

RURAL AFFAIRS AND ENVIRONMENT COMMITTEE

POST-LEGISLATIVE SCRUTINY OF THE LAND REFORM (SCOTLAND) ACT 2003

SUPPLEMENTARY WRITTEN SUBMISSION TO EVIDENCE SESSION – 9TH FEBRUARY 2011

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Introduction

This supplementary written submission is made to draw the Committee's attention to a number of issues which it was not possible to cover during our oral evidence session on 9th February 2011. The submission relates to the statutory access rights contained in Part One of the Act and to the community right to buy and crofting community right to buy provisions contained in Parts Two and Three of the Act respectively.

Statutory Access Rights

Our research findings did not address whether there are any specific issues or barriers which people with disabilities encounter in relation to the exercising of their statutory access rights. However, that is an area which would merit further research to ensure that the legislation is being implemented in ways which encourage inclusivity. A recent paper to the National Access Forum by the British Horse Society Scotland¹ highlighted that in addition to impeding access for horse-riders, locked gates may also impede access taking for people with limited mobility. Access Authorities should be encouraged to take appropriate action to ensure that such problems as exist in this regard are eliminated.

Local Access Forums are statutory bodies with specific remits in terms of addressing access issues in access authority areas. However, the extent to which there is representation on behalf of people with disabilities on these fora is patchy and a significant number of forums do not appear to have representation in this regard. Access authorities should be strongly encouraged to ensure that representatives of people with disabilities are included in the membership of Local Access Forums as a matter of routine. Additionally, Local Access Forums should ensure that appropriate mechanisms are put in place to ensure that representatives of people with disabilities can fully participate in discussion and decision-making processes within fora.

More generally, it would be helpful for the Scottish Government to update the guidance document on Part 1 of the Land Reform (Scotland) Act 2003 which was issued in 2005 to Local Authorities and National Park Authorities.

Community Right to Buy and Crofting Community Right to Buy

As we recount in our report to the Committee, a common criticism of the community right to buy and crofting community right to buy provisions is their complexity and limited flexibility. At the UK level, government is taking a lead from the Scottish experience by introducing a community right to buy in the Localism Bill. However, there appears to be a consensus of opinion that much of the complexity contained in the community right to buy in the Land Reform Act should be avoided whilst retaining appropriate safeguards in relation to stakeholders' interests. There is merit in considering how both the community right to buy and crofting community right to buy can be simplified whilst retaining similar safeguards. Increasing the flexibility of what constitutes eligible 'community bodies', simplifying ballot arrangements, recasting time-frames associated with the process in favour of community organisations and reducing the burden of mapping requirements have all been suggested by participants in our study as helpful changes to the legislation.

17th February 2011.

¹*Locked Gates and Restrictive Access Controls*. Paper submitted to the National Access Forum meeting on February 16th February 2011 by the British Horse Society Scotland.