

# Community and Conservation Ownership in Highland Scotland

## *A Common Focus in a Changing Context*

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### **Abstract**

Legislation on the topic of land reform will enter statute during the lifetime of the first administration of the Scottish Parliament. It is thus timely to review types of land ownership that have evolved in Scotland in the recent past. This paper briefly reviews the context of the current land reform debate. It considers the characteristics of community and conservation ownership, exemplified in case studies of the North Lochinver Estate (owned by the Assynt Crofters Trust) and the Sandwood Estate (owned by the John Muir Trust). Positive and negative aspects of these two management structures are illustrated and a convergence in management approaches, towards a focus on community interest and involvement is demonstrated. The emergence of a social sector in land ownership is considered.

**Key words:** land reform, community ownership, conservation ownership

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## 1. Land ownership in Scotland

In the newly devolved Scotland, as the Scottish Parliament begins to exert influence throughout the areas for which Westminster has not retained power<sup>1</sup>, land ownership and management have become subjects of mainstream political debate. This paper examines the operation of two forms of land ownership, community and conservation ownership, and explores their future within a political environment where land is on the legislative agenda.

That the subject of land, and land ownership in particular, continues to arouse such interest indicates that it is a powerful resource. McCrone (1997) describes the association between *the land* and *The Land*, suggesting that land is intimately linked to the culture and democracy of Scotland. The identity of Scotland and the idealisation of its culture in terms of Highland history are closely bound up with the land. References to nineteenth century clearances when explaining the predicament of present day rural Scotland are indicative of a tendency to view Scottish history and society as a single continuum, incorporating both myth and fact (McCrone, 1992). In this way land and its ownership are central to the Scottish psyche.

As well as being a symbol of nationhood, land is also a tool of economic and social development. Throughout the twentieth century, there has been a popular debate on land ownership which, although often informed by emotion and prejudice, deals with the ownership of a resource that is fundamental to society and upon which all economic activity relies (Wightman, 1996). It is for this reason that land ownership and management are now central political issues. As Callander (1987) states, it is the system of land ownership that determines the use of land and natural resources. It has long been recognised that the ownership of land involves more than simply the right to use an area of ground (MacGregor, 1993). Throughout the centuries over which the feudal system<sup>2</sup> in Scotland has developed, property rights have conferred economic, social and political advantages on their holders. Historically, there was considerable power derived from land ownership, which gave autonomous control at a local level and access to Parliament at a national level (McCrone, 1997). During the twentieth century the power structure in Britain altered, but the influence vested in land ownership remained, albeit set in a different context. Bird (1982) outlines the effects on a rural community of an owner's decisions and demonstrates the power that remains vested in land ownership, in terms of the social and economic development of the community.

The ownership debate is founded on a number of perceived problems resulting from the current land ownership system. The concentrated pattern of ownership has led to popular concern over access to resources and social and economic development in rural areas. Land holdings often include established settlements, giving rise to questions over the balance of power in terms of development and management practice, and ultimately questions of accountability. Calls for land reform focus on altering the balance of power to facilitate wider access to resources. The perceived economic constraints of the current land ownership system combine with emotions of social injustice to create a powerful movement for reform. The

popularity of the debate stems largely from its characterisation as a struggle of people against privilege (Fry, 1987).

As Cramb (1996) notes, the increase in public interest in the 1980s and 1990s was not a reawakening of the political drive for reform. Instead, it was largely a result of developing environmental awareness. Over the last two decades the effectiveness and suitability of management practices have been questioned. As more members of the public demand conservation practices and environmental benefits, the system of land management has come under closer scrutiny. Rather than focusing on management however, the debate has focused on the ownership of land.

The current land reform process, initiated in 1997, seeks to settle the land question for the immediate future, clarifying the relationship between the Scots and their land<sup>3</sup>. It is thus of considerable interest to academics and policy makers to examine the issues of land ownership within this emerging legislative context. The twentieth century has seen considerable diversity in land ownership develop, two of the most significant new owners to emerge being conservation groups and local (often crofting) communities. These ownership structures have increased rapidly over the last decade in particular and have been widely heralded as a solution to the problems of the land question, seen by some as righting historical wrongs (Boyd, 1999). A question arises, however, over whether this ownership is a long-term solution, or simply a response to a set of circumstances peculiar to a particular point in time? Will the new legislative framework have room for both ownership models? At a time when the constitutional framework, and in consequence the political arena in Scotland, has undergone significant change, it is worth examining the background to and current position of conservation and community land ownership, seeking to identify the possible long-term direction these structures could take.

## **2. Land reform – a changing context**

Land reform is not a new issue in politics. As noted above, the land reform debate has run for much of the second half of the twentieth century and was brought into focus in the 1970s, particularly by McEwan (1977). Until the 1990s those advocating reform were thought of as radical campaigners on the margins of the political arena. The last decade has seen land reform enter the political mainstream and considerable changes to the context in which conservation and community groups operate have been observed.

In 1995, the then Secretary of State for Scotland, Michael Forsyth, proposed that the Scottish Office should transfer ownership of 250,000 acres of crofting land to community trusts (The Herald, 21<sup>st</sup> October 1995). By this time the Assynt Crofters Trust had been established as a result of a much publicised community purchase. The Government sought advice from the Assynt Crofters Trust and this was seen as a first, albeit cautious, endorsement of community ownership (Am Bratach, November 1995).

After the 1997 general election, the Government set up the Land Reform Policy Group to carry out a consultation exercise and make recommendations for land reform legislation. The advent of the Scottish Parliament has allowed the debate to move from a discussion of principle to a forum within which detailed proposals have been compiled. The Parliament, formally opened in July 1999, presents a real opportunity for legislative action to occur (Land Reform Policy Group, 1998). The proposals for legislation covered five principal themes, all of which aimed to alter the balance of power and optimise use of resource. These proposals have reached different stages within the legislative process<sup>4</sup>.

Firstly, the Abolition of Feudal Tenure Bill, which obtained Royal Assent in June 2000, has modernised the legal framework of land tenure, replacing the feudal system with a system of

outright ownership. Secondly detailed policy proposals for Agricultural Holdings Reform were published in April 2000. These seek to loosen the constraints on the landlord-tenant relationship and specifically, there is to be greater freedom to contract in terms of tenancy duration and lease terms are to be modernised to encourage diversification (Scottish Executive, 2000a). Thirdly, the development of draft proposals for a community right to buy land continues. The proposals will cover rural land in Scotland and it is intended that a register of community interest will be established. Once a *properly constituted* community body has registered its interest over an area of land, if and when that land comes to the market, the community will be given a right to buy at a price determined by a Government valuer. A six-month period will be allowed for the community to raise the necessary funds. The system is to be backed-up by a power of compulsory purchase to prevent deliberate evasion of the procedure (Scottish Executive 1999). Fourthly, a suite of proposals designed to modernise crofting legislation, in particular a special right to buy for crofting communities (Scottish Executive news release SE1426/1999) will be made available for consultation early in 2001 and, finally, legislation on countryside and natural heritage issues has also been included under the Land Reform legislation umbrella.

### **3. The development of community and conservation ownership**

As mentioned above, conservation groups and local communities have emerged as two of the most significant new land ownership groups in recent years. The rationale and evolution of these two forms of land ownership display significant variations. This section of the paper presents an overview of the development of community and conservation ownership and subsequent sections examine, through the use of two case studies, how these ownership structures have evolved in practice.

#### **3.1 Community ownership**

Despite many collective land schemes in the nineteenth century, the first instance of modern community ownership came in 1923, when Lord Leverhulme gifted his Lewis estate to the community, in the form of the Stornoway Trust (Boyd, 1999). Community ownership developed little until the 1980s when interest in this type of ownership grew again. In 1982, for example, the Dalnavert Community Co-operative was formed, a small-scale ownership group in Strathspey. It was in the 1990s that community ownership grew significantly, developing on an opportunistic basis, where communities responded to particular circumstances which allowed a change in ownership to be an option.

The Assynt Crofters Trust was one of the first large-scale community purchases, completed in 1993. The Trust was formed by the community to purchase and manage the 21,300-acre North Lochinver Estate, which consists entirely of croft land. Assynt was seen as a historic achievement by those advocating reform and received considerable support from the general public (MacKenzie, 1998a). Other crofting communities, such as Borge and Melness, also set up crofting trusts to purchase land, following the Assynt example.

The development of community ownership has been marked by certain high profile purchases that have received national attention. Communities have been able to capitalise on public sympathy in cases of poor management in order to fund purchases. The structure of community ownership has evolved over recent years. The early crofting trusts such as Assynt are pure community groups, owned and managed solely by local inhabitants (MacKenzie, 1998b). Other community initiatives, such as Laggan and Abriachan, have been based on a rural development forestry approach. Laggan's bid to purchase the forest in fact failed, but they did negotiate a management structure that directly involves and benefits the community (Laggan Community, 1997).

### 3.2 Conservation ownership

The origin of modern conservation ownership in Scotland dates back to 1931 when the National Trust for Scotland (NTS) was founded to promote *the permanent preservation for the benefit of the nation of lands and buildings of historic or national interest or natural beauty* (Johnston, 2000, p3). In the early 1930s, when estates in the popular climbing area of Glencoe came onto the market, mountaineers organised a nation-wide appeal to purchase the land. It was then gifted to the NTS for the benefit of the public (Boyd, 1999).

Since then, several other organisations have entered the land market. Early experience convinced conservation groups that outright ownership was the best way to achieve their objectives (Riddell, 1998). In the last decade in particular, conservation organisations have become a significant force in the land market, capitalising on the growing environmental concern among the general public (Cramb, 1996). Between 1980 and 1995, voluntary sector ownership increased by 146 percent of which 70 percent occurred between 1990 and 1995. If the growth continues at this rate, then the voluntary sector will own 10 percent of Scotland by 2010 (Wightman, 1996).

Conservation organisations are generally pseudo-public agencies. They are largely non-profit making or charitable bodies that seek to provide public benefits, supported by a public membership and public funding (Dwyer & Hodge, 1996). This explains the rationale behind their entry into the land market in recent years. At a time when environmental concern has been high, conservation groups have stepped in to safeguard *the public interest*. They are effectively a compromise, in the middle of the private-public continuum. They are private organisations, but pursue objectives they perceive to be in the public interest (Woodland Trust for Scotland, 1998). However Wightman (1996) expresses reservations about the growth of conservation ownership. Describing conservation groups as *first aid* organisations, he suggests that their role is limited and that, ultimately, communities and individuals should be responsible for managing the natural heritage. Looking at its development in the wider context, Wightman describes the rise of conservation ownership as a statement of failure. Conservation groups should be asking themselves not how much more land they can buy, but how soon they can get rid of it (Wightman, 1996, p183)<sup>5</sup>.

### 3.3 Conservation and community partnerships

More recently, partnership approaches have developed in which conservation and community interests have come together. The Isle of Eigg Heritage Trust, for example, comprises representatives from the Eigg Residents Association, Highland Council and the Scottish Wildlife Trust. Its constitution ensures that there is always 50 percent community representation on the board (MacDonnell, 1998). The purchase of Eigg in 1997 was particularly significant in that it coincided with the general election that saw Labour elected to office following 18 years of Conservative government. On the day of the purchase, Highland and Island Enterprise was asked by the Scottish Office to set up a Community Land Unit to assist communities in the purchase and management of land (Community Land Unit, 1998). This represented the start of a significant shift in status for community ownership. For the first time, Government began to actively promote community ownership and management, and crucially to offer financial support for up to 20 percent of the acquisition costs (Community Land Unit, 1998).

The partnership approach pioneered on Eigg has developed further in the formation of the Knoydart Foundation. In a long-running attempt to buy the Knoydart estate several interest groups came together. The John Muir Trust and the Chris Brasher Trust joined the Highland Council and local residents to form the Knoydart Foundation when the estate was put on the market in 1995 (Garavelli, 1999). This multi-agency approach has been offered as a way

forward by some organisations. Having developed independently, conservation and community interests are coming together to form a new *social ownership* sector (Boyd, 1999).

In the case of Eigg, the Scottish Wildlife Trust had a long-standing relationship with the island and its community under the previous owners. The case of the Knoydart Foundation, however, confirms fears regarding internal tensions. Having virtually secured a deal whereby neighbouring land owner Sir Cameron Mackintosh would buy the estate and lease it back to the community for a peppercorn rent, splits emerged (Ross, 1999a). The John Muir Trust announced that it could not accept the deal without a right to buy clause. The residents backed this demand, causing the two members of the Highland Council involved in the negotiations to speak out against them (Garavelli, 1999). In March 1999, the Knoydart Foundation finally purchased the estate for £750,000 (Ross, 1999b). The multi-agency approach as illustrated above may not be the ideal solution but in many cases communities have needed the financial backing that conservation organisations can offer. The formation of the Not-for-Profit Landowners Group indicates that this approach is likely to continue. The group draws together conservation interests and community interests, aiming to bring a collective influence to bear on the land market and promote the *social* sector in ownership (Boyd, 1998).

### **3.4 Conservation and Community land owners: how do they work in practice and what is their future direction?**

The development of community and conservation ownership raises questions over their future direction in the changing context of Government policy and land tenure. Their rise has been opportunistic and a response to particular circumstances. If conservation ownership developed as a response to a failure in the system, does the changing context mean that it is no longer required to protect the public interest? If these structures emerged as a stopgap until reform, to bridge the extremes of the historical debate, then reform legislation may render them unnecessary. Will conservation ownership simply become a step on the road to community ownership, or do both have a long-term future?

In an attempt to answer these important questions research was conducted in two areas of north west Scotland where community and conservation ownership have replaced the private estate system of land ownership. In depth interviews with key actors in the Assynt Crofters Trust and the Sandwood Estate (owned by the John Muir Trust) provided an insight into how community and conservation ownership is evolving. Short, informal interviews with crofting and non-crofting residents of the two case study estates provided valuable insights into day-to-day matters and described the relationship between local communities and the management structure in a candid manner. Building a picture of alternative management structures allows an informed commentary about the strengths and weaknesses these land ownership structures embody to be made. At a time when land reform legislation is nearing the statute book it is important that the management practicalities as well as the ideals of community and conservation ownership are aired.

The following case studies examine community and conservation ownership structures in practice, in an attempt to answer these important questions.

## **4. Community ownership in practice: the North Lochinver estate (The Assynt Crofters Trust)**

The North Lochinver Estate is situated on the West Coast of Sutherland, to the north of the fishing village of Lochinver. It consists almost entirely of crofting land, with thirteen townships housing approximately 400 residents. There are 130 crofters, 100 non-crofting residents and a significant number of seasonal residents. The area is a popular tourist destination, renowned for its natural beauty.

#### 4.1 Rationale for ownership

The North Lochinver Estate was purchased by the Assynt Crofters Trust in 1993 in order to safeguard the interests of the residents. Under previous ownership, projects viewed as vital to the development of the community were stifled as a result of the owner's views of the area: he wanted to maintain the estate as he knew it as a child. Blocking a harbour development, a project viewed as crucial to the future economic success of Lochinver, and the release of only poor quality marshland for council housing projects are cited as illustrations of this reluctance to support new developments<sup>6</sup>. In 1989, the 21,300 acres (formerly part of the Lochinver Estate) were sold for £1,080,000 to Scandinavian Property Services Ltd, a Swedish land speculator. In 1992, the company went into liquidation and the estate was once again put on the market, now in seven lots. In order to protect the community from the possible break-up of the estate, the Assynt branch of the Scottish Crofters Union called emergency meetings and resolved to raise the funds to purchase the entire estate. After two offers were rejected, the Trust eventually bought the estate for £300,000 with financial support from Caithness and Sutherland Enterprise, Scottish Natural Heritage and Highland Regional Council.

#### 4.2 Management structure

The estate is run by a board of directors, comprising of one elected director from each of the thirteen townships. There is also a part-time administrator. The board meets every six weeks, while an executive committee meets every three weeks to deal with day-to-day business. All decisions have to pass through the full board, giving each township formal representation. This management structure has operated since 1993 but there are disadvantages. Some townships are very small, limiting the potential pool of directors and personal conflicts have created splits in the community. Crofters are generally not keen to join the board due to the responsibility it entails and the delicate balance involved in being both crofter and landlord. Having been administered by a wealthy landowner in the past, many crofters find it difficult to adjust: *to having your affairs run by your neighbour down the road is a different matter altogether*<sup>7</sup>. This structure is essentially endogenous management, the opposite of the ownership structure prior to the community purchase. The endogenous approach is, however, largely alien to many of the crofters and it is sometimes difficult to involve large sections of the community. The assistant to the Trust suggests that there is insufficient communication between the small group of people actively involved in the management and the remaining crofters in the townships. This is a common problem with endogenous approaches, which are often initially directed from outside the community (Remmers, 1996).

There is no external representation on the board. Non-crofting residents are not directly involved in the management structure, although they may attend two general meetings each year. While the Chairman of the Trust would like to involve non-crofters to a greater extent, he feels that: *they're disenfranchised, although many of them contributed at the time of the take-over*<sup>8</sup>. Nonetheless they are recognised as a valuable resource and local-incomer conflicts are few. The existence of the Trust structure allows for long-term planning. While some may question why the crofters do not own individual parcels of land themselves; this would be to miss the point of community ownership. The Trust acts as facilitator, creating opportunities for the residents to develop further.

#### 4.3 Management in practice

The Trust's principle aim is to *prove that we can run the estate a lot better than any other landlord*<sup>9</sup>. Assynt is seen as a model that people look to for inspiration and leadership, and so the estate must therefore strive to be successful.

Community ownership can create problems, for example: *because some of the crofters think that now they own the land, which they technically do, they should be able to do anything they like. They think that to do what you like is democracy, it's not, that's anarchy*<sup>10</sup>. When a croft becomes vacant it is the responsibility of the Trust to decide who should take over. This is normally done in full consultation with, and with the full agreement of the township concerned. In one particular case the township was made up largely of one family who wanted to amalgamate the vacant croft with their existing holding. The Trust had to insist that someone else take over the croft, in order that the township might develop with more people. The existing crofting family felt that since the estate is owned by the crofters they should be able to do as they wanted, but the Trust was concerned with the wider picture, hoping to make that township more sustainable in the long-term. This example clearly demonstrates the benefit of maintaining an overall landlord in the form of a community trust to limit the potentially damaging effects of individual interests taking precedence over wider community interests.

The estate has to cover all its costs and there is no regular source of external funding. Any surplus is ploughed back into developing projects to benefit the community. At present, fishing provides a significant income and the Trust is investigating the opportunity of letting some shooting. In March 1999 after several years of negotiations, a micro-hydro-electric scheme at Loch Poll was approved (West Highland Free Press, 29<sup>th</sup> March 1999). The Trust are developing the scheme with Highland Electric Power who will run the project for the first 15-years, following which the Trust will take full responsibility. By selling power to the National Grid this scheme will generate a relatively stable income, something the Trust regards as vital to its long-term development.

The Trust is also keen to develop housing for both the existing population and to encourage inward migration. It is currently examining the possibility of building houses in partnership with Scottish Homes. The process of releasing land for this purpose involves discussions with, and the approval of, the grazings committees. In theory, *the Trust could take the land if it wanted and compensate the crofters, but that's not the way it works*<sup>11</sup>. The Trust prefers to work with the full support and involvement of the crofters.

Although there is no external representation in the ownership structure, the Trust does make use of outside consultants and contractors. In this way, it has access to knowledge and skills that are not available within the community. Tilhill Economic Forestry for example carries out the woodland management. In the initial scheme, the main board of the Trust dealt with Tilhill, whereas now the relationship is directly with the individual townships. Local people are employed in the planting and maintenance work. There have also been noticeable social changes on the estate since the Trust took ownership. Whereas people used to refer to Lochinver when speaking about the area, they now refer to Assynt as a whole. The estate community has grown stronger and developed socially and *people's perception of their community and themselves has changed*<sup>12</sup>. The increase in social interaction stimulated for example by informal ceilidhs held regularly since the Trust took ownership, supports the premise that social development is as important as economic development in maintaining a viable rural community (Duthchas Project, 1999). The emphasis at Assynt is on animation and capacity building in order to stimulate development. The Trust does not aim to provide for the residents directly, but to create opportunities which enable members of the community to create and realise further opportunities. As the Chairman of the Trust stated, *it is not the fact of ownership that is important but what ownership enables*<sup>13</sup>.

## **5. Conservation ownership in practice: The Sandwood Estate (The John Muir Trust)**

The Sandwood Estate also lies on the Atlantic coast, just south of Cape Wrath, near the fishing village of Kinlochbervie. The 11,500-acres that comprise the estate were previously part of the neighbouring Kinlochbervie Estate. The Sandwood Estate includes seven crofting townships and a significant length of coastline including Sandwood Bay, a popular walking area of conservation interest.

### **5.1 Rationale for ownership**

The John Muir Trust bought the estate to further its aim to *protect and conserve wild places and to increase awareness and understanding of the value of such places* (John Muir Trust, 1997, p1). Their ownership was not a response to existing problems, rather a concern about *possible problems in the future, that land could be purchased by whoever wanted and they could do what they wanted ... some of the selling points of the estate at the time were development of buildings and fisheries*<sup>14</sup>. Thus, in the eyes of the John Muir Trust, they sought to protect the value of the land for the benefit of the public.

The Trust was concerned from the outset to maintain close dialogue with the community. It wanted to make it clear that it was not solely interested in the conservation value. The community on the estate was also important. The purchase was funded largely through the Trust's own resources and donations from its members with significant assistance from the National Heritage Memorial Fund (NHMF). The funding from the NHMF came through Scottish Natural Heritage (SNH) and carried a number of management agreements that have given rise to difficulties<sup>15</sup>. While the Trust would like to remain flexible and free to respond to individual circumstances, the management agreements bind it to restrictive policies in some cases.

### **5.2 Management structure**

This estate is run by a management committee consisting of six crofters and two to three representatives of the John Muir Trust. Although the Trust would like to involve non-crofting residents, friction between locals and incomers led crofters to state that they would not work on a committee that included non-crofters. The committee meets four times a year to discuss important issues. Day-to-day management is overseen by the resident conservation manager, employed directly by the Trust (with financial assistance from SNH). The Trust gives the estate considerable autonomy in management, *to activate the community here, trying to free their hands by saying we've got such and such amount of money, do with it what you want, you decide*<sup>16</sup>. There is an emphasis upon a partnership approach between the Trust and the community with the inclusion of members of the central Trust organisation on the management committee resulting in the Trust being directly involved in the management process. This level of Trust involvement means that a more endogenous style of management is realised than would have been possible if the Trust had chosen to direct policy from out with the estate. Like Assynt however, this endogenous approach is not a concept with which the community has been fully at ease. One of the main purposes of the Trust is, however to encourage management decisions to be taken by residents. Instead of taking the final decision away from the community, as was the case prior to the John Muir Trust's purchase, the Trust now uses the management committee to pass decisions back to the community. Residents are therefore faced with having to take responsibility, something, which many seem reluctant to do. Despite the efforts of the Trust, it has been difficult to motivate the community to take management responsibility: *it's been difficult to try to get people to grasp the idea that this is their committee*<sup>17</sup>. A significant change of attitude amongst the community itself is required, a task approached largely through the Trust acting as facilitator and guide, creating opportunities and giving residents the support necessary to realise these opportunities.

### 5.3 Management in practice

The estate is run, as a non-profit making organisation, but it must cover its costs. The running costs are relatively low and income from crofting rents, wayleave agreements and donations supplement funding from the central coffers of the John Muir Trust. The Trust has developed a positive relationship with the community and has avoided conflicts by developing effective lines of communication. Local crofters appear to be very happy with the approach taken by the Trust. All those interviewed in the field research conducted in 1999 stated that the community enjoys a good relationship with the Trust and there is support for particular initiatives such as tree planting and general estate maintenance. One of the grazing clerks went so far as to say that the purchase by the John Muir Trust was *the best thing that ever happened to the estate*. From the crofters' point of view, the Trust does not interfere with their activities but is there to help when required. One of the crofters stated that they are also happy to pay rent to the Trust, knowing that it will be used for the benefit of the estate. As well as improving the physical infrastructure, several developments have strengthened the relationship between the Trust as owners and the community as a whole. Through the conversion of ruined building into a community hall for example, the Trust is trying to involve the non-crofting residents in the process of regenerating the Sandwood Estate.

Tree planting has been a significant new development on the estate with 40-acres of woodland recently planted on former grazing land at Sandwood Loch. This scheme is significant in that it involves the crofters directly in forestry activities. It is more common practice for landowners to resume grazings and undertake forestry activities alone. The conservation manager pointed out that *the crofters said it would have been a lot easier if the Trust had just taken it out of the grazings and just done it itself. I can see their point and the fact that they would have been willing to hand it over to the Trust is good, but by involving the crofters, it means that the benefits go to them. Keeping them involved is important, even if it is complicated*<sup>18</sup>. The Trust also organises a number of volunteer work parties to undertake conservation work, particularly erosion control on the machair and footpath maintenance. The conservation work however does not have a direct impact on crofting activities. Crofting practices have not had to change to fit with the Trust's policies.

The emphasis on community is perhaps surprising from a conservation owner, but it is clear that the Trust believes that the conservation of the environment is best secured by the maintenance of a viable community structure. The conservation manager admitted that, in an ideal world, the John Muir Trust should be able to walk out of Sandwood in the future, having set up an effective community management structure. This observation returns the discussion to the concept of conservation ownership as a first-aid measure. Can conservation ownership, particularly in the case at Sandwood where the crofting community has taken on a management role, have a long-term independent future?

## 6. Towards a co-ordinated social sector of land ownership in Scotland

The case studies although selected because it was assumed they would illustrate distinct ownership patterns revealed converging management approaches with a common focus on community interest and involvement. Both management structures are intended to be long-term, through the formation of a trust to guard against short-sighted individualism. The management aims of both the North Lochinver and Sandwood Estates emphasise animation and capacity building, where the ownership structure acts as facilitator, not a provider. The examples of North Lochinver and Sandwood Estates do however, indicate that community and conservation ownership are not without their problems.

The convergence to a community focus at estate level matches the emphasis in the political change. The focus of policy emerging from the Scottish Executive is firmly on community

interest and empowerment. The political reform underway seeks to alter the framework of land tenure to encourage a greater role for communities and alter the balance of power in rural development. The land reform action plan published by the Scottish Executive in August 1999 sets out a wide-ranging agenda for action. Of particular relevance to this paper are draft proposals for legislation to allow time to assess the public interest when properties change hands, legislation to give a community right to buy such land as and when it changes hands and a back-up compulsory purchase power to deter evasion. These proposals will be put out to consultation in February 2001 and the Executive's target is to introduce legislation to the Parliament by September 2001 (Scottish Executive, 2000b). Legislation to give all crofting communities a right to acquire their croft land is also expected to be introduced to Parliament by September 2001. Detailed policy proposals for other crofting legislation, including plans to allow the creation of new crofts, to allow the extension of crofting tenure to new areas and to clarify the law on crofter forestry should be published in the summer of 2001 (Scottish Executive, 2000b). The legislative programme will alter the very conditions that have delivered a prominent position to community and conservation land ownership.

The changing legislative framework will require conservation owners in particular to re-examine their rationale for purchasing tracts of land in rural Scotland. While the existence of a formal community structure such as the Assynt Crofters Trust is largely necessary to facilitate community management (indeed it is central to the proposed legislation), conservation ownership is not. The community purchase option may well limit the number of opportunities that arise for conservation bodies to purchase land in the future. It is, however, likely that a more co-ordinated social sector of land ownership will emerge, combining the aims of community and conservation groups into a broader rationale. The objectives of community and conservation interests are increasingly seen as complimentary, as demonstrated in the case studies, and the co-operation pioneered in the construction of the Isle of Eigg Heritage Trust and the Knoydart Foundation is likely to be driven forward by the changing framework of land tenure and policy.

The financial resources of conservation organisations will continue to play a vital role in sustaining alternative ownership and management structures. The changing political context however points to the need for conservation groups to look beyond a straightforward quest for ownership, towards partnerships which achieve the optimum use of resources and realise a broader set of aims. As the land ownership debate matures and legislation on a range of issues directly related to land reform enters the statute books, an opportunity emerges for community and conservation interests to evolve into a social land ownership sector that can offer long-term benefits for areas of Highland Scotland.

## **7. References**

Am Bratach (1995) *Forsyth seeks Assynt advice on Trusts*, November issue.

Bird, S. (1982) *The Impact of Estate Ownership on Social Development in a Scottish Rural Community*, *Sociologia Ruralis*, Vol 22 (1).

Boyd, G. (1999) *To restore the land to the people and the people to the land*, in Boyd and Reid (eds) *Social Land Ownership: Eight Case Studies from the Highlands and Islands*, Inverness: Not-for-Profit Landowners Group, pp13-22.

Callander, R. (1987) *A Pattern of Land Ownership in Scotland*, Finzean: Haughend Publications.

Cramb, A. (1996) *Who Owns Scotland Now?* Edinburgh: Mainstream.

- Community Land Unit (1998) *Action Framework*, Inverness: Highlands and Islands Enterprise.
- Duthchas Project (1999) *Norway Scotland Study Tour*, Inverness: Duthchas
- Dwyer, J. and Hodge, I. (1996) *Countryside in Trust*, Chichester: Wiley
- Fry, M. (1987) *Patronage and Principle: A Political History of Modern Scotland*, Aberdeen: Aberdeen University Press.
- Garavelli, D. (1999) *No Place to Call Their Own*, Scotland on Sunday, 24<sup>th</sup> January.
- The Herald (1995) *Follow my lead, Forsyth tells croft estate owners*, 21<sup>st</sup> October.
- John Muir Trust (1997) *Conserving the Wild*, Dundee: John Muir Trust.
- Johnston, J. L. (2000) *Scotland's Nature in Trust*, London: Poyser Natural History.
- Laggan Community (1997) *Laggan Information Pack*, Laggan.
- Land Reform Policy Group (1998) *Identifying the Problems*, Edinburgh: Scottish Office.
- MacDonnell, J. (1998) *Introduction to the Isle of Eigg Heritage Trust*, In Reid, D. (ed) Report of the Isle of Eigg Residential Workshop, Inverness: Not-for-Profit Landowners Group, p1.
- MacGregor, B. (1993) *Land Tenure in Scotland*, First John McEwan Memorial Lecture, Perth: Rural Forum.
- MacKenzie, J. (1998) *Assynt Crofters Trust: Realisation of a Dream*, Lochinver: Assynt Crofters Trust
- MacKenzie, J. (1999) Business Planning: The Assynt Experience, in Boyd and Reid (eds) Social Land Ownership: Eight Case Studies from the Highlands and Islands, Inverness: Not-for-Profit Landowners Group, pp22-28.
- McCrone, D. (1992) *Understanding Scotland: The Sociology of a Stateless Nation*, London: Routledge.
- Mc Crone, D. (1997) *Land, Democracy and Culture in Scotland*, Fourth John McEwan Memorial Lecture, Perth: Rural Forum.
- McEwan, J. (1978) *Who Owns Scotland*, Edinburgh: EUSPB Press.
- Remmers, G. (1996) *Hitting a Moving Target: Endogenous Development in Marginal European Areas*, London: International Institute for Environment and Development, Gatekeeper Series No. 63.
- Riddell, C. (1999) *Highland Renewal: A Highland Land Restoration Project*, in Boyd and Reid (eds) Social Land Ownership: Eight Case Studies from the Highlands and Islands, Inverness: Not-for-Profit Landowners Group, pp45-51.
- Ross, J. (1999a) *Sir Cameron Walks Out on Knoydart*, The Scotsman, 21<sup>st</sup> January.
- Ross, J. (1999b) *Residents Win Fight for Knoydart*, The Scotsman, 3<sup>rd</sup> March.

Scottish Office (1997) *Scotland's Parliament Cm3658*, Edinburgh: The Stationery Office.

Scottish Executive (1999) *Land Reform: Proposals for Legislation*, Edinburgh: Scottish Executive

Scottish Executive (1999) *Crofting right to buy to be in Land Reform*, News Release SE1426/1999, 24<sup>th</sup> November, Edinburgh: Scottish Executive

Scottish Executive (2000a) *Agriculture Holdings Reform*, Edinburgh: Scottish Executive

Scottish Executive (2000b) *Land Reform Action Plan Progress Report*, 19<sup>th</sup> September, [www.scotland.gov.uk/landreform/progress4.asp](http://www.scotland.gov.uk/landreform/progress4.asp)

West Highland Free Press (1999) *Assynt Hydro go-ahead*, 29<sup>th</sup> March.

Wightman, A. (1996) *Who Owns Scotland*, Edinburgh: Canongate.

Woodland Trust for Scotland (1998) *Response to Identifying Solutions*, Auchterarder: Woodland Trust for Scotland.

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## 9. Endnotes

<sup>1</sup> The legislation establishing the Scottish Parliament specifies the powers reserved to the UK Parliament. They include: matters associated with the constitution of the UK; UK defence and national security; the stability of the UK fiscal, economic and monetary systems; UK foreign policy; employment legislation; social security; most aspects of transport safety and regulation; and common markets for UK goods and services. The Scottish Parliament has law making power over matters not included in the list of reserved powers, including responsibility for: health; education and training; local government, social work and housing; economic development and transport; the law and home affairs; the environment; agriculture, fisheries and forestry; sports and the arts; and research and statistics in relation to devolved matters. (Scottish Office, 1997)

<sup>2</sup> See Wightman (1996) for a concise explanation of the feudal system. Incidentally, a Bill to abolish the feudal system and to replace it with a system of outright ownership of land obtained Parliamentary assent on the 9<sup>th</sup> of June 2000.

<sup>3</sup> Proposals for Land Reform legislation were published by the Scottish Executive in July 1999.

<sup>4</sup> A Progress Report outlining recommendations for legislation, targets for completion and progress to date was published by the Scottish Executive in August 2000.

<sup>5</sup> It is interesting to note that Wightman is a Trustee of the John Muir Trust.

<sup>6</sup> Taken from an interview conducted in January 1999 with the Chairman of the Assynt Crofters Trust.

<sup>7</sup> Ibid.

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<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid

<sup>14</sup> Taken from an interview with the Conservation Manager at the Sandwood Estate conducted in January 1999.

<sup>15</sup> For example, one condition states that the Trust cannot sell parts of the estate. This has been taken to mean that they cannot sell individuals plots for new housing, which is inconsistent with their desire to expand the community.

<sup>16</sup> Taken from an interview with the Conservation Manager at the Sandwood Estate conducted in January 1999.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.