

Agriculture, Fisheries and Rural Affairs

Monitoring and evaluating the effects of land reform on rural Scotland - a scoping study and impact assessment

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Since the introduction of a suite of land reform measures by the Scottish government, which followed a major study and subsequent recommendations from the Land Reform Policy Group in the late 1990s, no comprehensive study has been undertaken of the social and economic impacts and outcomes of the reforms. This study reviews the evidence base for the impacts of land reform to date and scopes out a methodology for the estimation of impacts and outcomes in the future.

Main Findings

- The Sustainable Rural Livelihoods Framework, linked with carefully selected criteria and indicators, provides a suitable means of exploring the impacts and outcomes of the suite of land reform measures introduced in Scotland since devolution. It enables assessment of the extent to which the new measures contribute to increased diversity in the way land is owned and used and increased community involvement in the way land is managed, both deemed essential by the Land Reform Policy Group if the rural land-based community is to contribute more significantly to sustainable rural development.
- Although the Land Reform Policy Group set out its vision for land reform in Scotland in 1997, in reality and over time, what might constitute a land reform measure can be hard to firmly identify objectively. Separate individuals and groups hold different conceptions of what policy measures have contributed to land reform and how they have done so.
- The existing evidence base on the impacts and outcomes of land reform gives a partial and inadequate assessment of what it has achieved in rural Scotland.
- Estimation of the social and economic impacts of land reform measures is problematised by 'contamination' from the effects of related policy initiatives which have contributed to social and economic well-being in rural Scotland, but which cannot reasonably be described as land reform measures.
- Any analysis of the social and economic impacts and outcomes of changes occurring since 1997 must take account of the many land reform-related activities that predate the introduction of this suite of measures, including activities such as the government-supported community purchase of land before the Land Reform (Scotland) Act 2003.
- It is vital that any analysis of effect should take place at both an aggregate and local level. However, it is too soon to be able to estimate impacts and outcomes with any accuracy.

Background

Land reform has been a central platform of Scottish rural development policy.¹ It has been argued that more diverse patterns of land ownership and use and more community involvement in decisions about land-use would positively contribute to sustainable rural development. Since the Land Reform Policy Group set out its long-term vision for change in 1997, there have been various and wide-ranging legislative and other measures introduced to facilitate and contribute to changes in the ways in which land is owned and managed in rural Scotland, including the Land Reform (Scotland) Act 2003 (LRSA).² However, there is an absence of a coherent and comprehensive evidence base for assessing the impacts and outcomes arising from the measures which have been introduced since 1997.

The purpose of this project was, therefore, to undertake an initial assessment of the social and economic impacts of these wide-ranging reforms; to establish available data and analysis; and to advise on potential research and monitoring, including indicators, which would allow for fuller assessments to be made of impacts.

Six thematic 'arenas' of land reform were explored in this study:

- changes to the law on public access to land under the LRSA;
- conservation site designation reform under the Nature Conservation (Scotland) Act 2003;
- community planning as defined in the Local Government (Scotland) Act 2003;
- property reform in relation to farm tenure under the Agricultural Holdings (Scotland) Act 2003 and the reform of feudal tenure under the Abolition of Feudal Tenure (Scotland) Act 2000;
- the establishment of a community right to buy in Part 2 of the LRSA;
- the establishment of a crofting community right to buy under Part 3 of the LRSA and other crofting reforms.

Methods

The study adopted a mixed methods approach, combining qualitative and quantitative components. For each arena, this included a desk-based review of existing data and

literature and interviews with key contacts; a one-day workshop brought together stakeholders from across land reform to explore their perceptions of impacts, realised and anticipated, and their views on how to define and assess these.

The Sustainable Rural Livelihoods (SRL) approach was used as a means of framing the scoping study and providing an overarching structure for the analysis. Although its origins lie in developing countries it has been increasingly applied in developed country settings. SRL is based on an analysis of key capitals or assets which, as a composite set, are at the heart of the well-being of the household, community or other group under study. Institutions, structures and processes frame what can be done with these capitals. As a framework, SRL readily accommodates the use of indicators to assess social and economic change resulting from policy or other interventions. For this study, an SRL model was adopted incorporating six capitals or assets: economic, social, human, physical, environmental and cultural/symbolic. The impacts of change in the various arenas of land reform were explored in relation to these.

Each arena was assessed in relation to the extent to which it may contribute to increased diversity of land ownership and use and the extent to which there is greater community involvement in decisions about how land is used. Impacts had first to be defined, with reference to the capitals of the SRL framework; indicators and the kinds of research that would be appropriate to fuller and deeper impacts-assessments were proposed for each.

Main findings

Although what has been described as 'a suite of land reform measures' has been introduced since the late 1990s, there was no consensus amongst different rural stakeholders who were engaged in this study over the extent to which certain policies or measures constitute or contribute to 'land reform'. Some elements of this suite, like the LRSA and the crofting and agricultural holdings measures, have land use and ownership at their core. However, the connections of the nature conservation and community planning measures with land reform are less explicit.

The SRL framework provides a useful lens through which to explore the impacts of land reform to date and to scope out the component parts of future deeper analyses for the diverse reform arenas.

It is clearly too early to be able to assess with any accuracy the long term impacts and outcomes which the measures investigated might generate, particularly as some of these

¹ <http://www.scotland.gov.uk/Topics/Rural/Land>

² www.scotland.gov.uk/Topics/Rural/Land/15618/8284

have had very little time in which to bed down. There is also a considerable, inherent challenge in the extent to which any changes may be attributed to a particular measure, given wider contexts of change in Scotland. It was also anticipated from the start of the project that full assessments of impacts and outcomes would require both quantitative analysis, with measurable outcomes, and qualitative analysis, to examine processes and value shifts in greater depth.

Access

The two key measures relating to access in the LRSA relate to the establishment of a statutory right of responsible, non-motorised access to land, the Scottish Outdoor Access Code (SOAC), and an obligation on local authorities to produce a Core Paths Plan to create potential for 'giving the public reasonable access throughout their area.' There is currently little detailed knowledge of the impacts of the SOAC, as it only came into effect in February 2005 and the drawing up of Core Paths Plan was not due for completion until February 2008 after this study. Published, peer-reviewed, evidence-based research is lacking, and stakeholders are generally uncertain as to the actual, attributable impacts of access reform. However, research has shown that recreational access has increased slightly; awareness of the 2003 Act and of the SOAC has grown; and positive behaviour changes have also been reported which may be attributed to the SOAC.

Despite a dearth of information with respect to cultural, economic, social and human capitals/assets, and in relation to institutional structures and processes, it was possible to identify key criteria for assessing the likely and potential impacts of access-related land reform measures. Collection of 'missing' data would involve collating information from local authorities and other public organisations, original quantitative surveys, as well as in-depth qualitative analysis for understanding why particular factors produce particular impacts. Care must be taken to ensure any evaluation engages all relevant stakeholder groups.

Nature conservation

The Nature Conservation (Scotland) Act 2004 changed the procedures for designating, reviewing and managing Sites of Special Scientific Interest (SSSIs), as well as changing the responsibilities of all public bodies and establishing new procedures for protecting wildlife and fossils.

The procedures for re-designation are now well established and there is a widespread view that a rapprochement has been achieved between nature conservation and land management interests. Monitoring procedures are in place but these relate principally to the nature conservation values of the site, although some socio-economic data are

collected. Data are particularly weak on wider economic impacts of designations.

Other nature conservation measures relating to local biodiversity planning obviously increase community involvement, but in terms of the objectives of land reform, the 2004 Act does little to address diversity of land ownership or community involvement in decisions about the use to which land is put. The connection between this legislation and sustainable rural development is, therefore, weak.

Community planning

Community planning was initiated under the Local Government in Scotland Act 2003, creating an obligation on local authorities to plan for the joined-up delivery of council services and those of other public sector providers. Attempts to assess the impacts of community planning in general have so far focused on outputs (e.g. reports published and meetings held) rather than outcomes. The long term and gradual nature of change makes it difficult to assess outcomes.

The research showed that community planning currently connects rather weakly to the land reform agenda. However, there are opportunities to more closely connect community planning to land reform and its themes accord closely with the agenda of greater community involvement in decision making.

In relation to most capitals/assets, the limited data sources need expanding, although there is scope for collating existing primary data in some cases. The enormous breadth of community planning makes for very considerable data demands.

Farm tenancy and feudal tenure reform

The Agricultural Holdings (Scotland) Act 2003 created two new, short-term forms of tenancy to modernise the tenancy framework in Scotland and was partly an attempt to stem the decline in the amount of land being let.

Approximately 1,060 new short-term tenancies had been created under the Act by 2006, a fairly short period since the legislation was introduced. However, many of these replaced full tenancies and so have not contributed significantly to increasing the area of let land. It is clear that the mechanisms by which farmers and landowners occupy and operate land are increasingly complex and may not be captured by the existing data-gathering methods. Official Agricultural Census statistics show that the area of land under formal tenancies has been declining steadily, but the total area of land not being actively farmed by the owner may be increasing and there are insufficient data on the ways in

which this land is being managed (such as contract farming and annual lets). Official data cannot show whether this is the case.

Contextual complications also arise from this reform having been initiated during a period of major CAP reform and significant changes across farming. It is extremely difficult to disentangle the effect of the reforms from other policy and market factors.

While relevant data are routinely collected through a number of routes, these are not necessarily well integrated and this research has raised questions about whether these surveys are asking the right questions of the right people through the right means, so additional research would be needed or current data sources reviewed. Some major information gaps in applying the SRL to tenure reform include a lack of understanding of landowners' confidence and trust, which is recognised as a major concern relating to social capital. Information is also lacking on how new tenants resource their entry to the tenanted sector.

The review of evidence and engagement with stakeholders has shown that the Abolition of Feudal Tenure (Scotland) Act 2000 has had very modest effects on rural areas and is predominantly an urban issue.

Community right to buy (non-crofting)

Following a period of active interest, Part 2 of the Land Reform (Scotland) Act 2003 created provisions for communities to register an interest in acquiring land if and when it came onto the market.

Community ownership is generally viewed as encouraging local development by promoting self-determination and empowerment as a means to release economic and social entrepreneurial potential. Possible impacts, particularly with respect to social capital, are readily identified in the literature and by stakeholders.

Notwithstanding widespread anecdotal evidence and some related ad hoc studies, a general absence of baseline data and of on-going monitoring hinders formal evaluation of impacts. Basic information about the number of purchases under the legislation is available, but detailed evidence of impacts on local livelihoods is lacking and primary research would be needed. There is relatively little information currently available at a relevant spatial or temporal resolution to allow measurement of potential impacts, whether direct or indirect, or to identify additionality beyond pre-existing trends. In addition, the capacity for communities to initiate and maintain or develop ownership plans without external assistance is sometimes limited, raising issues of sustainability.

Comparative studies of different land ownership and management models would be helpful. It would also be sensible to match evaluative measures to those being developed by the Big Lottery Fund and under the wider theme of community assets.

Crofting community right to buy and other crofting measures

Section 3 of the Land Reform Scotland Act 2003 allows crofting communities to acquire landholdings for the community whether or not the owner wishes to sell.

Directly attributable activity - formal applications pursued - has been very limited, only two having progressed to full, formal applications by the time of this research. This is consistent with expectations when the legislation was drafted. Major factors in this are the high transactional costs, tight legislative stipulations and, therefore, the demand on community capacity which acts as a disincentive or inclines communities to the alternative negotiated approach. Diversity in the population of communities and estates also influences relevance.

Interestingly and very significantly, there have been a number of negotiated settlements (where the new law has not been used), to the advantage of local communities, which is seen to foster a belief in the catalytic, indirect effect of the new legislation in stimulating, facilitating and underpinning crofting community buy-out activity. The aim of the reform to help to empower crofting communities and change 'the balance of power' appears, therefore, to be being realised, to some extent, although more through leverage.

It is clearly essential that impacts and outcomes must be assessed at a local scale, which would require focussed case studies and long-term data collection. There is currently a shortage of relevant, robust data to allow effects of the crofting community right to buy to be assessed and in relation to the high costs of the processes of realising community ownership.

Conclusions

The short time periods that have elapsed since the various reforms were implemented means it is too soon to assess long-term and enduring impacts and outcomes effectively. The emphasis in this study was to identify and explore emergent and likely effects, and how these could be monitored. This was undertaken with a recognition that it is also extremely difficult to separate land reform impacts from those of other policies and market-induced changes, and, therefore, to establish additionality arising from particular reform measures.

For some of the arenas of reform, there is abundant anecdotal attribution of certain changes to the effects of reform and subjective interpretation of impacts, which may or may not be accurate. The research has pointed to substantial topics where data are not being collected which would allow for better informed assessments to be made or where relevant data-sources exist but considerable effort would be needed to integrate these better so they could be used for deeper or longer-term analysis.

Quantitative and qualitative methods will clearly be needed to understand the wide-ranging and evolving impacts of land reform. Wherever possible, existing indicators should be exploited and efforts should be made to avoid duplication.

Evidence-gaps vary from arena to arena but, for most, there are currently inadequate data to enable accurate determination of social and economic impacts because certain types of data simply do not currently exist or existing data are, for example, either insufficiently robust or not at an appropriate scale. This is especially true for assessing local level impacts, which is essential where communities have acquired assets, where detailed case studies will be critical to any successful approach to evaluation. Other significant gaps in data availability, at national and local level, particularly relate to social and cultural dimensions.

As many of the more enduring impacts of reform will only emerge over extended timescales, as well as the need for

some good 'baseline' data in key areas, there is also a need for there to be long-term commitments to strategic monitoring and research, and for some topics, ideally, this would include some longitudinal evidence.

The particular 'community-based' character of Scottish land reform in the last decade necessitates an approach to evaluation, and to indicator-identification, which engages local communities of interest and which is strongly participatory.

The modified SRL framework, as applied in this study, offers a broad, flexible, collaborative and robust approach to assessing impacts and outcomes. Stakeholders also underlined that a comprehensive evaluation of the impacts of land reform should include investigation of environmental effects, and the SRL framework readily accommodates this.

In summary, this scoping study has outlined an appropriate approach to looking across the different arenas that comprise the 'suite' of land reform measures since 1997 to assess their impacts and outcomes for sustainable rural development. The findings point to a need for a multi-level approach which uses available indicators at national or regional level (to pick up any association between general trends in rural socio-economic well-being and the reforms) complemented by case study-based methodologies to explore local responses to the voluntaristic reform measures.

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The report, "Monitoring and Evaluating the Effects of Land Reform on Rural Scotland: A Scoping Study and Impact Assessment", which is summarised in this research findings is a web only document and is available on the publications pages of the Scottish Government website at

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