider the provision and method of advice when proposing any revisions to advisory services involved in post-CAP arrangements by considering the existing provision of advice and its effectiveness. James Hutton Institute highlights that the provision of free advice (at the point of use) has been linked to increasing uptake of agri-environmental measures. There is also recognition of opportunities to incentivise positive land use behaviours beyond providing agri-environmental payments such as demonstration farms, supporting collective action, provision of advice and grants to encourage social innovation which should be considered and signposted for most effective application.

From the outset of a Regional Land Use Partnership we also recommend a national approach of collective learning from the Partnerships with information collected to support adaptive governance and learning, this could take place with the support of an academic partner. The development of tools and frameworks that can be applied for different follow-up projects and use of support networks to share best practice and experiences with similar partnerships or other interested bodies has also been found to be successful e.g. within the Biosphere and Peatland Action.

Implementation

There is a clear window of opportunity for the implementation of Regional Land Use Partnerships to meet the urgency of Scotland's ambitious climate change and environment targets as well as supporting local led economic recovery and renewal. Post EU funding structures supporting climate, nature and land use are also undergoing significant change and the establishment of Partnerships across Scotland should be central to the new approaches. We have therefore recommended that Regional Land Use Partnerships are operational, with a Regional Land Use Framework in place, for all of Scotland ahead of the next Climate Change Plan, expected 2023-24, to ensure that no area is disadvantaged.

We propose a phased approach to implementation of Partnerships and recommend that Government considers supporting 'early adopters' in 2021 in order to establish partnerships in some areas and learn from this experience to inform wider implementation of the programme. We also propose that the functions of Partnerships are likely to develop and evolve over time. Real time learning and flexibility should be an approach adopted to implementation from the outset with recognition that in different parts of Scotland Partnerships will move forward at different speeds over the period 2021-23. It is also recognised that there is a risk that those parts of Scotland that do not already have capacity to adopt this approach through existing initiatives, organisations or previous involvement in pilots could be disadvantaged. This is why we think it is important to develop an implementation plan that would see functioning Partnerships in all parts of Scotland by 2023.

It is clear that sufficient resourcing, through staffing and finance, is required to implement effective Partnerships. Analysis of existing initiatives and Partnership approaches in Scotland highlights the requirement for a long-term commitment from Government to core funding required for Partnerships to retain staff and knowledge and develop confidence of stakeholders so that long term decisions can be made. The model proposed, with an existing organisation being the accountable body underpinning a Partnership seeks to minimise new costs and make efficient use of resources, but these functions are clearly additional to existing roles and will need resource support.

In addition, work by the University of Edinburgh also identifies a need from initiatives for a more formalised and coordinated framework to support land management delivery, particularly in the current transition phase where mechanisms such as the EU agri-environmental schemes will need to be replaced. We recommend that Government consider appropriate long-term core funding for the administration and delivery needs of Partnerships as part of their implementation plan.

5. Supporting Information

Scottish Land Commission Stakeholder workshops

Scottish Land Commission planned to hold their first stakeholder workshop on 24 March 2020, due to covid-19 lockdown impact this was postponed with comments invited on the discussion paper to inform our initial thinking.

On 2 June the Scottish Land Commission held a re-arranged virtual workshop which focused on providing update on our thinking to date by outlining emerging principles of the Partnerships. Breakout sessions on key questions emerging invited comment from stakeholders to help shape the principles and thinking. Three speakers were invited to stimulate thinking and share their perspectives on the opportunities of the Partnerships, with representation from WWF, NFUS, Loch Lomond & the Trossachs National Park Authority, and Galloway & South Ayrshire Biosphere Reserve). 48 stakeholders attended.

Scottish Land Commission Interim Report

On 16 July the Scottish Land Commission published their Interim Report which set out formally their thinking on proposals to establish Regional Land Use Partnerships. The report drew together the engagement and analysis which had been carried out and set out the direction of thinking as well as identifying key issues for further consideration and invited comment in this regard. The Interim Report generated significant interest 16 detailed formal responses were received from stakeholders by the deadline of 7 August.

Scottish Land Commission Webinar

The Scottish Land Commission hosted a webinar on 28 July on 'Regional Land Use Partnerships – Delivering on the ground' to explore the opportunities of Regional Land Use Partnerships and what they could mean for communities and land managers delivering on the ground. The webinar provided an overview of the Scottish Land Commission's work and proposals and also invited speakers from Loch Lomond and The Trossachs National Park Authority and the Leven Programme as panellists to discuss their Partnership approaches. The webinar attracted 89 attendees and an engaged question and answer session.

Scottish Land Commission Smart Survey

Further to the publication of the interim report, a number of requests were received for a summary document to be published to invite comment more specifically from land manager and community representation. The Scottish Land Commission therefore carried out an exercise via Smart Survey and received 65 responses over a week to 17 August broadly in agreement with proposals.

Lessons from Collaborative Partnerships: University of Edinburgh

To develop proposals the Scottish Land Commission partnered with the University of Edinburgh and ETH Zurich through the Landscapes as Carbon Sinks project. In several areas of Scotland, regional and local initiatives already deliver integrated land use management, providing a variety of informative models for the establishment of RLUPs. Work was carried out to map existing initiatives and explore their governance models and functions. By showcasing successful projects and sharing good practice, and by identifying weaknesses and challenges this provided evidence to support Regional Land Use Partnership recommendations. A copy of the report is attached at Appendix 1.

Review of International Experience: Land Use Consulting in association with Collingwood Environmental

The Scottish Land Commission also commissioned a study to identify and examine international examples of governance arrangements for regional scale land use planning and identify lessons to inform the establishment of Regional Land Use Partnerships in Scotland.

The specific requirements of the research was to:

- identify and examine examples of regional level land use planning and explain the spatial scale, governance model and legislative/policy underpinning
- where possible comment on the practical implementation, strengths and weaknesses of each example
- identify whether the approach is dependent on key organisations, data or information;
- consider in particular examples that integrate rural and urban land use planning, co-ordinate regional level climate action, and enable conflict resolution
- consider the relevance and potential lessons for the establishment of Regional Land Use Partnerships and plans in Scotland.

A copy of the report is attached at Appendix 2.

Research Review: James Hutton Institute

James Hutton Institute and the Scottish Rural College carried out a research analysis and provided expert opinion on the issues for consideration of the Interim Report on the function, governance and strategic fit of the proposed Regional Land Use Partnerships.

A copy of the report is attached at Appendix 3.