

Response ID ANON-FC3K-F3YC-V

Submitted to Review of the Land Rights and Responsibilities Statement
Submitted on 2022-01-25 09:59:40

Scottish Land Issues in 2021

Questions on the first Land Rights and Responsibilities Statement

1 Do you think that the revised vision reflects the outcomes that we need to achieve?

No

2 If you have answered 'no' or 'to some extent', what key changes would you like to see to the vision?

Please give us your views:

The consultation document mentions that there has been increasing worldwide focus on the twin crises of climate change and biodiversity loss. We agree that the vision should be updated to reflect this focus. However, we do not agree that the phrase "natural capital" should be used. We understand that the term natural capital seeks to address the lack of value which has been attributed to nonhuman elements of our environment. However, the term arguably continues a paradigm which evaluates elements of the environment in terms of their economic contribution rather than their intrinsic value. We would propose using the word "biodiversity" rather than "natural capital".

We support the inclusion of the phrase a "just transition to net zero". However, we want to emphasise the importance of not offshoring emissions, as highlighted by the Just Transition Commission.

Finally, we suggest there should be recognition of the overall goal of sustainability in the vision and therefore would replace "modern and successful country" with "sustainable society".

Our proposed revised vision would read as follows:

"A Scotland with a strong and dynamic relationship between its land and people, where all land contributes to a sustainable society and supports a just transition to net zero, and where rights and responsibilities in relation to land and biodiversity are fully recognised and fulfilled."

3 Do you think that the principles are still relevant to current Scottish land issues?

Principles - Principle 1:

Yes

Principles - Principle 2:

Yes

Principles - Principle 3:

Yes

Principles - Principle 4:

Yes

Principles - Principle 5:

Yes

Principles - Principle 6:

Yes

4 If you think that the principles could be made more relevant, or that there are any issues that they do not address, please outline this.

Please give us your views:

Principle 1 – We strongly support the continued reference to human rights in relation to land in this principle. We suggest that "economic" is deleted from the phrase "sustainable economic development" so that the phrase "sustainable development" is used instead. This ensures consistency between the Scottish policy documentation and the UN Sustainable Development Goals.

Principle 4 – In line with our proposed revised vision stated above, and in order to recognise that we need to operate within the ecological carrying capacity of the Earth, we suggest deleting "sustainable growth and a modern, successful country" and replacing this simply with "a sustainable society".

Questions on Implementation and Awareness

5 Do you have any proposals as to how to measure change as a result of implementation of the Statement, including suggestions for indicators of progress?

Please give us your views:

One way to measure change through the implementation of the Statement would be to collect data and carry out outgoing surveys on selected case studies in order to show how implementation of the Statement can lead to positive social and environmental outcomes. The Scottish Land Commission could carry out or instruct this data collection in coordination with their Good Practice Programme.

6 Do you think that there is a need for regular reporting on implementation of the Principles of the Statement?

Yes

7 If you think that there is a need for regular reporting, how do you think this should be done and by whom?

Please give us your views:

As part of the Good Practice Programme, the Scottish Land Commission could report annually on the implementation of the Statement and their valuable work in this area.

8 If you would like to submit a case study, please provide details of a specific example. You may submit more than one case study.

Please give us your views:

9 Are there any changes that should be made to the Advisory Notes to make them more clear, relevant or reflective of current context? If your comment relates to a specific principle please flag which one.

Please give us your views:

The Advisory Notes should be updated in order to include reference to the Land Rights and Responsibilities Protocols. The Advisory Notes also need to be updated to make reference to the updated Scottish policy documentation.

10 Do you have any comments on the layout of the Statement?

Please give us your views:

Annex B on the Policy Context of the Statement is very useful. This should also be included in the revised Statement.

11 Please tell us about any sectors you perceive to have lower awareness of the Statement.

Please give us your views:

We acknowledge and appreciate the training events and webinars which the Scottish Land Commission has delivered on the Statement. Among the general population, we perceive that people in urban areas and deprived communities are likely to have a lower awareness of the Statement.

In relation to University education, despite the importance of the Statement to a variety of different disciplines such as urban studies, geography and law, many students are unaware of the Statement.

12 Do you have any suggestions of ways to engage with sectors who do not currently see the Statement as relevant to them?

Please give us your views:

In relation to urban communities and deprived areas, it may be necessary to carry out scoping activities to determine sites which have the potential to be future case studies for implementation of the Statement. For example, there are many vacant and derelict sites which are close to areas of multiple deprivation. A particular site could be targeted in order to engage with the owner and the community regarding how the principles of the Statement could be fulfilled in relation to that site. Such scoping and engagement could be carried out by the Scottish Land Commission or the Scottish Government, and in coordination with the other strategies to tackle vacant and derelict land.

In relation to University education, the Scottish Land Commission could also run seminars or training events for students in relevant disciplines on the Statement in order to raise awareness.

13 Do you have any ideas for other ways that adoption of the Statement could be promoted?

Please give us your views:

The principles of the Statement could also be taught in Schools, as a way to educate future generations about their rights and responsibilities in relation to land.

Questions on Assessing Impact

14 Are you aware of any examples of how the proposals in this consultation might impact, positively or negatively, on island communities in a way that is different from the impact on mainland areas?

Please give us your views:

No.

15 Are you aware of any examples of particular current or future impacts, positive or negative, on young people, of any aspect of the proposals in this consultation?

Please give us your views:

No.

16 Are you aware of any examples of how the proposals in this consultation may impact, either positively or negatively, on those with protected characteristics?

Please give us your views:

No.

17 Are you aware of any examples of potential impacts, either positive or negative, that you consider that any of the proposals in this consultation may have on the environment?

Please give us your views:

The use of the phrase "natural capital" should be avoided for the reasons mentioned above as this could have negative impacts on the environment.

18 Are you aware of any examples of how the proposals in this consultation might impact, positively or negatively, on groups or areas at socioeconomic disadvantage?

Please give us your views:

No.

19 Are you aware of any potential costs and burdens that you think may arise as a result of the proposals within this consultation?

Please give us your views:

No.

20 Are you aware of any impacts, positive or negative, of the proposals in this consultation on data protection or privacy?

Please give us your views:

No.

About you

21 What is your name?

Name:

Dr Jill Robbie, Senior Lecturer in Private Law at University of Glasgow; Rebecca Byrne; Rebecca Meekison; Lee Moulder; and Caitlyn Murphy, Law Students at University of Glasgow.

22 What is your email address?

Email:

jill.robbye@glasgow.ac.uk

23 Are you responding as an individual or an organisation?

Individual

24 What is your organisation?

Organisation:

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

Publish response with name

26 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

27 I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy.

I consent

Evaluation

28 Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Very satisfied

Please enter comments here.:

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Very satisfied

Please enter comments here.: