

# **Review of the Guidance on Engaging Communities in Decisions Relating to Land**

**March 2021**

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Relating to Land**

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## Introduction

1. On 26 November 2014, the First Minister, as part of the Programme for Government, set out the Scottish Government’s vision that Scotland’s land must be an asset that benefits the many, not the few. That vision was articulated in the Land Reform (Scotland) Act 2016 (“the 2016 Act”) which received Royal Assent on 22 April 2016.
2. The passage of the 2016 Act was a substantial step forward in the development of Land Reform in Scotland. The 2016 Act represented the culmination of a significant debate with contributions from across Scottish society, and the proposals introduced in the Bill were developed and strengthened during its Parliamentary stages.
3. The inter-related provisions of the 2016 Act provide a range of measures to progress land reform, driving change in how Scotland’s land is owned and used. These provisions include:
  - The Scottish Land Rights and Responsibilities Statement<sup>1</sup> (LRRS) which was published in September 2017 and aims to support a strong relationship between the land and people of Scotland, where rights and responsibilities in relation to land are fully recognised and fulfilled.
  - The Scottish Land Commission (the Commission) became operational on 1 April 2017 with a remit to review the effectiveness and impact of laws and policies relating to land, and to make recommendations to Scottish Ministers. A key part of its Strategic Plan is to examine options for future land reform including the concentration of land ownership in Scotland.
  - Guidance on Engaging Communities in Decisions relating to land (the Guidance)<sup>2</sup>, was published in April 2018 and sets out expectations of land owners and those with control over land to engage constructively with communities across rural and urban Scotland.
  - A new Right to Buy Land to Further Sustainable Development came into force in 26 April 2020.
  - This follows the Community Right to Buy Abandoned, Neglected and Detrimental Land which came into force in June 2018. These will deliver increased opportunity for Scotland’s communities to own land.
  - Section 39 of the 2016 Act requires Ministers to make regulations requiring information to be provided about persons who have controlling interests in owners and tenants of land, and about the publication of that information in a public register kept by the Keeper of Registers of Scotland (“RoS”). These regulations were unanimously passed by Parliament on 10 Feb 2021 and the new register will be operational on 1 April 2022.

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<sup>1</sup> [Scottish Land Rights and Responsibilities Statement](#)

<sup>2</sup> [Guidance on Engaging Communities in Decisions Relating to Land](#)

## Background

4. Part 4 of the 2016 Act created a duty for Scottish Ministers to issue Guidance on engaging communities in decisions relating to land which may affect them. The Guidance, which supports Principle 6 of the Scottish Land Rights and Responsibilities Statement (LRRS)<sup>3</sup>, and the statutory requirement to promote the LRRS, was first published in April 2018.

5. There is a duty on Scottish Ministers to lay a periodical report before the Scottish Parliament assessing the effectiveness of the Guidance and any steps to improve it, with the first such report due in April 2021. This report will fulfil Scottish Ministers legal duty.

6. The Scottish Government provided the Commission and members of the Commission's Good Practice Advisory Group<sup>4</sup> the opportunity to respond to a set of questions about the Guidance, including on awareness of the Guidance, its effectiveness and how it might be improved. We received three responses from the Group: from the Commission, Scottish Land and Estates (SLE), and the National Farmers Union Scotland (NFUS). The responses from SLE and NFUS drew on their work and their members' experiences, and the Commission's response drew on research sources and their work.

7. The Scottish Government also commissioned a substantial piece of research into attitudes to land reform in Scotland, including on attitudes to the diversification of ownership, vacant and derelict land, community engagement, and access rights. This research was carried out by Ipsos MORI, who conducted a literature review, expert interviews, a mixed-mode telephone and online survey, workshops and further in-depth interviews. Eight stakeholders who have professional experience and understanding of public attitudes to land reform took part in the expert interviews, and 1501 respondents aged 16 and over participated in the survey. Quotas and targeted sampling were used to ensure that the final survey sample was representative of the Scottish population for gender, age group, working status and Scottish Parliament region. Forty-seven respondents selected from the telephone survey, divided into nine groups, participated in the workshops and a further twelve took part in in-depth telephone interviews. The final report has now been published<sup>5</sup>.

8. Key findings of the report include: a low level of understanding of land reform, and of the Scottish Government's land reform agenda; and that the public are interested in, and more supportive of, land reform after learning more about it.

9. The Scottish Government has drawn on the findings from both the Commission and the members of the Good Practice Advisory Group, as well as the Ipsos MORI report in order to assess both the effectiveness of the Guidance and any steps to improve it.

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<sup>3</sup> [Scottish Land Rights and Responsibilities Statement](#)

<sup>4</sup> [Good Practice Advisory Group](#)

<sup>5</sup> [Attitudes to Land Reform Research](#)

## Context

### Purpose and Audience

10. The principal purpose of the Guidance is to help ensure that people have the opportunity to be involved in decisions about land that affect them. It contains guidelines on when, how and with whom engagement should take place.

11. The Guidance is not intended to be prescriptive or exhaustive, and recognises that engagement should be tailored to meet local circumstances. It supports the normalisation of engagement and collaboration with local communities about significant issues and local communities and land owners seeing each other as partners in achieving sustainable development.

12. It is aimed at all those with control over land, including private and public land owners, NGOs, charities and community owners. It applies to all land in Scotland and does not replace or duplicate existing statutory requirements for consultation and engagement. For the purposes of the Guidance, 'land' includes buildings and other structures, land covered with water, and any right or interest over land.

### Guidance

13. The Guidance sets out expectations that anyone who is making decisions about land should be proactive in engaging with communities affected by those decisions, and how and when they should engage. It notes that it is reasonable for Scotland's local communities to expect engagement about land, especially where issues connected to human rights are part of the consideration.

14. The Guidance also sets out what communities can expect, the purpose of engagement, and advises on the best way to work with land owners or their delegated managers and the types of activities likely to require engagement.

15. The Guidance does not relate to any particular land-based activity or sector and applies to all situations where decisions being made about land might affect local communities. It is flexible enough to be useful in a wide variety of situations and can adapt to changing socio-economic and environmental circumstances and contexts.

16. The Guidance is divided into ten key areas, set out as sub-headings:

1. Benefits of engagement
2. When to engage with communities
3. Significant impact
4. Cumulative effects
5. Relationship with existing statutory requirements to consult
6. Who to engage
7. Specialist issues
8. Best practice principles for fair engagement
9. Removing barriers to engagement
10. Joined-up engagement

17. The Guidance also sets out expectations regarding the use of personal and business information and highlights the National Standard for Community Engagement<sup>6</sup>.

18. The Guidance has a diagram<sup>7</sup> to support those looking to engage with communities assess when they should do so, and another diagram<sup>8</sup> to advise on the different levels and methods of engagement. Further information on fairness, human rights and equalities considerations is contained in Annex A<sup>9</sup> of the Guidance.

### **Public Attitude and Awareness**

19. Findings from the Ipsos MORI report into attitudes towards land reform in Scotland suggest that, when thinking about 'land in Scotland', participants tended to think first about rural land that has not been built on. There was a perception among urban participants that land was something 'out there' and located away from where most people live. There was also a strong sense of pride among participants when thinking of Scotland's land and an awareness of the wide range of ways in which Scotland's land benefits individuals and the country as a whole.

20. Survey respondents were asked whether they had previously been involved in any decision-making around land use, including in cities or towns as well as rural areas. Overall, 13% of respondents had been involved while 85% had not. Those most likely to have been involved included:

- those living in accessible rural areas (26%) and remote rural areas (22%), compared with 11% of those in large urban areas;
- those who oppose both statutory access rights (22%) and diversification of land ownership (22%), compared with 12% and 13% respectively of those who support these policies;
- those with a degree or equivalent (15%) compared with 8% of those with no formal qualifications and 10% with a school/college qualification;
- those in less deprived areas - those in the most deprived areas (Scottish Index of Multiple Deprivation 1) were only half as likely as those in other areas to have been involved (7% compared with 13% overall).

21. There was strong support for the principle of encouraging greater community involvement in decision-making around land use, with a lack of awareness rather than a lack of willingness being cited as an explanation for participants not being involved in the process.

22. Frustration was also expressed in relation to processes, structures and timescales of involvement. Shortages of funding to support local communities' interests, as well as low numbers of people involved were also identified as blockers.

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<sup>6</sup> [National Standards for Community Engagement](#)

<sup>7</sup> [Guidance on Engaging Communities in Decisions Relating to Land](#)

<sup>8</sup> [Guidance on Engaging Communities in Decisions Relating to Land](#)

<sup>9</sup> [Guidance on Engaging Communities in Decisions Relating to Land](#)

23. Survey respondents were asked to give up to three reasons that were stopping them from becoming more involved in decision-making about land use. The most common barriers were not knowing enough about it (48%), not knowing how to get involved (32%), not having enough time (25%) and not thinking their involvement would change anything (17%).

24. Around two thirds (64%) of survey respondents said they would 'definitely' or 'probably' be interested in being more involved in decision-making around land and planning/development in the future, while one third (35%) said they would 'probably' or 'definitely not' be interested.

25. There were higher levels of interest in younger participants aged 16-34 (70%) and 35-54 (69%) than those aged 55+ (55%). There was also a notable difference between those with no formal education (32% expressed interest) and those with either a college qualification (61% expressed interest) or a university degree or equivalent (71% expressed interest).

26. The research revealed that the public have a strong sense of pride in Scotland's land and an awareness of the wide range of ways in which the land benefits individuals and the country as a whole.

27. There was low awareness of the Scottish Government's land reform agenda as a whole (though slightly more awareness of some specific aspects such as Community Right to Buy and access rights). Once explained to participants, however, there was considerable support for the overall aims and for specific policies on diversification of land ownership; vacant and derelict land; access rights and community involvement in decision-making.

28. The term 'land reform' is perceived as somewhat nebulous and is associated with undeveloped rural land. A greater emphasis on the urban elements and buildings in rural towns and villages may help engage more of the public and help them see the relevance of land reform to their own lives.

## **Assessment of the Effectiveness of the Guidance**

29. The Guidance was designed to support and encourage engagement between landowners and those who make decisions about land, and the communities affected by those decisions.

30. As the Guidance does not include any sector-specific guidance, for example guidance specific to a particular area of the economy such as farming or forestry, some sectors have developed their own guidance from the principles and practices set out in the Guidance.

31. In November 2019, the Commission published a Protocol on Community Engagement in Decisions Relating to Land, which sets out practical advice on how landowners, land managers and communities can work together to make decisions about land use. The Protocol was developed as part of a wider set of Protocols to support the practical implementation of the LRRS. To support the Community Engagement Protocol, the Commission have also developed a series of tools including a route map and good practice guide for developing engagement plans.

32. These additional documents are designed to support the aims and implementation of the Guidance and Principle 6 of the LRRS, that there should be greater collaboration and community engagement in decisions about land,<sup>10</sup> by setting out practical approaches or tailoring the approaches and advice to address the needs of specific sectors.

33. This review focuses on the Guidance produced by the Scottish Government, but has also taken into account the Protocol and other sector-specific guidance when considering the effectiveness of the Guidance.

34. In assessing the effectiveness of the Guidance, we have considered to what extent the Guidance and documents derived from it are used, and the level and quality of engagement between communities and those who make decisions relating to land.

### **Awareness of the Guidance**

35. There is a growing awareness of the need to engage with communities on decisions relating to land where those decisions might affect them. The Commission's Community Engagement Baseline Surveys found that of the respondents, 65% of landowners or land managers had read or used the Scottish Government's Guidance, while a third had read the Commission's Protocol and a further 23% were aware of the Protocol though they had not yet read it.<sup>11</sup>

36. The Baseline Surveys, carried out in 2019, consisted of a survey for landowners and managers, and another survey for communities, both to establish a baseline awareness and understanding of community engagement in land-based decision-making. There were 64 responses to the survey of landowners and

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<sup>10</sup> [Scottish Land Rights and Responsibilities Statement](#)

<sup>11</sup> [Community Engagement Baseline Surveys 2019, Scottish Land Commission](#)



managers, largely from members of SLE or NFUS, and from more rural areas, with a disproportionate number of responses coming from the Highlands. Responses from community landowners were low and there were no responses from private developers, urban land managers or public sector bodies. There were 259 responses to the communities survey, with just over half coming from individuals and 38% from representatives from community bodies. These responses came from urban and rural communities and were geographically widespread, with responses from all but two council areas.

37. In responses to the consultation sent to members of the Good Practice Group, professional membership organisations reported a lower level of awareness of the Guidance amongst their members, but a greater awareness of the related Protocol on engagement. These organisations did not quantify what level of awareness is meant by “low”, and so their responses do not necessarily contradict the findings of the Baseline Surveys and could illustrate fluctuations in awareness levels over the twelve month period between the survey results and their responses.

38. The responses to our questionnaire suggest that the level of awareness of the Guidance amongst land owners and managers is lower than the level reported by the survey. The high number of responses to the survey from members of SLE and NFUS, and from those in rural areas, also suggests that overall awareness of the Guidance is lower than the survey response indicates as these groups tend to be more engaged with land reform and aware of resources like the Guidance. Both the survey and the questionnaire responses do however confirm at least some awareness of the Guidance. Both also indicate a significant level of awareness of the related Protocol on community engagement which was developed from the principles set out in the Guidance. The Protocol is a separate document, but promotes the same practices set out in the Guidance and encourages community engagement on the same principles. The significant awareness of the Protocol thus indirectly contributes to the effectiveness of the Guidance.

39. In the Community Engagement Baseline Surveys, 23% of community survey respondents reported awareness of the Guidance and around 28% of community respondents said that they had read or were aware of the Commission’s Protocol.<sup>12</sup> As respondents to surveys run by the Commission are usually highly engaged in land reform matters, the awareness levels of the Guidance and Protocol are likely to be significantly lower in the general population.<sup>13</sup> This low level of awareness amongst the wider population is borne out by the experiences of groups representing those who own or make decisions about land.

40. The low levels of awareness of the Guidance amongst communities and the wider population limit its effectiveness. The Guidance can support communities’ expectations of engagement and encourage them to participate, and so a lack of awareness could negatively impact participation and the effectiveness of the Guidance.

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<sup>12</sup> [Community Engagement Baseline Surveys 2019, Scottish Land Commission](#)

<sup>13</sup> [Community Engagement Baseline Surveys 2019, Scottish Land Commission](#)

## Use of the Guidance

41. As the Guidance sits within a wider landscape of approaches to engagement, including the Protocol and other statutory forms of engagement, it is difficult to identify to what extent the Guidance is used. The Community Engagement Baseline Surveys found that half of the respondents had either produced an engagement plan or were planning to do so.<sup>14</sup> Many of those without a plan and who did not intend to develop one were smallholdings and farms, who were not planning to make significant changes to land use that they believed would require community engagement.<sup>15</sup> These approaches suggest some understanding of the principles of the Guidance amongst respondents to the survey, such as planning for and conducting proportionate engagement. It also suggests that the Guidance is in use amongst some groups.

42. The respondents to these aspects of the survey were, however, predominantly farmers and rural private landowners. As noted earlier, respondents to the Commission's Survey tend to be those more likely to engage with land reform issues or have a greater awareness of them, and more likely to be aware of the Guidance or associated documents and principles for community engagement. It is likely, therefore, that the overall percentages of landowners and those making decisions about land using or developing engagement tools or following the principles of the Guidance is lower.

43. This highlights the varying use of the Guidance across sectors and the nation, which limits the effectiveness of the Guidance. There were insufficient responses in the Baseline surveys from other sectors for any conclusions to be drawn about awareness or use of the Guidance in other contexts, such as in urban or suburban settings, or land in public or community ownership. Since the Guidance has no statutory underpinning, other statutory forms of engagement are likely prioritised above it in circumstances where statutory requirements apply. This suggests that in certain sectors or situations, less importance may be placed on the use of the Guidance and in turn engagement beyond statutory requirements.

44. The higher levels of awareness of the Commission's Protocol suggests that this, rather than the Guidance, could be being used as a guide or reference document when engaging with communities, particularly as it is designed for more practical use. Membership organisations have also noted a growing awareness of the Protocol, supported by workshops around the Protocol to encourage community engagement. The Guidance also encourages sectors to develop their own specific guidance for engaging with communities. The use of these and other associated documents to support and encourage engagement with communities demonstrates the effectiveness of the Guidance, as the Protocol and sector-specific guidance were developed from the Guidance and the LRRS.

45. The research carried out by Ipsos MORI into attitudes towards land reform identified that overall levels of community engagement are low, but there is significant variation in the levels of engagement geographically. Those in remote

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<sup>14</sup> [Community Engagement Baseline Surveys 2019, Scottish Land Commission](#)

<sup>15</sup> [Community Engagement Baseline Surveys 2019, Scottish Land Commission](#)

rural or accessible rural areas are twice as likely to have been involved in decision-making as those in urban areas.<sup>16</sup> The number of rural landowners surveyed who had produced or intended to produce an engagement plan, and the slightly higher levels of engagement in remote rural or accessible rural areas compared to urban areas, suggests that there is greater awareness of community engagement and use of the Guidance or associated documents in rural settings. It also suggests there is variation in community engagement across different sectors, as certain sectors are more likely to operate in urban settings than rural ones and vice versa.

## **Level and Quality of Engagement**

46. Current levels of community engagement are generally low. Research into public attitudes to land reform found that only 13% of participants had been involved in decision-making around land use, while 85% had not.<sup>17</sup> Around two-thirds of participants said that they would 'definitely' or 'probably' be interested in being more involved in decision-making around land in the future.<sup>18</sup> The significant gap between involvement and interest in involvement suggests that involvement in community engagement is not low due to a lack of interest in communities.

47. The lack of participation in engagement may be due to barriers such as not knowing enough about the issues or being unaware of opportunities for engagement, or from engagement not taking place. The low levels of engagement compared to interest in participation indicate that there is an ongoing need to encourage engagement between those who make decisions in relation to land and the communities those decisions affect, and hence that there is still a need for the Guidance.

48. The awareness of land reform issues in Scotland is low, and generally associated with rural environments.<sup>19</sup> The majority of participants in the Ipsos MORI research were much more interested in land reform issues once they understood more about them and 43% identified having more awareness of local land issues as the most helpful way to encourage engagement.<sup>20</sup> This supports the hypothesis that not knowing enough about land-related issues is a significant barrier to participating in engagement. This wider issue of lack of awareness and understanding of land-related issues, along with other barriers, will have an impact on the effectiveness of the Guidance.

49. The association of land issues with rural environments compounds this effect, since the majority of Scotland's population reside within an urban environment. If urban communities or those who make decisions relating to non-rural land do not consider land issues as applicable to their circumstances, this will have a significant impact on the use and effectiveness of the Guidance. Lack of awareness of the Guidance does not, of course, mean that decision-makers are not carrying out community engagement or that their actions have negative impacts on communities. But a lack of awareness or use of the Guidance can increase the risk that those

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<sup>16</sup> [Attitudes to Land Reform Research](#)

<sup>17</sup> [Attitudes to Land Reform Research](#)

<sup>18</sup> [Attitudes to Land Reform Research](#)

<sup>19</sup> [Attitudes to Land Reform Research](#)

<sup>20</sup> [Attitudes to Land Reform Research](#)

making decisions do not engage with the community, or take decisions that have a negative impact on the community.

50. The Guidance is one of many documents within a wider landscape of documents, protocols and statutory requirements encouraging engagement with communities. This makes it very difficult to attribute positive changes in the level and quality of engagement with communities directly to the Guidance.

51. Practical experiences and examples, such as those set out by the Commission as case studies, and the experiences of professional membership organisations, suggest that engagement may be improving. There remain disparities, however, between landowner's views of communities' influence and the effectiveness of their engagement, and the communities' perception of the same issues.

52. Just over half (53%) of the landowners and managers who responded to the baseline surveys on community engagement stated that community views had a great deal or moderate influence on decisions about significant aspects of the way land or buildings are managed. In contrast, only 30% of community respondents felt the same way.<sup>21</sup> In the same survey, just under half (49%) of community survey respondents felt that the engagement that did take place was not effective.<sup>22</sup>

53. The significant difference in the level of opinion as to what extent community views have an influence on decisions, and the high level of perception that engagement was not effective, point to a need for considerable improvement in both the level of engagement and the quality of that engagement.

54. Increasing the quality of engagement as well as the extent can help ensure that communities feel that their needs and views are taken into account when decisions are made. It can also help them to understand why those decisions were made, particularly in instances where decisions are made that do not fully align with the views of the community.

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<sup>21</sup> [Community Engagement Baseline Surveys 2019, Scottish Land Commission](#)

<sup>22</sup> [Community Engagement Baseline Surveys 2019, Scottish Land Commission](#)

## Improving the Effectiveness of the Guidance

55. The Guidance will only be effective if it is used, and used properly. A crucial first step is ensuring awareness of the Guidance, among land owners, those who make decisions about land, and communities. There is some awareness of the Guidance amongst landowners and those who make decisions about land, but this could be improved, along with raising awareness within the wider population.

56. There are numerous documents relating to community engagement available, so promotion of the Guidance alone is not the only route to improving community engagement. Focusing on raising awareness of the Guidance in the context of its relationship to other documents such as the Protocol would help avoid detracting attention from other relevant documents and help clarify when it is most appropriate to use or refer to the Guidance rather than other documents.

57. The Guidance also encourages sectors to develop their own guidance and while some sectors have done so, there are still a significant number who have not. Developing sector-specific guidance where it does not yet exist would raise awareness of the Guidance and help support effective community engagement in that area going forwards.

58. In addition to raising awareness of the Guidance, its use could be further encouraged through embedding the Guidance within policy frameworks. This could support the normalisation of engagement with communities and lead to increasing engagement.

59. Highlighting the Guidance's connections to the LRRS, human rights and the Scottish national outcomes, as set out in the National Performance Framework, would support a better understanding of the role of community engagement across the wider policy landscape. Making these connections clearer could highlight the benefits, in particular the longer-term ones, of effective community engagement in decision-making. It would also help further embed the Guidance in practice and normalise the use of community engagement.

60. While overall involvement in community engagement is generally low, there is significant variation in the levels of involvement across: rural and urban areas; those who support or oppose policies; educational attainment levels; and socioeconomic circumstances.<sup>23</sup> As the Guidance is designed to be applicable to all sectors, specific targeting to address these disparities in involvement would not be appropriate. Consideration could be given to drawing attention to these disparities and encouraging landowners and those making decisions about land to take them into account and support those less likely to get involved to participate in engagement.

61. The Guidance is not intended to replace or duplicate statutory requirements for engagement where these exist, such as in formal planning processes. A significant number of landowners and those who make decisions about land consider statutory engagement to be sufficient. There is, however, evidence that there are notable benefits of early engagement with communities for landowners, communities

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<sup>23</sup> [Attitudes to Land Reform Research](#)

and developers.<sup>24</sup> The Guidance could potentially place more emphasis on engagement beyond statutory requirements to encourage landowners and those who make decisions about land to consider the importance and benefits of additional engagement.

62. The Guidance focuses on engagement when decisions are being considered, but it could also provide support for early proactive engagement. Proactive engagement is where those who make decisions about land engage with communities on community development plans and processes before they begin to make plans for significant development. This can benefit both communities and decision makers by helping them to understand each other's priorities and aspirations, and any limitations. This type of early engagement encourages positive collaboration between the parties in advance of decisions being taken and helps support constructive engagement, and hence the aims of the Guidance.

63. Greater transparency in decision-making following engagement can help address the issue highlighted above where communities do not feel their views are taken into account. To encourage this, the Guidance could place more emphasis on the importance of giving feedback to communities following engagement and communicating effectively the reasons behind any decisions taken.

64. The Guidance could also encourage greater transparency in the overall engagement process by highlighting the need to make information about who the landowners are, how to contact them, and how to engage in relevant decision-making processes accessible to the public. This would support effective engagement by helping to remove a barrier to communities engaging in decision-making.

65. The Register of Persons Holding a Controlled Interest in Land will make information about those who have a controlling interest in land more accessible. The Register will become operational on 1 April 2022, with criminal sanctions for non-compliance taking effect a year later on 1 April 2023. The Register will not include information about landowners who do not have controlling interests, but this information is available on either the Land Register or the Register of Sasines, held by Registers of Scotland. It remains important to encourage landowners and those making decisions about land to ensure contact information and details of how to engage are accessible to the public via these Registers, supporting the principles of the LRRS.

66. The Guidance focuses on engaging with communities on significant decisions relating to land that would affect the community and provides guidance on what constitutes a significant decision. As part of this, it could also highlight the importance of engaging with communities when selling or considering selling land, where the use of that land impacts the community. This would help the Guidance further support the principles of the LRRS. Community engagement when selling or considering selling land could help encourage a more diverse pattern of ownership and tenure in Scotland, one of the principles of the LRRS, by giving communities the opportunity to become involved in the process.

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<sup>24</sup> [The Value of Early Engagement in Planning, Scottish Land Commission](#)

67. Further consideration and development of ideas to improve the effectiveness of guidance to encourage engagement will be conducted as part of the Scottish Government's review of the Land Rights and Responsibilities Statement, due to be laid in Parliament by September 2022.

## Conclusion

68. The Guidance provides a good foundation for encouraging engagement with communities on decisions relating to land. This is demonstrated by the development and use of supporting documents, including the Protocol and sector-specific guidance, and the adoption of the principles of the Guidance by those who use it. Significant use of the Guidance or similar documents appears to be common only among specific geographical and sectoral groups, in particular those likely to have prior awareness of community engagement issues, rather than widespread across sectors and areas.

69. Awareness and use of the Guidance is generally not very high amongst those who make decisions about land, and awareness of the Guidance is much lower amongst communities in general. Use of the Guidance or similar documents, while higher in some sectors, is also generally low across sectors and communities as a whole. The Guidance can be an effective tool for encouraging engagement, as demonstrated by those who do use it, but low awareness limits and reduces its effectiveness.

70. Overall levels of community engagement remain low. Perceptions of the effectiveness of the engagement that does happen is low amongst communities and only slightly higher amongst those making decisions about land. There is also significant variation in community engagement geographically and across different sectors. These issues highlight the limited effectiveness of the Guidance in practice. While culture change can take time to take effect, the low overall levels of engagement and poor perception of its effectiveness suggest that the impact of both the Guidance and other relevant documents has been limited.

71. Further work is needed to raise awareness of the Guidance and other documents, and to encourage their use or adaptation in sectors where engagement remains low, as awareness and use of the Guidance and other documents is critical to their effectiveness. The current pandemic has supported barriers to engagement by limiting the available methods of engagement and creating other demands and priorities for everyone. It has also hampered promotion of the Guidance through channels such as events and conferences that are not taking place in their usual formats at present. We will continue to work with stakeholders to raise awareness and use of the Guidance, and will consider how to reach groups who have a lower awareness of community engagement and the documents, including the Guidance, available to support it.

72. There is also a need for improvements in the quality of engagement, and the Guidance and other documents have a key role to play in strengthening the effectiveness of community engagement. We will work with stakeholders to develop ways of assessing improvements in the level and quality of engagement, as this is also an important indicator of the effectiveness of both the Guidance and other documents.

73. We will consider the findings of this review when carrying out the upcoming statutory review of the Land Rights and Responsibilities Statement, due to be laid in Parliament by September 2022. We will assess the suggested revisions to the



Guidance noted in this review for possible inclusion in the Guidance. We will also consider whether work to promote the LRRS could also promote awareness and use of the Guidance.



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